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19 **UNITED STATES DISTRICT COURT**
20 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
21 **WESTERN DIVISION**

22 IMMIGRANT DEFENDERS LAW
23 CENTER; *et al.*,
24
25 Plaintiffs,
26
27 v.
28 U.S. DEPARTMENT OF HOMELAND
SECURITY; *et al.*,
Defendants.

Case No. 2:21-cv-00395-FMO-RAO

**DECLARATION OF MARI
DORN-LOPEZ IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Date: June 17, 2021
Time: 10:00 a.m.
Ctrm: 6D
Judge: Hon. Fernando M. Olguin

1 I, Mari Dorn-Lopez, make this declaration based on personal knowledge and
2 a review of records related to my position as the current Deputy Program Director
3 for the Child Advocate Program at the Young Center for Immigrant Children’s
4 Rights:

5 1. I am the Deputy Program Director of the Young Center for Immigrant
6 Children’s Rights. I have been employed by the Young Center since 2017. I am
7 licensed to practice law in the State of Virginia.

8 2. The Young Center is a registered 501(c)(3) organization that provides
9 direct advocacy services for vulnerable immigrant children and is a national leader
10 in advocating for policies that uphold the rights, well-being, and best interests of
11 immigrant children. The children served by the Young Center are those considered
12 among the most vulnerable, including children who have been abused, children with
13 life-threatening medical conditions, children with developmental disabilities,
14 children who have been trafficked, infants and toddlers who cannot tell their own
15 stories, children who have lost their parents to violence, and more. The Young
16 Center has offices in eight locations, including: Chicago, Illinois; Harlingen, Texas;
17 Houston, Texas; San Antonio, Texas; Phoenix, Arizona; Los Angeles, California;
18 Washington, D.C.; and New York, New York. From these locations, the Young
19 Center provides a range of advocacy services to protect the best interests of
20 immigrant children in government custody.

21 3. Unaccompanied immigrant children come to the U.S. from all over the
22 world. They arrive on their own, without their parents. These children make
23 difficult, often dangerous journeys to escape violence, child labor, severe abuse,
24 trafficking, and desperate poverty. The Young Center was created in 2004 as a pilot
25 project of the federal Office of Refugee Resettlement (“ORR”), within the
26 Department of Health and Human Services (“HHS”), to create a program to provide
27 independent Child Advocates, akin to best interests guardians *ad litem*, for child
28 trafficking victims and other vulnerable unaccompanied children. Young Center

1 attorneys and social workers are appointed as Child Advocates alongside trained,
2 bilingual volunteers.

3 4. The role of the Child Advocate was codified in the Trafficking Victims
4 Protection Reauthorization Act of 2008, 8 U.S.C. § 1232(c)(6)(A) (hereinafter
5 “TVPRA”).

6 5. The role of the independent Child Advocate is to advocate for the best
7 interests of the child. Child Advocates identify a child’s best interests by
8 considering the child’s expressed wishes, safety, right to family integrity, liberty,
9 developmental needs, and identity. These “best interests factors” are well-
10 established in the child welfare laws of all 50 states and in international law
11 including the Convention on the Rights of the Child.

12 6. The Young Center’s expertise is well-documented. In an audit of our
13 work conducted in 2016, the United States Government Accountability Office found
14 that over 70% of the recommendations made by Young Center Child Advocates
15 were adopted by ORR, immigration courts, and others.

16 7. As Child Advocates, we submit best interests determinations
17 (hereinafter “BIDs”) on behalf of unaccompanied children in government custody to
18 federal agencies, including the Executive Office for Immigration Review within the
19 Department of Justice (“DOJ”), Immigration and Customs Enforcement (“ICE”)
20 within the Department of Homeland Security (“DHS”), and ORR, and to other
21 stakeholders including children’s immigration attorneys. Child Advocate
22 recommendations are grounded in federal and domestic best interests law. These
23 recommendations may address the child’s placement; release to a sponsor; need for
24 medical, mental health, or other services in care or upon release; legal
25 representation; request for protection from removal; or ability to safely repatriate.

26 8. As specified in the TVPRA, child trafficking victims and other
27 vulnerable unaccompanied children may be appointed an independent Child
28 Advocate. The most vulnerable children in ORR custody include but are not limited

1 to young children (infants, toddlers, pre-verbal and elementary school-aged
2 children); children facing protracted stays in ORR custody; children with
3 disabilities, mental health concerns, or other illnesses; children who have been
4 separated from their parents under the “zero tolerance” policy or by other
5 circumstances; children at risk of turning 18 in government custody; and children
6 who fear returning to their countries of origin.

7 9. Since its founding, the Young Center has served as independent Child
8 Advocate for thousands of vulnerable children in government custody. We are the
9 only organization appointed by HHS to serve in that capacity.

10 10. As Deputy Program Director, I oversee Young Center offices with
11 teams of attorneys and social workers in Chicago, New York, and Washington, D.C.
12 I advise and consult with staff as they work with individual children and develop
13 BIDs in those cases. I also advise and consult with staff on how to respond to and
14 address changes in policy and practice regarding children seeking protection under
15 the Immigration and Nationality Act (“INA”). Prior to my role as Deputy Program
16 Director, I served as a Staff Attorney/Child Advocate for the Child Advocate
17 Program from 2017 to 2018. In that capacity, I engaged in advocacy on behalf of
18 vulnerable immigrant children in government custody and wrote best interests briefs
19 to immigration judges, asylum officers, attorneys, and federal agencies. Prior to
20 joining the Young Center, I was an attorney in the Detained Children’s Program at
21 the Capital Area Immigrants’ Rights Coalition, from 2012 to 2017, where I
22 represented unaccompanied immigrant children in immigration proceedings.

23 11. To the best of my knowledge, the Young Center has been appointed as
24 Child Advocate to at least 50 unaccompanied children affected by Migrant
25 Protection Protocol (“MPP”) proceedings since the implementation of MPP in 2019.
26 Approximately 25 children were represented by Child Advocates in our Chicago,
27 New York, and Washington, D.C., offices.

28

1 **I. MPP Has Substantially Impacted the Young Center’s Ability to Advocate**
2 **for Unaccompanied Children**

3 12. The Trump Administration imposed MPP on January 25, 2019. Since
4 around the summer of 2019 through the present date, the Young Center has been
5 appointed as Child Advocate to at least 50 unaccompanied children with a history of
6 MPP proceedings (hereafter referred to as “MPP-unaccompanied children”). These
7 MPP-unaccompanied children either had cases pending before MPP courts or were
8 ordered removed through their MPP cases either *in absentia* or after a merits
9 determination.

10 13. Our appointment to these cases required our organization to expend
11 resources and engage in advocacy to ensure each child’s best interests were
12 represented in increasingly complex court proceedings, as well as to ensure prompt
13 release from ORR custody, or seek safe repatriation should the child be ordered
14 removed or elect Voluntary Departure (VD).

15 **A. Changes to the Young Center’s Referral and Screening Procedures**

16 14. The Young Center receives referrals, largely from ORR staff,
17 contracted providers, and legal services organizations, requesting Child Advocate
18 services for unaccompanied children. We receive more referrals for appointment of
19 a Child Advocate than we can accommodate with our current capacity. As a result,
20 each of our offices has wait lists for children in need of appointment of a Child
21 Advocate.

22 15. Due to the significant need for Child Advocate services, the Young
23 Center prioritizes the most vulnerable children in deciding which cases to take. The
24 Young Center considers a child’s history in MPP as a heightened vulnerability, and
25 we have prioritized appointment to these cases. In particular, we prioritize MPP-
26 unaccompanied children with prior removal orders who are at risk of return to an
27 unsafe situation, especially if their parent remains in MPP or outside of their country
28 of origin. To screen for these cases, we have asked referrers to indicate in their

1 referrals if they know that a child was previously in MPP. As an additional screen,
2 our staff in some offices will ask in their follow-up calls with referrers whether the
3 child was in MPP.

4 16. For many MPP-unaccompanied children to whom we are appointed
5 Child Advocates, we have little or no information at the time of referral or
6 appointment regarding the child's MPP case other than that the child was in MPP
7 and that a removal order was entered against the child in MPP proceedings. The
8 child often has little or no understanding of their MPP case and often does not even
9 know that they were in MPP. In some cases, where the child or their parents are
10 fortunate enough to be represented by an attorney in their MPP cases, we contact
11 their attorney and may be able to learn more information with appropriate consent.
12 However, in many cases, we have had to rely on parents and other caregivers for
13 information regarding children's MPP cases, such as the status of the case; if a
14 removal order has been entered, whether it was on the merits or *in absentia*; and, if a
15 merits hearing was held, details regarding the hearing. This information is critical in
16 determining what steps must be immediately taken in the child's legal case to
17 prevent immediate harm or danger to the child, including the risk of removal to
18 unsafe and dangerous conditions in their country of origin.

19 17. Generally, we attempt to contact parents, caregivers, and family
20 members of each child to gather information and determine if there are potential
21 sponsors in the United States to whom the child can be released. This process is
22 frequently more difficult in the context of MPP-unaccompanied children, because
23 their sole parent, caretaker, or guardian was or remains in Mexico due to MPP.

24 18. Our staff experienced significant difficulties in communicating with
25 parents or family members who were in Mexico. These parents or family members
26 often could not answer their cell phones, because they did not have consistent cell
27 phone access or access to charging stations to charge their cell phones. Cell phone
28 charging areas in MPP encampments were not safe. Also, some parents and family

1 members who were living in the MPP encampments were afraid to answer their cell
2 phones in the evening because they did not want to be targeted by gangs and
3 criminals. As a result, communicating with parents and family members for MPP-
4 unaccompanied children often required multiple attempts and was time-consuming.

5 19. Gathering accurate information about a child’s MPP case was also
6 challenging because even parents and caregivers sometimes did not know or
7 understand what had occurred in their MPP proceedings. For instance, in one case
8 where a child had an MPP removal order, the child’s legal service provider had filed
9 a motion to reopen, with the belief that the removal order had been entered *in*
10 *absentia*. However, after speaking with the child’s parent several times, we learned
11 that the removal order had been entered in-person at an MPP “tent court” hearing.
12 Because the motion to reopen had been based on an *in absentia* removal order, the
13 motion to reopen was denied. We then located another legal service provider to file
14 a motion to reopen addressing the removal order on the merits.

15 **B. ICE Has Attempted to Remove MPP-Unaccompanied Children in**
16 **ORR Custody Under an MPP Removal Order or Otherwise Use**
17 **MPP Removal Orders Against MPP-Unaccompanied Children**

18 20. In at least five cases of which I am aware, ICE attempted to remove or
19 removed unaccompanied children in ORR custody under an MPP removal order.
20 For example, in the cases of three siblings with MPP removal orders, their attorney
21 received notice that ICE intended to remove the three children and that ICE had
22 scheduled their removal for a specific date two weeks later. In those five cases of
23 which I am aware, removal would have been (and in two cases was) unsafe and
24 therefore contrary to the child’s best interests.

25 21. In other cases to which we were appointed, the government would not
26 release children from custody to eligible sponsors because of MPP removal orders.
27 Whether ICE requested the delays in release or ORR declined to release the children
28 to their sponsors, the children spent more time in custody than they would have if
they had not previously been in MPP.

1 22. In most of these cases, our Child Advocates had to engage in extensive
2 advocacy to prevent the children’s unsafe repatriation and to secure the children’s
3 release to their sponsors. In most cases, this advocacy was conducted through
4 written BIDs in support of release from custody and/or stays of removal. Because
5 of the threat of removal, we had to write these BIDs within a very short period of
6 time, which required an intense investment of resources that could not be directed
7 elsewhere.

8 **C. Two Children Appointed Young Center Child Advocates Were
9 Removed Under MPP Removal Orders Without Due Process and
Without Safe Repatriation Safeguards**

10 **1. The Young Center Has Worked Extensively to Advocate for
11 Safe Repatriation and Has Developed Best Practices to
Identify Whether Children Can Safely Repatriate**

12 23. Under the TVPRA, the government should take steps to assess whether
13 a child facing return can, in fact, be safely repatriated. The TVPRA specifically
14 requires the Secretaries of State and Homeland Security “to develop and implement
15 best practices to ensure the safe and sustainable repatriation and reintegration of
16 unaccompanied alien children into their country of nationality or of last habitual
17 residence . . .” 8 U.S.C. § 1232(a)(5)(A). The TVPRA further provides that “[t]he
18 Secretary of Homeland Security shall consult the Department of State’s Country
19 Reports on Human Rights Practices” in determining whether to repatriate an
20 unaccompanied child to their country of origin. 8 U.S.C. § 1232(a)(5)(B).

21 24. When a child requests voluntary departure or is at imminent risk of
22 receiving a removal order, Young Center Child Advocates assess whether
23 repatriation is in the child’s best interests—whether it is safe—and then advocate for
24 an outcome that is in the child’s best interests. In these cases, it is the Young
25 Center’s practice to speak with the child, the child’s parent(s), and other caregiver(s)
26 to gather information about the child’s life in their country of origin, their reasons
27 for journeying to the United States, and whether they would be safe upon return.
28 This is a time- and fact-intensive process, particularly when the risk of the child’s

1 return to their country of origin occurs shortly after our appointment as Child
2 Advocate, as was the case in many of the MPP-unaccompanied children’s cases to
3 which Child Advocates were appointed. Based on this information, we write a BID
4 as to whether the child can safely repatriate to their country of origin.

5 25. The Young Center relies heavily on partners in children’s countries of
6 origin, such as non-governmental organizations and independent social workers, as
7 part of this fact-gathering process. This helps us have a better understanding and a
8 holistic view of children’s individual needs. When available, these facts inform our
9 BIDs, which we submit to decision makers—immigration officers, asylum officers,
10 immigration judges, and other decision makers— in advance of a decision about a
11 child’s repatriation.

12 26. Working with individuals and organizations in other countries can
13 inform us about common dangers or cultural practices, or legal systems children
14 may have engaged with. Conversations with these experts ensure we view the
15 information we gather from a culturally informed lens. This work has also helped
16 us find contact information for family members of children who thought they had
17 lost a relative, gather identity documents for children who had none, develop safety
18 plans for children who wish to return to their country of origin, enhance safety in the
19 reception and repatriation process itself, and support requests for immigration relief
20 from the United States.

21 27. In cases where a child will return (or be returned) to their country of
22 origin, the Young Center will advocate for child-specific safeguards to be put in
23 place to promote the child’s best interests during the repatriation process.

24 28. In October 2020, the Young Center published “Best Practices for Safe
25 Repatriation Advocacy,” which provides guidance to practitioners on how to
26 support the safe repatriation of unaccompanied children returning to their countries
27 of origin.

28

1 29. Safeguards that ensure safe repatriation can mitigate the fear and
2 uncertainty that overshadow a child’s return to their country of origin. The safe
3 repatriation process involves anticipating and planning for each child’s unique
4 physical and emotional needs during repatriation and reception. Children may
5 experience many emotions about their return, some of which may seem conflicting.
6 It is important to speak with children and strategize ways to best meet and support
7 their changing needs during this process.

8 30. The Young Center typically engages in a number of steps to identify
9 and implement repatriation safeguards. Prior to repatriation, we advocate with ORR
10 to provide the child with clear information about the entire repatriation process,
11 including what to expect for each phase of the process; ensure that the child’s
12 caregiver in their country of origin receives information about the repatriation and
13 reception process in their preferred language; confirm that the facility staff and/or
14 custodial agent communicates with the child’s caregiver and provides the details
15 surrounding the child’s return (including the flight number(s) and the child’s
16 estimated arrival time in their country of origin), at least 48-72 hours prior to the
17 child’s departure; inquire if the child has medical and/or mental health needs; ensure
18 that the facility develops a written discharge plan that details the child’s diagnoses
19 and prescribed medications and explains the child’s triggers, and if a child wishes to
20 continue their medication treatment, advocate with the facility to supply the child
21 with an appropriate supply of medication; advocate with the organization or
22 individuals responsible to plan travel arrangements, e.g., verify the facility and/or
23 custodial agent purchased the plane ticket and the child has the necessary travel
24 documents; and connect the child and their caregiver to reintegration services in the
25 country of origin, when available.

26 31. Prior to repatriation, our Child Advocates will typically also engage in
27 advocacy with the consulate of the child’s country of origin, such as: for children in
28 ORR custody, follow up on the status of travel documents; for children not in ORR

1 custody, assist the child in obtaining a passport or other required document needed
2 for repatriation; confirm the consulate shared with the child’s caregiver the date and
3 time the child is scheduled to arrive, along with the reception center’s location,
4 ideally 48-72 hours before the child’s scheduled arrival; if the child has unique
5 needs that may require additional services from the country of origin’s child welfare
6 agency, request that the consulate also communicate the reception itinerary to this
7 agency; if the child’s flight is canceled, recommend the consulate notify the family
8 as soon as the consulate learns about the cancellation and alert the family to the new
9 travel plans; advocate for repatriation to occur close to the family’s location to
10 minimize the family’s travel time; and if the family needs transportation assistance,
11 advocate with the consulate to arrange services to transport the family to and from
12 the reception center.

13 32. Prior to repatriation, our Child Advocates will also engage in advocacy
14 with DHS, such as: advocate with DHS to arrange the child’s departure from the
15 United States, as well as the child’s arrival in their country of origin, during
16 appropriate daytime hours; advocate against the use of restraints; urge DHS to place
17 the child on commercial flights (as opposed to ICE charter flights), when available;
18 for children in ORR custody, ask DHS to notify the facility one week in advance
19 and no less than 72 hours before the child’s scheduled departure from the United
20 States; and if the child is young or particularly vulnerable, request that a care
21 provider or another person familiar to the child accompany the child.

22 **2. The Young Center Has Faced Unique Challenges in**
23 **Advocating for Safe Repatriation for Unaccompanied**
24 **Children Who Were Previously in MPP**

25 33. The intensive process detailed above became exceptionally more
26 complicated and difficult in the context of MPP-unaccompanied children, for many
27 of whom their sole parent, caretaker, or guardian remains in Mexico subject to MPP
28 and cannot meet them in their country of origin.

1 34. In my opinion, MPP-unaccompanied children are especially vulnerable
2 to unsafe repatriation, which would violate Congress’s clear intent in passing the
3 TVPRA. In some cases, the location of the child’s parent is unknown. In other
4 cases, the parent remains in Mexico or otherwise outside of their country of origin.
5 And in other cases, the parent is in the United States and may be in federal custody.
6 In any of these situations, children face repatriation to a place where there is no
7 parent to take custody of them. Those children who do not have other family
8 members to take custody of them may end up detained in government shelters and
9 may even become wards of the state; they are also at risk of homelessness or
10 returning to traffickers or people who will persecute them.

11 35. In more than one case, the Young Center has been appointed to
12 advocate for children removed from the United States based on an MPP removal
13 order, before the child had a fair opportunity to seek protection. In these cases of
14 likely unsafe repatriation, Young Center staff have diverted resources toward
15 ensuring the child is as safe as possible upon return to their country of origin while
16 facilitating the child’s lawful return to the United States should their case be
17 reopened.

18 36. For instance, in one of the Young Center’s cases, a teenage boy,
19 PMBR, fled abuse by a family member and gang threats in Honduras. He and his
20 mother were placed in MPP, where they were attacked by armed men. During the
21 attack, PMBR’s mother disappeared. PMBR fled for his safety. Shortly thereafter,
22 he entered the United States alone and was placed in government custody as an
23 unaccompanied child. A hearing in his MPP case had been scheduled for the same
24 day that he was taken into government custody. He was unable to attend the MPP
25 hearing, and an *in absentia* removal order was entered against him. Three months
26 after PMBR was placed in ORR custody as an unaccompanied child, he was
27 removed to his country of origin.

28

1 37. PMBR had been appointed a Young Center Child Advocate prior to his
2 removal. However, the Child Advocate was not notified in advance of his removal.
3 We only learned of his removal after he had been taken from the ORR facility and
4 flown to his country of origin. Because we had no advance notice of his removal,
5 we were not able to engage in any of the pre-repatriation practices to establish
6 safeguards for his return to his country of origin. We were not able to notify his
7 family members in advance or to arrange for them to pick him up upon his arrival.
8 We were not able to speak with him beforehand to make sure he had a safe place to
9 stay.

10 38. After PMBR was removed, we were able to contact him and learned
11 that he was not safe. For instance, he did not have sufficient food, so we made a
12 referral to a humanitarian organization to provide him with emergency food items.
13 Despite that emergency aid, he remained extremely vulnerable.

14 39. After PMBR was removed, The Door entered appearance as his
15 attorney in his MPP case and filed a motion to reopen on his behalf. The motion
16 was granted five months after he was removed. We then worked with humanitarian
17 organizations and his attorney at The Door to facilitate his safe return to the United
18 States. We were also forced to advocate and make numerous inquiries with ICE and
19 the U.S. embassy in his country of origin to make arrangements for him to be able to
20 enter the United States. He was finally able to return to the United States 11 months
21 after the motion to reopen had been granted. But if the government had not
22 enforced the MPP removal order against him and removed him so summarily, he
23 would not have had to suffer the harm of such a hasty, unsafe repatriation, and the
24 Young Center would not have had to expend resources to assist him with returning
25 safely to the United States.

26 40. The Young Center was also appointed as Child Advocate to AV, a
27 teenage girl who experienced physical and sexual abuse by a family member in
28 Honduras. She and her mother fled to the United States and were placed in MPP.

1 An immigration judge entered a removal order against her and her mother after a
2 hearing in one of the MPP “tent courts,” in which AV and her mother were not
3 represented by an attorney and AV did not have the opportunity to tell her story,
4 much less in a child-appropriate, trauma-informed setting.

5 41. AV later re-entered the United States alone and was designated an
6 unaccompanied child. In April 2020, three months after AV was placed in ORR
7 custody, she was removed to Honduras. Prior to her removal, ICE had attempted to
8 remove her three previous times. The first time, her Child Advocate was given less
9 than 12 hours’ notice that AV was going to be removed. Her Child Advocate
10 worked immediately on writing and submitting a BID in support of postponing
11 repatriation based on evidence that AV could not safely return to Honduras,
12 particularly during the COVID-19 pandemic.

13 42. The first three times ICE attempted to remove AV, her Child Advocate
14 only learned a day in advance that ICE intended to remove AV the next day. As a
15 result, there was insufficient time to identify and secure the safeguards necessary to
16 make repatriation as safe as possible for her. The lack of time to establish
17 safeguards in AV’s case was particularly concerning because AV’s mother was still
18 in Mexico in MPP. AV would not be returning to a parent in Honduras, but to the
19 family she had fled. Although AV planned to live with her grandmother, her
20 grandmother did not live close to the airport and was also taking care of AV’s
21 brothers and sisters.

22 43. The fourth time ICE attempted to remove her, we learned two days in
23 advance that ICE intended to remove AV. During the two days before she was
24 removed, we worked to ensure that her journey back home would be as safe as
25 possible. We were able to coordinate with a humanitarian organization to arrange
26 for a family member to pick AV up at the airport. We also spoke with AV regarding
27 her safety and about the potential need for protective equipment and quarantining
28 due to the COVID-19 pandemic.

1 44. Each time we were notified that ICE intended to remove AV, we spoke
2 with AV. T herefore, we spoke with her four separate times about the probability
3 that she would be removed within a day or two.

4 45. This experience was very difficult and very stressful for AV. Each
5 time she was informed that she would likely be removed, she had to make
6 preparations, packing her bag each time.

7 46. In September 2020, seven months after AV was removed, the Board of
8 Immigration Appeals granted her appeal and her case was reopened. Over the past
9 eight months, we have been working on getting her back to the United States safely
10 for her immigration proceedings. We have been working with humanitarian
11 organizations and her attorney and advocating with government agencies to make
12 arrangements for her return. If the government had not enforced the MPP removal
13 order against her and removed her without a fair opportunity to seek protection, she
14 would not have had to endure the harm of unsafe repatriation, and the Young Center
15 would not have to expend resources that could be directed towards other cases.

16 **D. MPP-Unaccompanied Children to Whom the Young Center Have**
17 **Been Appointed Have Required Defensive Actions that Non-MPP-**
18 **Unaccompanied Children Do Not Require**

19 47. In our experience, MPP-unaccompanied children have had to undertake
20 defensive actions in their immigration cases that non-MPP-unaccompanied children
21 need not pursue. These actions have varied, because the legal cases of the children
22 we have worked with have been in different postures. For MPP-unaccompanied
23 children with MPP removal orders, many have filed motions to reopen their MPP
24 cases and/or appeals with the Board of Immigration Appeals. In many cases, ICE
25 also failed to execute a new Notice to Appear before the child was transferred from
26 DHS to ORR custody. As a result, these children were not placed in removal
27 proceedings under section 240 of the INA, as required by the TVPRA, and were not
28 provided with the legal protections guaranteed to unaccompanied children. In at
least four cases, attorneys filed actions in federal court seeking a temporary

1 restraining order to stay the child’s removal and seeking injunctive relief ordering
2 the government to place the child in INA § 240 Proceedings.

3 48. Although we do not represent children in their immigration cases, we
4 as Child Advocates submit BIDs in children’s cases. In many MPP-unaccompanied
5 children’s cases, we have written BIDs that were submitted to DHS and immigration
6 judges that explain why legal relief from removal and legal protections to which
7 these children are entitled as unaccompanied children are consistent with, and the
8 only way to protect, their best interests. We have frequently had to prioritize
9 working on BIDs in MPP-unaccompanied children’s cases because these children
10 have active removal orders, and the best way we can prevent a child’s removal is to
11 support defensive actions, such as motions to reopen and appeals, on the child’s
12 behalf.

13 49. For example, in one case, a BID was submitted in support of a child’s
14 motion to sever his MPP case from his mother’s MPP case. The child had been
15 released to a sponsor, and so his attorney had filed a motion to sever, so that the
16 child’s case could be heard in the jurisdiction where he was living with his sponsor.
17 The court refused to grant the motion and conducted three joint hearings in the
18 child’s case. At that point, the Child Advocate submitted a BID in support of
19 severance demonstrating how severance would serve the child’s best interests. The
20 court then granted the motion.

21 50. We also write BIDs to advocate for children’s safe and prompt release
22 from government custody to a parent, family member, or other sponsor. This also
23 has an impact on children’s legal cases, as attorneys can more easily speak with and
24 obtain information on behalf of children who are not in government custody.

25 **II. The Young Center Continues to be Impacted by the Need to Advocate on**
26 **Behalf of MPP-Unaccompanied Children**

27 51. The Young Center’s advocacy on behalf of vulnerable MPP-
28 unaccompanied children has required a significant use of resources to advocate for

1 the best interests of these children. We continue to be appointed to MPP-
2 unaccompanied children in recent months. For instance, we were appointed Child
3 Advocate in February 2021 to an MPP-unaccompanied child with an MPP removal
4 order that had been entered *in absentia*. The child had also not been issued a new
5 Notice to Appear when he had been designated an unaccompanied child.

6 52. In our experience, the cases of MPP-unaccompanied children,
7 particularly those with complicated legal cases or those who have been unsafely
8 removed pursuant to MPP removal orders, require significant advocacy. In many of
9 these cases, we need to submit detailed, fact-specific BIDs to a federal
10 decisionmaker. Often, these cases require immediate attention because the child has
11 an MPP removal order. This has required us to divert time and resources away from
12 our other cases. It has also impacted our ability to take appointments to serve other
13 vulnerable unaccompanied children for whom we receive referrals. Finally, in our
14 experience, MPP-unaccompanied children are particularly vulnerable to certain risks
15 the TVPRA is meant to safeguard against, such as unsafe repatriation to countries
16 where they have no parent and may face violence or danger.

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I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 12 th day of May, 2021 in Alexandria, VA.

By Mari P. Lopez

Mari Dorn-Lopez