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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

MS. L, et al.,

Case No. 18cv428 DMS MDD

Petitioners-Plaintiffs,

**JOINT STATUS REPORT**

vs.

U.S. IMMIGRATION AND  
CUSTOMS ENFORCEMENT, et  
al.,

Respondents-Defendants.

The Court ordered the parties to file a joint status report on August 16, 2018, in anticipation of the telephonic status conference scheduled for August 17, 2018, at 1:00 p.m. PST. The parties submit this joint status report in accordance with the Court’s instruction.

**I. DEFENDANTS’ POSITIONS**

**A. Update on Reunifications**

Defendants report the current status on reunification of families with children ages 0 through 17 in the table below. The data presented in this section reflects approximate numbers maintained by ORR as of 12:00 p.m. Eastern on August 16, 2018. These numbers are dynamic and continue to change as more reunifications or discharges occur.

<u>Category</u>	<u>Children under age 5</u>	<u>Children age 5 and above</u>	<u>Total children ages 0 - 17</u>
Total number of possible children of potential class members originally identified	103	2,551	2,654
Discharged Children			
Children discharged by being reunified with parents in ICE custody under the government's plan	46	1,570	1,616
Children discharged under other appropriate circumstances (these include discharges to other sponsors [such as situations where the child's parent is not eligible for reunification], reunifications with parents in DHS custody earlier in the process, or children that turned 18)	33	440	473
Total children discharged	79	2,010	2,089
Children Remaining in Care with ORR			
Children remaining in care, where the adult associated with the child is not eligible for reunification <u>or</u> is not available for discharge at this time:	24	541	565
<ul style="list-style-type: none"> <li>• Children still in care where further review shows they were not separated from parents by DHS:</li> </ul>	4	42	46
<ul style="list-style-type: none"> <li>• Parent indicated desire against reunification (includes a significant number of parents outside the U.S.):</li> </ul>	1	153	154
<ul style="list-style-type: none"> <li>• Reunification prevented or potentially affected by separate litigation:</li> </ul>	5	78	83
<ul style="list-style-type: none"> <li>• Adult red flag background check:</li> </ul>	9	27	36
<ul style="list-style-type: none"> <li>• Adult red flag other case review:</li> </ul>	1	36	37
<ul style="list-style-type: none"> <li>• Adult released to interior:</li> </ul>	1	8	9
<ul style="list-style-type: none"> <li>• Adult in other federal, state, or local custody:</li> </ul>	3	16	19
<ul style="list-style-type: none"> <li>• Adult location under case file review</li> </ul>	0	10	10
<ul style="list-style-type: none"> <li>• Adult presently outside the U.S.:</li> </ul>	6	360	366

The total number of children remaining in care (565) is approximate because the data on children in care is still being updated to reflect discharges and information about associated adults. The groups of children in ORR care in the categories listed in the table above—which are tied to the categories of adults

1 associated with those children—add up to more than 565 because some adults fall  
2 into more than one category (for example, a red flag on a background check plus  
3 an indication of a desire against reunification).

4  
5 Also, the parameters for certain categories of groups of children in ORR care  
6 have been refined since the prior Joint Status Report filed on August 9, 2018.  
7 First, the category from the prior Joint Status Report entitled “Adult released to the  
8 interior or other custody, and contact not yet made,” is now subdivided into the  
9 following three categories: “Adult released into the interior”; “Adult in other  
10 federal, state, or local custody”; and “Adult location under case file review”.  
11  
12 Second, the category from the prior Joint Status Report entitled “Adult outside the  
13 U.S.” is renamed “Adult presently outside the U.S.,” and includes only those adults  
14 presently outside the U.S. It previously included additional adults who had been  
15 outside the U.S. in the past.  
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18 **B. Plans for the Reunification of Released and Removed Class Members**

19 Defendants are moving forward with reunifications for released class  
20 members as those class members are located and contacted.  
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22 The parties met and conferred numerous times regarding Defendants’ plan to  
23 reunify removed class members, and have agreed on revisions to the plan that  
24 resolve any concerns raised by Plaintiffs. That revised plan was filed with the  
25 Court earlier today.  
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1       **C. Information Sharing**

2           At the last status conference the Court ordered Defendants to provide certain  
3 information requested by Plaintiffs by August 15, 2018. By agreement of the  
4 parties, that deadline was later extended to August 17, 2018. Defendants have  
5 provided, or expect to provide, the information requested by Plaintiffs on or before  
6 that deadline, with one exception: information regarding a subset of the parents  
7 who declined reunification with their children. Defendants will provide  
8 information regarding parents who have declined reunification with children  
9 presently in ORR custody by the deadline. Defendants, however, require  
10 additional time to provide the same information regarding parents who declined  
11 reunification with children who are no longer in ORR custody.  
12

13           ORR’s data efforts have been focused primarily on children who are still in  
14 ORR care and custody, in order to reunify them with their parents as quickly as  
15 possible. There are a large number of children who have been discharged from  
16 ORR’s care in a variety of ways. For example, some of those children were  
17 reunified with the parent from whom they were originally separated, while others  
18 were discharged to another parent, or discharged to another appropriate sponsor. A  
19 manual review of each discharged child’s file—together with cross-checking  
20 against additional data sources—is required to ascertain whether and how  
21 reunification was declined by a parent. ORR believes that additional time is  
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1 required to conduct such an analysis reliably and without affecting ORR's ongoing  
2 priority of reunifying children within its care as quickly as possible. For that  
3 discrete subset of data, Defendants request that they be permitted to provide the  
4 requested information by Wednesday, August 22, 2018.  
5

6 Since the last status conference, the parties have discussed questions raised  
7 by Plaintiffs as to situations involving specific individuals. However, Plaintiffs  
8 have not made any additional requests for generalized data or information to  
9 Defendants.  
10

11 **II. PLAINTIFFS' POSITION**  
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13 Plaintiffs and the Steering Committee have proceeded to contacting removed  
14 parents. In last week's JSR, Plaintiffs made various requests for data; Plaintiffs  
15 agreed earlier this week to extend the deadline for those data requests to Friday,  
16 August 17.  
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1 DATED: August 16, 2018

Respectfully submitted,

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