

VIA FEDEX AND E-MAIL



Lutheran Immigration  
and Refugee Service



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**Re: ICE and CBP Coercive Enforcement Actions against Sponsors of Unaccompanied Children Conducted in Violation of Family Unity, Protection, and Due Process Rights**

Dear Ms. Quinn and Mr. Kelly:

The undersigned organizations write to raise concerns about the enforcement actions of U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) against sponsors and potential sponsors of unaccompanied immigrant children. The National Immigrant Justice Center (NIJC), in collaboration with the Women's Refugee Commission (WRC), Lutheran Immigration and Refugee Service (LIRS), Kids In Need of Defense (KIND), Catholic Legal Immigration Network, Inc. (CLINIC), Refugee and Immigrant Center for Education and Legal Services (RAICES), Americans for Immigrant Justice (AI Justice), and Make the Road New Jersey submit this complaint on behalf of numerous individuals and similarly situated persons whose rights to family unity, due process of law, and the opportunity to seek protection in the U.S. were violated by ICE and CBP through enforcement actions using children as bait. (*See Ex. A, Descriptions of Signatory Organizations and Exs. B-I, Individual Complaints.*)

In support, advocates from signatory organizations and other service providers have included affidavits detailing reports of the troubling methods and results of these enforcement actions. (*See Exs. J-O, Organizational Affidavits.*)

Specifically, this complaint provides evidence supporting a finding that CBP and ICE engaged in a course of action that violated the rights of complainants and those similarly situated by: (1) undermining the child welfare and family reunification principles underlying statutory law and jurisprudence governing the treatment of unaccompanied immigrant children; (2) violating due process rights and rights to family unity protected by the United States Constitution; and (3) contravening the United States' obligations under domestic and international law toward refugees. We urge you to conduct a prompt and thorough investigation into these allegations, and to take swift action consistent with your respective agency missions to address any rights violations.

In support, this letter:



WOMEN'S  
REFUGEE  
COMMISSION



- Provides background information on ICE’s “surge initiative” of enforcement actions against sponsors of unaccompanied immigrant children, resulting from the President’s Executive Order 13767 regarding “Border Security and Immigration Enforcement Improvements” and the Department of Homeland Security (DHS)’s February 20, 2017 Memorandum implementing the Executive Order;
- Summarizes the experiences of the complainants while highlighting the rights violated by ICE and CBP;
- Describes the applicable legal frameworks that govern protections for children, families, and asylum seekers; and
- Offers suggested remedial recommendations to ICE and CBP.

## I. Background: the Department of Homeland Security’s “Surge Initiative” Using Children as Bait

Thousands of children have fled to the United States seeking refuge because there is no protection available to them at home.<sup>1</sup> The majority of children arriving to the United States – Mexico border are from El Salvador, Guatemala, and Honduras.<sup>2</sup> Many of these children are fleeing extremely high levels of violence, including or in addition to forcible gang recruitment, sexual and gender-based atrocities, or other criminal acts, including murder, from which their countries cannot or will not protect them.<sup>3</sup> Upon encountering a child – most commonly at the border, in the case of CBP, or in the interior of the country, in the case of ICE – government agents are instructed to determine whether the child meets the definition of an “unaccompanied alien child” (UC), as established under law.<sup>4</sup>

Upon designation as a UC, a child must be transferred to the custody of the Department of Health and Human Services’ Office of Refugee Resettlement (ORR).<sup>5</sup> ORR is then tasked with providing a safe and secure placement for the child in the least restrictive setting and in the child’s best interest while the child’s immigration case is processed.<sup>6</sup> ORR must prioritize reunification of a child with a parent or close family member, as required by the *Flores v. Reno*

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<sup>1</sup> See, e.g., [Violence, Development, and Migration Waves: Evidence from Central American Child Migrant Apprehensions](#), CGD Working Paper 459. Washington, DC: Center for Global Development (A statistical analysis of the 178,825 cases of unaccompanied migrant children who fled to the United States from Northern Triangle countries during the years of 2011 through 2016, violence in municipalities within the Northern Triangle countries was the single strongest causal factor in a child’s migration over any other factor, including U.S. policy or economic factors.); Kids in Need of Defense, [Neither Security Nor Justice: Sexual and Gender-based Violence and Gang Violence in El Salvador, Honduras, and Guatemala](#), at p. 10 (“[S]urvivors of SGBV [sexual and gender-based violence] by gangs endure a network of gang surveillance and control that they cannot escape within the borders of their country, and from which their states do not protect them”). The majority of these children merit protection under international law. See U.N. High Commissioner for Refugees, [Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection](#), Mar. 2014.

<sup>2</sup> See CBP, [U.S. Border Patrol Southwest Border Apprehensions by Sector: Southwest Border Unaccompanied Alien Children \(0-17 yr old\) Apprehensions](#) (last accessed Sept. 29, 2017).

<sup>3</sup> See *supra* n.1.

<sup>4</sup> See 6 U.S.C. § 279(g).

<sup>5</sup> Except in some cases in which a child is a Mexican or Canadian citizen. See 8 U.S.C. § 1232(a)(2) (2017).

<sup>6</sup> 8 U.S.C. § 1232(c)(2).

Stipulated Settlement Agreement.<sup>7</sup> Any potential sponsor must complete a family reunification packet, providing a great deal of personal biographical information including his or her immigration status and address. ORR guidance states that “ORR does not disqualify potential sponsors on the basis of their immigration status”.<sup>8</sup> However, all potential sponsors who are not a parent, as well as parents of certain especially vulnerable categories of children, must submit their fingerprints for a background check through HHS’s Office of Security and Strategic Information (OSSI).<sup>9</sup> Moreover, OSSI does a range of background checks of potential sponsors, including Child Abuse and Neglect (CA/N) checks.<sup>10</sup>

In a reversal of recent practice, ICE appears to be using information obtained either through the interrogation of children by CBP at the border, or through the family reunification process as a means to target and deport noncitizen sponsors or potential sponsors. These actions were set in motion shortly after President Trump took office by issuance of the President’s January 2017 Executive Order regarding border security.<sup>11</sup> Then-DHS Secretary John Kelly issued an implementation memorandum a month later, which called for the civil immigration and criminal prosecution of individuals found to have “facilitate[d] the illegal smuggling or trafficking of an alien child into the United States.”<sup>12</sup>

The implementation memorandum establishes vague guidelines for ICE and CBP for when civil immigration or criminal prosecution should be considered:

“In appropriate cases, taking into account the risk of harm to the child from the specific smuggling or trafficking activity that the individual facilitated and other factors relevant to the individual’s culpability and the child’s welfare, proper enforcement includes (but is not limited to) placing any such individual who is a removable alien into removal proceedings, or referring the individual for criminal prosecution.”<sup>13</sup>

DHS’s execution of the actions described in its February 20, 2017 implementation memorandum began in late June 2017, as confirmed by ICE spokespeople in media reports:<sup>14</sup>

“ICE aims to disrupt and dismantle end-to-end the illicit pathways used by transnational criminal organizations and human smuggling facilitators,” said Jennifer Elzea, deputy press secretary for [ICE]. “As such, we are currently conducting a surge initiative focused on the identification and arrest of individuals involved in illicit human smuggling operations, to include sponsors who have paid criminal organizations to smuggle children into the United States.”<sup>15</sup>

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<sup>7</sup> See ORR, Children Entering the United States Unaccompanied, <https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-section-2> (Aug. 9, 2017) (hereinafter “ORR Policy Guide”).

<sup>8</sup> *Id.* at § 2.5.2.

<sup>9</sup> *Id.* at [Sec. 2.5](#).

<sup>10</sup> *Id.*

<sup>11</sup> Exec. Order No. 13,767, 82 Fed. Reg. 8793 (Jan. 25, 2017).

<sup>12</sup> John Kelly, Secretary of DHS, [Memorandum: Implementing the President’s Border Security and Immigration Enforcement Improvements Policies](#), § M, Feb. 20, 2017, available at [hereinafter “Border Security memo”].

<sup>13</sup> *Id.*

<sup>14</sup> See Garance Burke, [Feds will now target relatives who smuggled in children](#), ASSOCIATED PRESS, June 30, 2017.

<sup>15</sup> *Id.*

ICE arrested more than 400 people between June and August of 2017 as part of this “surge initiative.”<sup>16</sup>

DHS has admitted to targeting hundreds of sponsors for enforcement, using unaccompanied immigrant children as bait to ensnare the parents and caregivers seeking to protect them. Media and on-the-ground reports from advocates across the country reveal the following patterns of DHS enforcement against caregivers of unaccompanied immigrant children:

- CBP conducts screening and elicits information on potential sponsors from the unaccompanied immigrant child upon apprehension at the border without an advisal of the child’s rights or an attorney or guardian present.
- CBP may use information provided by children to contact sponsors, which under past practice was used for the purposes of family reunification.
- ICE, whether Homeland Security Investigations (HSI) or Enforcement and Removal Operations (ERO), contacts the potential sponsor often within days of the child’s apprehension and seeks information about the sponsor, including immigration history and address, claiming that the information is being sought in relation to the release of the unaccompanied immigrant child.
- ICE offers to assist the potential sponsor in securing the release of the unaccompanied immigrant child. Such offers constitute blatant misrepresentation as ORR is the agency exclusively charged with evaluating potential sponsors and securing the release of children to sponsors.<sup>17</sup> These misrepresentations have been seen to take the following forms:
  - in some cases ICE tells the potential sponsor to come to ICE’s “office” to secure such assistance, only to take enforcement action against the potential sponsor when s/he presents at the ICE field office, while
  - in other cases ICE agents tell the potential sponsor that they need to come visit the home in relation to the release of the unaccompanied immigrant child.
- ICE agents present themselves at the potential sponsor’s home and seek entry by claiming to have come in relation to the release of the unaccompanied immigrant child,<sup>18</sup> only to take enforcement action against the potential sponsor and/or other individuals in the home.
- ICE, whether HSI or ERO, contacts or attempts contact with the sponsor after the unaccompanied child is reunified with the sponsor—in some cases years after reunification—and demands the sponsor submit to questioning about smuggling (in some cases assuring the sponsor or her attorney that the questioning is solely for the purpose of information-gathering in the investigation of smugglers, only to renege by engaging in a general immigration history fishing expedition and taking civil immigration enforcement action against the sponsor).

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<sup>16</sup> John Burnett, [ICE Has Arrested More Than 400 In Operation Targeting Parents Who Pay Smugglers](#), NATIONAL PUBLIC RADIO, Aug. 18, 2017.

<sup>17</sup> See 8 U.S.C. § 1232(c)(3).

<sup>18</sup> ORR, not ICE, is statutorily charged with conducting home studies, see 8 U.S.C. § 1232(c)(3)(B) (“Before placing the child with an individual, the Secretary of Health and Human Services shall determine whether a home study is first necessary.”).

- ICE threatens the potential sponsor by telling them that if they do not comply with demands, the unaccompanied immigrant child will suffer consequences.
- ICE threatens the potential sponsor that the unaccompanied immigrant child will be held in detention indefinitely unless they comply.
- In the course of taking enforcement action, ICE pressures the potential sponsor to voluntarily depart.

As consequences of these actions, children have languished in ORR custody because ICE detained, deported, or frightened their sponsor.<sup>19</sup> Families have lost their primary breadwinners and caregivers.<sup>20</sup> Children have suffered and continue to suffer significant harm to their mental and emotional health.<sup>21</sup> Caregivers have lost homes and jobs.<sup>22</sup>

The common threads running throughout these cases of DHS enforcement practice are misrepresentation and coercion. These practices visit severe harms on unaccompanied immigrant children and their families, subverting claims that such practices are motivated by child welfare concerns. The following section highlights and summarizes the cases underpinning this complaint.

## II. Experiences of Individuals and Service Providers

Each complainant has experienced one or more of the violations identified in the previous section. As the service providers, attorneys, and advocacy organizations attest, their experiences are not outliers; to the contrary, they are emblematic of a serious disregard for the welfare of children by ICE and CBP.

This disregard by ICE and CBP for the welfare and rights of those with whom they interact has created a pervasive climate of fear in communities across the United States. Remarkably, all of the individuals who reported these incidents for the purpose of this complaint feared that if they disclosed their identities DHS would retaliate against them. Such fears are a natural consequence of DHS's actions, not least explicit threats of retaliation made by ICE agents as described below. For this reason, complainants are described here using pseudonyms. The undersigned organizations are available to address inquiries regarding individual cases.

For ease of reference below, factual patterns in ICE and CBP enforcement actions against sponsors are identified by arrows and labels in the right-hand column. *Misrepresentation* indicates instances where ICE claimed involvement in the family reunification process despite that process being solely under ORR's authority. As explained in Part III of this complaint, in misrepresenting its role, ICE not only frustrates the purpose of the Trafficking Victims Protection Reauthorization Act (TVPRA)<sup>23</sup>, but also violates Fifth Amendment due process guarantees. *Coercion* often appears alongside misrepresentation and constitutes another Fifth Amendment due process violation. *Failure to communicate rights* illustrates ICE's failure to

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<sup>19</sup> See Exs. B-O.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> P.L. 110-457 (Dec. 23, 2008), codified at: 8 U.S.C. § 1232 *et seq.*

comply with Fifth Amendment requirements related to language access and protection against self-incrimination. Finally, *Discrimination* denotes cases of ICE’s direct or implied unlawful bias in violation of Fifth Amendment due process guarantees. *Frustration of TVPRA and Flores* identifies actions running counter to the child welfare goals of those legal frameworks.

**Complainant 1: Rebecca<sup>24</sup> (Ex. B.)**

Rebecca is a single mother raising four children on her own, including a kindergarten-age U.S. citizen. In summer 2017, unbeknownst to her, her pre-teenage son fled his native Central American country and traveled north to find protection with his mother. Rebecca only discovered that her son had come once he arrived, when CBP apprehended her son and transferred him to ORR custody.

In order to protect the people and families involved, some details of complainants' stories have been redacted from the public version of this complaint.

The ORR case manager at the shelter called Rebecca and told her that they would be sending paperwork for her to complete to initiate the reunification process with her son. Only days later, an ICE official called Rebecca and told her that she should come in to their office so that ICE could help her secure her son’s release. When Rebecca went to the ICE field office, three ICE agents interrogated her about her family history and her son’s journey to the U.S. The ICE agents then gave Rebecca papers in English to sign. She objected, explaining she did not read English. The agents then told her that she should sign, assuring her that this would not prejudice her.

← Misrepresentation

← Failure to communicate rights

← Coercion

ICE placed Rebecca in removal proceedings. The agents told her that the only thing that prevented her detention was her young U.S. citizen child.

**Complainant 2: Heather (Ex. C.)**

When Heather’s minor daughter Tiffany arrived at the border, CBP agents called Heather to tell her that her daughter was in custody. They proceeded to ask Heather for her address and then asked her questions about her immigration history. Agents identifying themselves as “Immigration” called the following day to reiterate many of the same questions, including about Heather’s immigration history. On both calls, the agents told Heather that the information was needed in order to release her daughter to her.

← Misrepresentation

Just days later in the early morning, while Heather was asleep with her husband and family at home, ICE agents entered the home without consent through an unlocked door. The agents said that they were there to check the house for Heather’s daughter, but then proceeded to arrest and detain Heather and her husband.

← Misrepresentation

Heather’s minor daughter Tiffany languished in ORR custody.

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<sup>24</sup> Pseudonyms are used to protect confidentiality.

Although Heather won release from detention, she lost her job and her home. Without a fixed address, she could not sponsor her child, leaving her daughter in ORR detention, not knowing whether she would be able to reunite with her. Moreover, the knowledge that she caused her parents' arrest and detention has traumatized Tiffany, a child seeking protection with her family punished for the mere act of doing so. ← Frustration of TVPRA and Flores

**Complainant 3: Jennifer (Ex. D.)**

Jennifer is the primary caretaker for four children, including a kindergarten-age U.S. citizen with severe medical issues. ORR approved Jennifer as the sponsor of her niece in early 2017 and released her niece to her. Months later, someone identifying himself as an "immigration official" called Jennifer and said that he needed to come to her house to talk about her case.

When Jennifer's attorneys followed up with the official, the agent made it clear that ICE would descend on Jennifer's home and children if she did not present herself for an interview. ← Coercion  
← Frustration of TVPRA and Flores

Once in the interview, it became rapidly clear to Jennifer's attorneys that it was merely a fishing expedition. Moreover, although the agents interrogated Jennifer about possible smuggling connections, the agents provided no Miranda or other warnings about criminal liability. The agents admitted that they had no information about Jennifer's case; instead, they had been given a list of names and told to go after them. ← Failure to communicate rights  
← Frustration of TVPRA and Flores

**Complainant 4: Sofia (Ex. E.)**

Sofia is the sponsor for two unaccompanied minor boys. Months after ORR released the boys to her care, an ICE agent began repeatedly calling Sofia and insisting she present herself for an interview at the ICE office. The agent's use of threats and misrepresentation led Sofia to acquiesce to an interview out of fear of what government officials would do to the children she cared for. ← Frustration of TVPRA and Flores

The agents conducted their interview almost entirely in English, despite Sofia explaining that her English was limited. The agents then issued her a Notice to Appear, which they failed to adequately explain as Sofia left the office believing she was to be summarily deported. ← Discrimination  
← Failure to communicate rights

ICE's threats to Sofia and her children have caused Sofia severe mental and emotional anguish. She lives in fear that government officials will show up at her door at any moment, and that they will rip her away from her children. ← Frustration of TVPRA and Flores

**Complainant 5: Maria (Ex. F.)**

Maria is the sole caregiver for her children, including her pre-teenage son. In summer 2017, armed plainclothes officers forced their way into her home, identifying themselves only as “police detectives” and intimidating her son. One of the agents called Maria and demanded she present herself immediately for an interview about the daughters she had allegedly brought to the United States, or she would be arrested. This confused Maria, as she does not have daughters in the United States.

← Coercion  
 ← Misrepresentation  
 ← Coercion  
 ← Frustration of TVPRA and Flores

In the interview, ICE baselessly accused Maria of smuggling her daughters to the United States. In addition, ICE agents denied Maria access to interpretation by denying her another interpreter when Maria could not understand the interpretation provided. Furthermore, despite clear communication by Maria and her attorney that she would not answer questions without her attorney present, the agents separated Maria from her attorney and peppered her with questions about criminal smuggling and her immigration status.

← Frustration of TVPRA and Flores  
 ← Failure to communicate rights  
 ← Discrimination  
 ← Coercion

ICE’s actions have caused significant anxiety for Maria’s pre-teenage son. He refused to go to school in the week following the incident, and his grades have dropped precipitously. Maria’s son tells her that every day, when she leaves him at school, he fears she will not return.

← Frustration of TVPRA and Flores

**Complainant 6: Morgan (Ex. G.)**

In 2016 ORR approved Morgan as the sponsor for a young grade-school age family member fleeing his father’s murder and his mother’s abandonment. A local state court later named Morgan legal guardian of the young relative. Nearly a year after finding safety with Morgan, the child has transformed into a happy, healthy kid.

One morning in summer 2017, agents descended on Morgan’s home and arrested and handcuffed Morgan, terrifying the child. Shortly after arriving at the ICE office, Morgan had a medical crisis and was rushed to the emergency room. ICE then called Morgan’s spouse to advise the spouse to come immediately to the office because Morgan was having medical trouble. When Morgan’s spouse arrived, ICE served them an appointment notice<sup>25</sup> to return, only afterward revealing that Morgan had gone to the emergency room.

← Frustration of TVPRA and Flores  
 ← Misrepresentation

During the later interview with ICE, the agent used “smuggling” and “trafficking” interchangeably and did not give either any Miranda or other warnings about criminal liability.

← Misrepresentation  
 ← Failure to communicate rights

ICE’s actions not only harmed Morgan’s medical condition, but also

<sup>25</sup> See Hannah Dreier, [Relatives of Undocumented Children Caught Up in ICE Dragnet](#), PROPUBLICA, Sep. 8, 2017.

re-traumatized the young child, who was forced to watch his guardian arrested and taken away, now facing possible deportation. ← Frustration of TVPRA and Flores

### **Complainant 7: Jacob (Ex. H.)**

Jacob is the primary breadwinner for his family and the ORR-approved sponsor for his young sister. In summer 2017 HSI agents went to Jacob's former home looking for him.

Soon after an ICE agent called Jacob. The agent told Jacob's attorney that his office had received a "tasking" from headquarters to check on the welfare of every unaccompanied immigrant child, and he was checking on Jacob's sister. Not satisfied by the sister's attorney's confirmation of her wellbeing the agent insisted that Jacob present himself immediately at the ICE office. After Jacob's attorney explained that she would accompany Jacob if the interview was obligatory, the agent said he would move to the next name on his list. ← Misrepresentation  
← Frustration of TVPRA and Flores

### **Complainant 8: Daniel (Ex. I.)**

Daniel and his partner have three children, including a toddler. Their daughter fled danger in her Central American country to seek protection with her parents. Upon designation as an unaccompanied minor, she was placed in ORR custody and Daniel's partner began the reunification process.

Soon after Daniel's partner started receiving calls from people saying they were calling about her daughter's case and asking for details on the home and people living there. The daughter's ORR caseworker confirmed that the calls were not from ORR. A few days later, agents showed up at Daniel's home saying that Daniel and his partner had to come with them because of their daughter's case. Only when Daniel's partner insisted that they clarify whether they were ORR did the agents identify themselves as ICE. The ICE agents arrested and detained Daniel. ← Misrepresentation  
← Misrepresentation

Although both Daniel and his daughter have since been released from immigration detention, the family lives in fear. Daniel's children are anxious, have difficulty sleeping, and grow scared whenever someone knocks at the door. ← Frustration of TVPRA and Flores

### **Observations of Advocacy Organizations and Attorneys**

The experiences of these individuals are not isolated incidents. There are many more individuals against whom ICE and CBP have taken wrongful action who fear to come forward as complainants or do not have trusted attorneys with whom to share their experiences. Such fear is unsurprising given the widespread use of misrepresentation and coercion by ICE in these actions. To demonstrate the breadth of these violations, NIJC, WRC, and RAICES, among others, have

provided affidavits summarizing the confidential incident reports they have received. *See* Exs. J-O. Highlights of their observations, detailed in the attached affidavits, include:

*ICE misrepresentation of involvement in ORR reunification process*

ICE officers have told family members and caregivers of unaccompanied immigrant children that they must submit to an interview or home visit by ICE in order to secure the release of their child.

*Use of intimidation and coercion*

Individuals report that ICE threatens deportation or other unspecified “consequences” for the unaccompanied immigrant child if the person does not comply with ICE’s demands. ICE’s threats to the unaccompanied child include threatening the sponsor with the child’s indefinite detention unless the sponsor complies with ICE interrogation. ICE also threatens to arrest, detain, and deport individuals unless they submit to interrogation and/or present themselves for interrogation at ICE field offices.

*Chilling effect on potential sponsors, resulting in prolonged detention for children*

ICE’s threats and reports of ICE’s threats and actions have caused potential sponsors to withdraw from sponsoring unaccompanied children. Threats have included enforcement action in retaliation for agreeing to sponsor an unaccompanied child, as well as investigation and arrest for smuggling. Unaccompanied children suffer the consequences of this chilling effect through protracted stays in ORR detention.

*ICE’s disregard for welfare of children*

Multiple reports reveal that ICE agents made explicit or implicit threats to children, both unaccompanied children and other children in the home. In addition, ICE agents carried out home raids and arrests without concern for potential harms to children present, including young children.

### **III. ICE and CBP’s Actions Undermine the Goals of Legal Protection for Immigrant Children**

This section describes the legal protection frameworks for unaccompanied immigrant children and their families. The cases and patterns described above constitute alarming violations of these frameworks and cause the very harms these protections were established to prevent.

DHS and its components, including ICE and CBP, have an obligation to execute their immigration enforcement duties in a manner consistent with the U.S. Constitution and governing laws. This includes refraining from actions that frustrate the purpose or intent of those governing laws. Using misrepresentation and coercion in immigration enforcement actions against family members of unaccompanied immigrant children directly conflicts with the purposes of the laws establishing protections for unaccompanied immigrant children and asylum seekers.

ICE and CBP’s enforcement actions against sponsors or potential sponsors of unaccompanied immigrant children have undermined a number of laws and norms dedicated to the protection of children and their families: first, the child welfare-based framework established in the *Flores*

Settlement Agreement, the Homeland Security Act and the Trafficking Victims Protection Reauthorization Act; second, the due process guarantees of the Fifth Amendment of the U.S. Constitution, including rights to fair proceedings, protection from self-incrimination, and family unity; and finally, the right to seek refuge from persecution without undue penalty under U.S. and international refugee law.

### **A. DHS's Actions Targeting Sponsors Undermine Child Welfare and Family Reunification, the Cornerstones of Judicial and Congressional Action Related to Unaccompanied Children.**

#### **1. The *Flores v. Reno* Settlement Agreement**

In 1997, a group of immigrant children entered into a consent decree with the federal government that created requirements for the custody and release of immigrant children by immigration authorities.<sup>26</sup> Among other provisions, the agreement provides for (a) release without unnecessary delay as a general matter,<sup>27</sup> (b) release to an adult caregiver, with parents and other family members prioritized,<sup>28</sup> and (c) placement by government authorities in the least restrictive setting in the child's best interests.<sup>29</sup>

#### **2. The Homeland Security Act of 2002 and the Trafficking Victims Protection Reauthorization Act**

In 2002, Congress passed the Homeland Security Act (HSA), which, in addition to abolishing the Immigration and Naturalization Service and creating the Department of Homeland Security, transferred all functions related to the care and custody of unaccompanied immigrant children to ORR. Section 462 of the HSA "transferred" the former INS's authority and responsibilities under immigration law to all unaccompanied immigrant children. Paragraph 16 of the *Flores* Settlement Agreement explicitly states that "INS" (and now its successor ORR with respect to unaccompanied immigrant children) has the authority to terminate custody arrangements with sponsors if the custodian fails to comply with the sponsor care agreement under paragraph 15. HSA also clearly articulates ORR's authority over all unaccompanied immigrant minors whether in custody or released to a sponsor; "placement" under the HSA is defined as both ORR custody and any alternative to such a facility (presumably a sponsor).<sup>30</sup> HSA charges ORR to coordinate this care and placement of unaccompanied immigrant children who were placed in federal custody because of their designation.

In 2008, Congress further strengthened protections for unaccompanied children through the Trafficking Victims Protection Reauthorization Act (TVPRA). Like the *Flores* agreement, the

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<sup>26</sup> *Flores v. Reno*, Case No. CV 85-4544-, Settlement.

[https://cliniclegal.org/sites/default/files/attachments/flores\\_v\\_reno\\_settlement\\_agreement\\_1.pdf](https://cliniclegal.org/sites/default/files/attachments/flores_v_reno_settlement_agreement_1.pdf)

<sup>27</sup> The agreement contains a "General Policy Favoring Release" which provides that the then-Immigration and Naturalization Service "shall release a minor from its custody without unnecessary delay." *Flores* Agreement ¶ 14.

<sup>28</sup> *Id.* ¶ 14.

<sup>29</sup> *Id.* (emphasis added).

<sup>30</sup> See 6 USC §279(b)(1)(D), (E), (L) and (g).

TVPRA mandates that an unaccompanied child “*shall* be promptly placed in the *least restrictive setting* that is in the *best interest* of the child.”<sup>31</sup>

By criminally or civilly prosecuting the potential sponsor, who may be the only adult in the United States who can care for the child, ICE is frustrating the purpose and principles of the *Flores* Agreement, the HSA, and the TVPRA. In cases where the child is in government custody, the government forecloses one possibility—sometimes the only possibility—for prompt placement in the least restrictive setting. In cases where sponsors have already welcomed these unaccompanied children into their homes, ICE is separating families and heightening the likelihood these children will be forced back into government custody.

ICE is largely targeting parents and close relatives, directly undermining the terms and goals of the *Flores* Agreement to prioritize release to a parent or close relative and to do so quickly. ICE’s actions delay the child’s release from government custody and increase the risk that the child will be released to a more distant relative, an unrelated sponsor, into a foster care program, or not released at all. In the absence of alternative sponsors to step up and risk targeting by ICE, children will languish in government custody indefinitely, suffering emotional and developmental harm.<sup>32</sup> Unaccompanied immigrant children are particularly vulnerable to these irreversible harms, having fled horrific violence and trauma in their home countries.<sup>33</sup> Moreover, immigration judges have been instructed by memo to fast-track all deportation cases of children in government custody who do not have a sponsor.<sup>34</sup>

Furthermore, ICE and CBP are using the natural desire of children to seek protection with family and the fundamental desire of family to protect their children to elicit information for law enforcement rather than family reunification purposes. These actions compel children to turn in their parents to ICE and CBP under false pretenses, an action that could cause serious psychological and emotional harms for children.<sup>35</sup> Not only would the child be harmed by their parent or relative’s removal from the United States, but the child would have to live with the

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<sup>31</sup> “Best interests of the child” is a term of art employed by law in all 50 states, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands whenever decisions are made about a child’s custody, placement, or other critical life issues. See HHS’s [Determining the Best Interests of the Child](#), Mar. 2016. The TVPRA, like the *Flores* Settlement, provides that if a “suitable family member” or other guardian is not available to take custody of a minor, he may be placed in a specialized program for unaccompanied children. 8 U.S.C. § 1232(c)(2).

<sup>32</sup> See, e.g., International Detention Coalition, [Captured Childhood](#), 2012; Kronick, R. and Rousseau, C. (2015) “Asylum-Seeking Children’s Experiences of Detention in Canada: A Qualitative Study, II,” *American Journal of Orthopsychiatry*, Vol. 85, NO. 3, 287-294; Australian Human Rights Commission. (2015), [The Forgotten Children: National Inquiry on Immigrant Children in Detention](#); Human Rights First, (2015) [Family Detention: Still Happening, Still Damaging](#); American Academy of Pediatrics (AAP) (July 24, 2015), [Letter to fmr. DHS Secretary Johnson](#); AAP, *Pediatrics*, [Policy Statement: Detention of Immigrant Children](#), Apr. 2017 at 6.

<sup>33</sup> See *supra* n.2.

<sup>34</sup> See MaryBeth Keller, Chief Immigration Judge, Memorandum: Case Processing Priorities, Jan. 31, 2017.

<sup>35</sup> See, e.g., Uriel J. Garcia, SANTA FE NEW MEXICAN, [ICE arrests young immigrant’s sponsor months after feds assured him he’d be safe](#), Sep. 9, 2017. Such trauma would exacerbate the severe levels of trauma and long-term developmental problems suffered by children who fear or experience a caregiver’s deportation. See, e.g., Wendy Cervantes and Christina Walker, Center for Law and Social Policy (CLASP), [Five Reasons Trump’s Immigration Orders Harm Children](#), Apr. 2017; Leila Schochet, Center for American Progress, [Trump’s Immigration Policies Are Harming American Children](#), Jul. 31, 2017.

knowledge that they caused their parent or relative's deportation. This surely is not in accord with either the letter or the spirit of the TVPRA, which prioritizes the best interest of the child.

## **B. Constitutional Due Process Guarantees Extend to Families and Noncitizens Alike.**

### **1. Rights to Due Process of Law and Fundamental Fairness**

The Fifth Amendment Due Process Clause<sup>36</sup> and the Immigration and Nationality Act (INA)<sup>37</sup> guarantee that all noncitizens be afforded due process of law, including fundamentally fair proceedings.<sup>38</sup> By posing as officials involved in ORR's reunification process, ICE elicits sponsor information for enforcement purposes. They are pretending to have statutory authority they lack,<sup>39</sup> frustrating those guarantees.

In addition, where ICE interrogates an individual they hold in actual or constructive custody to elicit information that may be used for criminal prosecution and fails to give the individual Miranda warnings, they violate the Fifth Amendment's protection against self-incrimination.<sup>40</sup> Although in some cases, lower courts have found *Miranda* does not apply where officials do not intend to elicit incriminating information,<sup>41</sup> this is not the case here. On the contrary, DHS's stated intention, beginning with the February 20, 2017 implementation memorandum and as confirmed recently by an ICE press spokesperson, is to target criminal activities.<sup>42</sup> Moreover, while government agents may not be required to provide Miranda warnings in non-custodial settings, agents nonetheless must remain mindful of factors that may render an interview constructively custodial.<sup>43</sup> As the complaints described in Section II demonstrate, ICE's practices repeatedly created situations where a reasonable person would not feel free to leave.

### **2. Right to Family Unity**

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<sup>36</sup> U.S. CONST. amend. V, cl. 4.

<sup>37</sup> See Immigration and Nationality Act of 1965 § 240, 8 U.S.C. § 1229a(b)(4)(B) (2017)..

<sup>38</sup> Fundamentally fair proceedings necessarily include adequate interpretation for individuals not proficient in English. See, e.g., *Augustin v. Sava*, 735 F.2d 32, 37 (2d Cir. 1984) (holding that due process requires an interpreter in an asylum case); *Tejeda-Mata v. INS*, 626 F.2d 721, 726 (9th Cir. 1980) (holding that due process requires an interpreter in a deportation proceeding).

<sup>39</sup> See sec. A, *supra*.

<sup>40</sup> See *Mathis v. U.S.*, 391 U.S. 1, 4-5 ((1968) (requiring Miranda warnings where petitioner questioned by IRS regarding a civil matter that immediately led to criminal investigation for tax fraud) and *U.S. v. Mata-Abundiz*, 717 F.2d 1277, 1279 (9th Cir. 1983) (finding civil interrogations of in-custody defendants by INS investigators should be accompanied by Miranda warnings); see also *Wong Wing et al. v. U.S.*, 163 U.S. 228, 238 (1896) (holding noncitizen defendants entitled to all criminal rights and protections) and *U.S. v. Balsys*, 524 U.S. 666, 671 (1998) (affirming *Wong Wing* holding).

<sup>41</sup> See, e.g., *U.S. v. Rodriguez*, 356 F.3d 254, 259 (2d Cir. 2004); *U.S. v. D'Anjou*, 16 F.3d 604, 609 (4th Cir. 1994); *U.S. v. Ochoa-Gonzalez*, 598 F.3d 1033, 1038 (8th Cir. 2010); *U.S. v. Medrano*, 356 F. App'x 102, 107 (10th Cir. 2009); *U.S. v. Lopez-Garcia*, 565 F.3d 1306, 1316 (11th Cir. 2009).

<sup>42</sup> See *supra* n.11, n.12.

<sup>43</sup> See, e.g., *J.D.B. v. North Carolina*, 131 S. Ct. 2394, 2402 (2011) ("Two discrete inquiries are essential to the determination: first, what were the circumstances surrounding the interrogation; and second, given those circumstances, would a reasonable person have felt he or she was at liberty to terminate the interrogation and leave.")

Constitutional law also recognizes that children and parents have a fundamental due process right to each other’s care and company. Indeed, the Supreme Court found that “the interest of parents in the care, custody, and control of their children—is perhaps the oldest of the fundamental liberty interests recognized by this Court.”<sup>44</sup> And “[j]ust as parents possess a fundamental right with respect to their children, children also enjoy a ‘familial right to be raised and nurtured by their parents.’”<sup>45</sup> The right to family unity is rooted in concern for children’s wellbeing and in a widespread consensus that the child’s best interest is to be cared for by a family member, and, above all, a parent.

Family unity is also a fundamental human right grounded in U.S. policy and international law.<sup>46</sup> Despite a superficial commitment to child welfare,<sup>47</sup> DHS’s practices of misrepresentation and coercion of the caregivers of unaccompanied immigrant children reveal its disregard for the welfare of unaccompanied immigrant children, as well as any other children relying on adult noncitizens for care. As the complainants illuminate, ICE is using information obtained by CBP or ORR from unaccompanied immigrant children in order to engage in enforcement against their family members in the United States. This burdens children with guilt and punishes them for seeking protection with their family. DHS’s actions frustrate the purpose behind the TVPRA, HSA, and the *Flores* Settlement Agreement to provide a child welfare framework for noncitizen children.<sup>48</sup>

### **C. Refugee Law Prohibits Punishment or Deterrence of Asylum Seekers for Seeking Refuge.**

The majority of unaccompanied immigrant children seek protection with family members and caregivers in the United States because they are fleeing persecution in their home countries.<sup>49</sup> As the American Academy of Pediatrics observed, responding to President Trump’s executive orders on immigration, “Children do not immigrate, they flee.”<sup>50</sup> Pursuant to the Refugee Act of 1980<sup>51</sup> and the U.N. Refugee Convention,<sup>52</sup> the United States is precluded from returning people

<sup>44</sup> *Troxel v. Granville*, 530 U.S. 57, 65 (2000).

<sup>45</sup> *D.B. v. Cardall*, 826 F.3d 721, 740 (4th Cir. 2016) (quoting *Berman v. Young*, 291 F.3d 976, 983 (7th Cir. 2002)).

<sup>46</sup> See, e.g., Articles 16 and 25 of the Universal Declaration of Human Rights, Articles VI and VII of the American Declaration on the Rights and Duties of Man, Articles 17 and 19 of the American Convention on Human Rights, and Article 23 of the International Covenant on Civil and Political Rights, among others. See generally, the United Nations Convention on the Rights of the Child. See also [Subcommittee on Best Interests, Interagency Working Group on Unaccompanied and Separated Children, Framework for Considering the Best Interests of Unaccompanied Children](#) (Young Center for Immigrant Children’s Rights, May 2016).

<sup>47</sup> See *supra* n.11, n.12.

<sup>48</sup> DHS’s actions also contravene its own agency standards. See, e.g., Customs and Border Protection, [National Standards on Transport, Escort, Detention, and Search \(“TEDS”\)](#) at 1.9 and 5.6 (2015)(TEDS requires family units to remain together “to the greatest extent operationally feasible” absent concerns for security or safety. If separation must occur, TEDS further requires, “such separation must be well documented in the appropriate electronic system(s) of record.”).

<sup>49</sup> See *supra* n.2.

<sup>50</sup> Fernando Stein, MD, FAAP, President, American Academy of Pediatrics (AAP), [AAP Statement on Protecting Immigrant Children](#), January 25, 2017.

<sup>51</sup> Refugee Act of 1980, 8 U.S.C. § 1158 (2017).

<sup>52</sup> United Nations Convention Relating to the Status of Refugees, Jul. 28, 1951 (hereinafter “U.N. Refugee Convention”). The U.N. Refugee Convention was incorporated into the 1967 United Nations Protocol Relating to the Status of Refugees, which was ratified by the U.S. in 1968. (Article 31 states, “The Contracting States shall not

to countries where they face persecution<sup>53</sup> or punishing asylum seekers for illegal entry or presence.<sup>54</sup> DHS Office of the Inspector General (OIG) also found that CBP may be violating U.S. legal obligations by imposing penalties on refugees.<sup>55</sup>

ICE and CBP are using unaccompanied child asylum seekers as bait to prosecute and deport their parents. By stripping their parents and caregivers from their lives, these actions punish children for seeking protection in the United States and penalize child asylum seekers in violation of the U.N. Refugee Convention.<sup>56</sup>

These enforcement actions also undermine children's ability to seek asylum. By seeking to deport the caregivers of unaccompanied immigrant children, DHS increases the chance that children will remain detained indefinitely after DHS makes their sponsors unable or afraid to sponsor them. In some cases, children will have no other caregiver able to sponsor them, while for others, alternative sponsors will fear coming forward and having DHS take action against them. Moreover, even where the original sponsor is available to care for the child following contact with DHS, such individuals may be fearful of completing the reunification process or, as in the case of complainant Heather, have lost their job and home due to DHS action and so be unable to sponsor the child. Such circumstances may lead desperate families to find anyone with legal immigration status to serve as a sponsor, heightening the risk of trafficking or other serious harms to the child.<sup>57</sup>

The net result is a chilling effect on sponsors who might otherwise care for an unaccompanied immigrant child during the pendency of their removal proceedings, as envisioned in the *Flores* Settlement Agreement and the TVPRA. These sponsors often do more than care for unaccompanied children, as adult family members often have critical contextual information to flesh out a child's asylum claim. In the face of indefinite detention, which has been demonstrated to cause significant, long-term emotional and developmental harm, as well as separation from their families, some children will decide to repatriate despite the persecution they face in their home countries.<sup>58</sup> In other words, ICE and CBP's actions against the children's caregivers will

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impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence."); The Refugee Convention 1951: The Travaux Préparatoires Analysed with Commentary by Dr. Paul Weis (1990) ("A refugee whose departure from his country of origin is usually a flight, is rarely in a position to comply with the requirements for legal entry (possession of national passport and visa) into the country of refuge. It would be in keeping with the notion of asylum to exempt from penalties a refugee, escaping from persecution, who after crossing the frontier clandestinely, presents himself as soon as possible to the authorities of the country of asylum and is recognized as a bona fide refugee.").

<sup>53</sup> This is known as *non-refoulement*, enshrined not only in Article 33 of the U.N. Refugee Convention, but also as a principle of customary international law. See Vang, Jerry (Summer 2014). "Limitations of the Customary International Principle of Non-refoulement on Non-party States: Thailand Repatriates the Remaining Hmong-Lao Regardless of International Norms". *Wisconsin International Law Journal*. 32 (2): 355-383.

<sup>54</sup> U.N. Refugee Convention, art. 31(1).

<sup>55</sup> [Streamline: Measuring Its Effect on Illegal Border Crossing](#) at: (DHS Office of the Inspector General May 15, 2015 OIG-15- 95).

<sup>56</sup> See *supra* n.51.

<sup>57</sup> See Women's Refugee Commission, [Halfway Home: Unaccompanied Children in Immigration Custody](#), at 19, Feb. 2009.

<sup>58</sup> See *supra* n.31.

lead to children being sent back to persecution, in violation of U.S. and international law and often without due regard to safe repatriation principles, or to children seeking voluntary departure despite knowing they face persecution upon return.<sup>59</sup>

#### **IV. Recommendations for ICE and CBP to restore due process and protection of children to their policy and practice**

The signing organizations request that the Inspector General (IG) and CRCL open an investigation into the documented concerns herein regarding enforcement actions against sponsors or potential sponsors of unaccompanied children. As part of that process and to remedy these concerns, the signing organizations propose inclusion of the following recommendations into those issued following the IG and CRCL's own investigation into the matter:

- 1. Cessation of enforcement operations targeting caregivers of unaccompanied immigrant children:** ICE should never engage in “fishing expedition” enforcement operations that target individuals who have come to the government’s attention because of their identity as a sponsor, potential sponsor, or other caregiver of an unaccompanied immigrant child. As detailed extensively above, such enforcement actions cause significant harms to children and their families in contravention of anti-trafficking aims. Instead, such operations increase the risk that children will be trafficked.
- 2. Cessation of uncounseled criminal interrogations:** ICE should never initiate or permit questioning with the even partial goal of eliciting information that could result in criminal prosecution with uncounseled individuals. Whenever ICE engages in questioning to elicit information that could result in criminal prosecution, ICE should provide Miranda warnings and refrain from questioning once an individual invokes their right to counsel and/or their right to remain silent. This is necessary to ensure compliance with the constitutional protection against self-incrimination for all persons. This constitutional requirement extends to the use of “call-in” or appointment letters when ICE schedules an individual for questioning on matters that could result in criminal prosecution in a constructively custodial setting.
- 3. Stop substantially interfering with the jurisdiction of another federal agency:** ORR has the sole custodial responsibility over all placements of unaccompanied children—both in custody and released. CBP and ICE’s interference with best interest determinations to release a child to their family substantially interferes with ORR’s operations and statutory authority.
- 4. Improve compliance with child protection law:** DHS should require the hiring of child welfare professionals at the border and for instances of enforcement operations that involve children, in order to ensure compliance with existing law and procedure regarding child and family welfare. Furthermore, ICE and CBP officers need better training to ensure their understanding and compliance with existing law and procedure

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<sup>59</sup> DHS’s actions also frustrate the additional protections in the TVPRA for unaccompanied immigrant children seeking asylum. *See* William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 § 235(d)(7)-(8), 8 U.S.C. § 1158(a)(2)(E) (2017).

with respect to ensuring the welfare of all children, especially unaccompanied immigrant children, as well as due process protections for all individuals. In addition to training in policy and procedures, ICE and CBP officers should receive training on child welfare principles to improve their understanding of the unique vulnerabilities of children to trauma, stress, and family separation.

5. **Accountability:** ICE and CBP officers must be penalized for misrepresenting their statutory authority, whether pretending involvement in the family reunification process or threatening to deport unaccompanied children as a tactic to force compliance. Moreover, ICE and CBP officers must be penalized for intimidating or coercing individuals in ways that interfere with individuals' right to due process of law. Failure to comply with the applicable legal and ethical standards set forth above must result in concrete disciplinary measures. ICE and CBP should also keep and make public its own data on compliance, supervision, and auditing.

## V. Conclusion

All 50 states, federal law, and international law recognize that children should be afforded special protections.<sup>60</sup> ICE and CBP cannot claim compliance with the TVPRA and *Flores* on the one hand while engaging in actions undermining child welfare on the other. In targeting the caregivers of unaccompanied immigrant children, ICE and CBP not only harm children, but also violate protections extended under constitutional and refugee law to all individuals, regardless of immigration status.

The undersigned organizations request that the Inspector General and CRCL promptly and thoroughly investigate each of the allegations documented in this complaint, hold individual agents accountable for unlawful or improper conduct, release the results of those investigations publicly, and issue recommendations for necessary reforms. Each of the complaints referenced herein is documented in greater detail in the attached Appendix.

The complainants and service providers await the Inspector General and CRCL's response and look forward to working with the Inspector General and CRCL to provide guidance to ensure that ICE and CBP vigorously uphold their duty to protect vulnerable unaccompanied children and the caregivers who seek to protect them. If you have any questions about this complaint, please contact Diane Eikenberry at [deikenberry@heartlandalliance.org](mailto:deikenberry@heartlandalliance.org) or (202) 879-4310.

Respectfully submitted,

Diane Eikenberry  
National Immigrant Justice Center

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<sup>60</sup> Organizations dedicated to child welfare across the U.S. recognize this as well. See Ex. P, On This We Can Agree: Children Require Special Care: Five Principles to Guide Any Changes to Immigration Law, Policy, or Procedure, May 2017.

Jennifer Podkul  
Kids in Need of Defense

Jessica Jones  
Lutheran Immigration and Refugee Service

Michelle Mendez and Rebecca Scholtz  
Catholic Legal Immigration Network, Inc.

Leah Chavla  
Women's Refugee Commission

Jonathan Ryan  
Refugee And Immigrant Center for Education and Legal Services

Adonia Simpson  
Americans for Immigrant Justice

Lauren Herman  
Make the Road New Jersey

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**Ex. A**  
**Description of Organizational Signatories**

The following organizations submit this complaint on behalf of those impacted by ICE and CBP actions:

**National Immigrant Justice Center (NIJC)** – The National Immigrant Justice Center (NIJC) is dedicated to ensuring human rights protections and access to justice for immigrants, refugees, and asylum seekers. NIJC provides direct legal services to and advocates for these populations through policy reform, impact litigation, and public education. Since its founding more than three decades ago, NIJC has been unique in blending individual client advocacy with broad-based systemic change. NIJC is the largest legal service provider for unaccompanied immigrant children in Illinois, Indiana and Wisconsin. More broadly, NIJC provides legal services to more than 10,000 individuals each year, including numerous caregivers of citizen and noncitizen children.

**Catholic Legal Immigration Network, Inc. (CLINIC)** - Embracing the Gospel value of welcoming the stranger since 1988, CLINIC promotes the dignity and protects the rights of immigrants in partnership with a dedicated network of Catholic and community legal immigration programs. Its network of nonprofit immigration programs—300 organizations in 47 states and the District of Columbia—is the largest in the nation. In response to growing anti-immigrant sentiment and to prepare for policy measures that hurt immigrant families, CLINIC launched the Defending Vulnerable Populations Project. The Defending Vulnerable Populations Project seeks to increase access to competent, affordable representation for the most vulnerable immigrants—those at immediate risk of deportation, which includes unaccompanied minors fleeing danger.

**Kids In Need of Defense (KIND)** - Kids in Need of Defense (KIND) is a national nonprofit organization dedicated to the provision of free legal representation and protection to unaccompanied immigrant and refugee children in immigration court removal proceedings. Since becoming operational in January 2009, KIND has trained more than 24,000 attorneys and received referrals for over 15,000 children from 70 countries. KIND has field offices in ten cities: Los Angeles, San Francisco, Atlanta, Baltimore, Boston, Houston, Newark, New York City, Seattle, and Washington, DC.

**Lutheran Immigration and Refugee Service (LIRS)** - Founded in 1939, Lutheran Immigration and Refugee Service is one of the largest refugee resettlement agencies in the United States. It is nationally recognized for its leadership advocating with refugees, asylum seekers, unaccompanied children, immigrants in detention, families fractured by migration and other vulnerable populations. Through more than 75 years of service and advocacy, LIRS has helped over 500,000 migrants and refugees rebuild their lives in America. LIRS is the only organization that provides the full spectrum of services to unaccompanied migrant and refugee children in the care of the Department of Health and Human Services' Office of Refugee Resettlement (ORR) in the United States. Through our network of service providers we provide transitional foster care, long-term foster care, safe release, sponsor support, and family reunification services, including home studies and post-release services.

**Women’s Refugee Commission (WRC)** – The Women’s Refugee Commission (WRC) is a research and advocacy organization that seeks to improve the lives and protect the rights of women, children, and youth fleeing violence and persecution. Since WRC’s founding in 1989, it has been a leading expert on the needs of refugee women and children and the policies that can protect and empower them. WRC’s Migrant Rights and Justice Program (MRJ) specifically focuses on the right to seek asylum in the United States. It advocates for programs and policies that strengthen the resilience of refugees, including women and children, as well as that ensure refugees and asylum seekers are provided with humane reception in transit and in the United States, given access to legal protection, protected from exposure to gender discrimination or gender-based violence.

**Refugee and Immigrant Center for Education and Legal Services (RAICES)** - Founded in 1987 at the Refugee Assistance Project by community activists in South Texas, RAICES has grown to be the largest immigration legal services provider in Texas. With offices in Austin, Corpus Christi, Dallas, Fort Worth, and San Antonio and staff based in Houston and Washington, D.C., RAICES is a front line organization in the roiling debate about immigration and immigrants in the world. As an organization that combines expertise developed from the daily practice of immigration law with a deep commitment to advocacy, RAICES is unique among immigration organizations. A diverse staff of 110 attorneys, legal assistants, and support staff provide consultations, direct legal services, representation, assistance and advocacy to communities in Texas and to clients after they leave the state. In 2016, RAICES staff closed 43,000 cases at no cost to the client. Our advocacy and commitment to change are driven by the clients and families we serve everyday as our attorneys and legal assistant provide legal advocacy and representation in an immigration system that breaks apart families and leaves millions without pathways to legal status.

**Americans for Immigrant Justice (AI Justice)** – Americans for Immigrant Justice (AI Justice) is a non-profit law firm dedicated to promoting and protecting the basic rights of immigrants. Since our founding in 1996, AI Justice has served over 100,000 immigrants from all over the world. Our clients include unaccompanied immigrant children; survivors of domestic violence, sexual assault and victims of human trafficking; immigrants who are detained and facing removal proceedings; as well as immigrants seeking assistance with work permits, legal permanent residence, asylum and citizenship. A substantial portion of our clients include individuals who have been irreparably traumatized and victimized by abuse and violence and are seeking refuge. In fact, AI Justice is the only organization in South Florida that represents minors housed in local immigration shelters and one of very few that represents locally detained women. In Florida and on a national level, we champion the rights of immigrants; serve as a watchdog on immigration detention practices and policies; and, speak for immigrant groups that have compelling claims to justice.

**Make the Road New Jersey** - Make the Road New Jersey (MRNJ) is a community-based organization that strengthens immigrant communities to achieve dignity and respect through high quality legal services, community organizing, transformative education, and policy advocacy. Founded in late 2014 in Elizabeth, New Jersey, MRNJ serves thousands of immigrant families each year.