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[Additional counsel listed below]

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

IMMIGRANT DEFENDERS LAW CENTER; *et al.*,

Plaintiffs.

V.

U.S. DEPARTMENT OF HOMELAND SECURITY: *et al.*

Defendants

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

**DECLARATION OF ELIZABETH
SANCHEZ KENNEDY IN
SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

Date: June 17, 2021

Date: June 17, 2010
Time: 10:00 a.m.

Ctrm: 6D

Judge: Hon. Fernando M. Olguin

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1 I, Elizabeth Sanchez Kennedy, make this declaration based on personal
2 knowledge and a review of records related to my position as the Founder and
3 Executive Director of the Galveston-Houston Immigrant Representation Project:

4 1. I am the Founder and Executive Director of the Galveston-Houston
5 Immigrant Representation Project (“GHIRP”), an organization that I founded in
6 October of 2020. I am licensed to practice law in the State of Texas.

7 2. The GHIRP is a registered 501(c)(3) organization that ensures
8 immigrants in the Galveston-Houston area community have equal access to due
9 process in the United States immigration system. In furtherance of its mission,
10 GHIRP provides a combination of legal education and representation services to its
11 clients including direct representation, Know Your Rights presentations, and
12 engaging in federal litigation. As a legal representative and advocate on behalf of
13 unaccompanied children, I am familiar with the statutory requirements set forth in
14 the TVPRA.

15 3. As Founder and Executive Director of GHIRP, I manage day-to-day
16 operations, oversee my staff, and manage my own caseload. Prior to my role at
17 GHIRP, I served as Director of Immigration Legal Services at the YMCA in
18 Houston, Texas, from 2017–20. In my position at the YMCA, I managed the
19 Immigration Legal Services Department, which provides a broad range of free and
20 low-cost legal services to immigrants in the community. Throughout my legal
21 career, starting in 2008, I also served as an advocate and representative for
22 unaccompanied children in my roles at ProBAR, Kids in Need of Defense (KIND),
23 Catholic Legal Services of Miami, and Catholic Charities Cabrini Center.

24 4. As a new organization, GHIRP is currently retained by approximately
25 45 unaccompanied child clients. In my role at the YMCA, I represented
26 approximately 15 unaccompanied child clients. I base this declaration on my
27 experience in both my current position and my position at the YMCA. In both roles,

1 I have personally represented three unaccompanied child clients affected by Migrant
2 Protection Protocol (“MPP”) proceedings since the implementation of MPP in 2019.

3 5. Between March and May of 2020, the YMCA began encountering
4 unaccompanied child clients who were previously subject to MPP proceedings
5 (referred to as “MPP-unaccompanied children”). These MPP-unaccompanied
6 children either had cases pending before MPP courts or were ordered removed *in*
7 *absentia* or following a hearing through their MPP proceedings.

8 6. Of these cases, I was personally responsible for the representation of
9 three MPP-unaccompanied children, whose cases I have retained in my transition
10 from the YMCA to GHIRP. Over the past year, these cases have required me and
11 my staff to dedicate extraordinary resources and energy toward ensuring the
12 children were afforded their TVPRA rights as unaccompanied children. While two
13 of my clients (siblings) remain in the United States, one of my clients was unsafely
14 repatriated to Honduras on a removal order issued as part of his MPP proceedings
15 and is currently at risk of imminent harm.

16 **I. Case of Client K.Y.V.C.**

17 7. On April 27, 2020, my client, K.Y.V.C., was unsafely repatriated to
18 Honduras on an MPP removal order issued before he entered the United States and
19 was designated an unaccompanied child. At 17 years old, K.Y.V.C., had entered a
20 shelter in Houston, TX, where he retained the YMCA as counsel in his immigration
21 case. K.Y.V.C. had an MPP Notice to Appear (“NTA”) and had not been issued a
22 new NTA upon his reentry into the United States as an unaccompanied child. Using
23 K.Y.V.C.’s A-number as reflected on the MPP NTA, I discovered that an MPP
24 Immigration Judge had issued a removal order against K.Y.V.C. as a rider to his
25 mother’s asylum application. After meeting with K.Y.V.C., he revealed to me that
26 he identified as gay, and, as a result, was afraid to return to Honduras. On April 24,
27 2020, I filed an I-589 with USCIS, stating that K.Y.V.C. feared persecution on
28 account of his sexuality.

1 8. On Friday, April 24, 2020, at 2 pm, our office was contacted by the
2 Field Office Juvenile Coordinator and notified that ICE intended to remove
3 K.Y.V.C. to Honduras on Monday, April 27, 2020. Our office informed the Agency
4 of K.Y.V.C.'s eligibility for asylum, that we were filing a *timely* Motion to Reopen
5 with the Immigration Court, and explained the nature of the proceedings to the
6 juvenile coordinator, but she responded that ICE would continue with its plans to
7 remove my client. Immediately, we filed the Motion to Reopen and a Motion to Stay
8 with the Immigration Court, citing K.Y.V.C.'s disclosure of his sexuality as a new
9 and changed circumstance.

10 9. Despite these emergency efforts, ICE removed K.Y.V.C. at 4:15 am the
11 following Monday. Based on information and belief, ICE made no substantive
12 efforts to guarantee K.Y.V.C.'s safe repatriation. Unsurprisingly, K.Y.V.C. was not
13 safely repatriated and is struggling to survive in Honduras. He has no parent
14 remaining in Honduras, lives in a rural area that is hours away from a city, and was
15 repatriated without a return plan or support. Living in an extremely rural area, he has
16 been vulnerable to the effects of the recent earthquake on Honduras and continues to
17 hide his sexuality in fear for his life.

18 10. After K.Y.V.C.'s removal, he reported receiving threats, so I filed a
19 supplement to the emergency Motion to Reopen in an attempt to expedite the ruling.
20 The Immigration Judge denied the motion. On October 26, 2020, I filed a brief
21 appealing the Immigration Judge's denial of the Motion to Reopen and seeking
22 K.Y.V.C.'s return to the United States. That appeal is still pending. I am still
23 advocating for his safe return to the United States and the expedient adjudication of
24 his BIA Appeal, including checking the EOIR Case Information System daily for
25 status updates. However, I have still not received a decision.

26 11. K.Y.V.C. was my first MPP-unaccompanied client. His case required
27 an unparalleled amount of time and labor on an unusually expedited timeline. In my
28

1 thirteen years of experience representing unaccompanied children, I had never
2 before encountered a client whose case required similar resources.

3 12. Sadly, since being removed to Honduras, K.Y.V.C. is currently living
4 short term with his sister, with no permanent caretaker to provide for him.
5 Additionally, he is being targeted and threatened because of his sexuality. There is
6 nothing I can do to protect him from harm in Honduras.

7 **II. Case of Clients P.D. and H.D.**

8 13. A week after K.Y.V.C. was removed to Honduras, our office began
9 intensively reviewing each of my unaccompanied child cases to ensure that any
10 outstanding MPP removal orders were accounted for. This took time away from
11 other duties but was necessary to ensure no other clients were subject to immediate
12 removal. Soon after, I came across two sibling clients who had an outstanding MPP
13 removal order as derivatives to their father's application for asylum through MPP
14 proceedings. The siblings had been returned to Mexico and left in an apartment by
15 their father, who disappeared. A neighbor in Mexico then brought them to the
16 Hidalgo, Texas Port of Entry, where they entered the United States and were
17 designated unaccompanied children. They were placed in ORR short-term foster
18 care and began the process of reunification with their mother, who is located in
19 Houston. During this time, they retained me as counsel.

20 14. On May 6, 2020, the siblings' ORR case manager approved their
21 release to their mother, but minutes later emailed our office again saying that ICE
22 would not allow ORR to release the siblings because ICE intended to deport them
23 imminently, despite their having no family in El Salvador, their country of origin.

24 15. Between May 1, 2020 and May 22, 2020, I undertook several urgent
25 actions to prevent the siblings' removal. Due to my prior experience with K.Y.V.C.,
26 I immediately sought a Temporary Restraining Order ("TRO") and filed a Petition
27 for Writ of Habeas Corpus with the Southern District of Texas District Court.
28 Concurrently, our office filed a motion to accept the siblings' appeal by certification

1 with the Board of Immigration Appeals (“BIA”), which was pending at the time of
2 the District Court litigation. The District Court Judge stayed removal pending a
3 hearing on the TRO, and, during that period, I negotiated with ICE officials to stay
4 removal 30 days beyond the adjudication of the BIA appeal. District Court Judge
5 Hanen dismissed the siblings’ TRO.

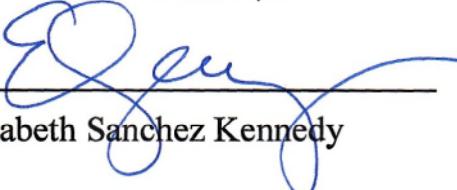
6 16. In February 2021, the BIA remanded the siblings’ case to the
7 Immigration Court, and both children are currently in section 240 proceedings
8 pursuant to the TVPRA. USCIS has not indicated whether it will accept jurisdiction
9 over their cases, despite their clear right to such processing as mandated by the
10 TVPRA. I continue to monitor their case closely.

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

3 Executed this 12 th day of May, 2021 in Houston, Texas.

4 By _____

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Elizabeth Sanchez Kennedy

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