

1 MICHAEL N. FEUER, SBN 111529  
*City Attorney*  
2 JAMES P. CLARK, SBN 64780  
LEELA A. KAPUR, SBN 125548  
3 VALERIE L. FLORES, SBN 138572  
MICHAEL DUNDAS, SBN 226930  
4 200 North Main St., City Hall East Suite 800  
Los Angeles, California 90012  
5 mike.dundas@lacity.org  
Telephone: (213) 978-8130  
6 Facsimile: (213) 978-8312

7 *Attorneys for Amicus Curiae City of Los Angeles*

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11 **UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

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13  
14 Case No. 2:85-cv-4544-DMG

15 JENNY LISETTE FLORES, *et*  
16 *al.*,

17 Plaintiffs,

18 v.

19 JEFFERSON B. SESSIONS III,  
20 Attorney General of the  
21 United States, *et al.*,

22 Defendants.

23 **ADMINISTRATIVE MOTION**  
**FOR LEAVE TO FILE BRIEF**  
**OF CITY OF LOS ANGELES,**  
**CITY OF CHICAGO, CITY OF**  
**NEW YORK, CITY AND**  
**COUNTY OF SAN FRANCISCO**  
**AS AMICI CURIAE IN**  
**OPPOSITION TO**  
**DEFENDANTS' *EX PARTE***  
**APPLICATION FOR RELIEF**  
**FROM THE FLORES**  
**SETTLEMENT**

1            *Amici Curiae*, the City of Los Angeles, City of Chicago, City of New  
2            York, and City and County of San Francisco, hereby request leave to file  
3            the attached Proposed Brief of *Amici Curiae* in Opposition of  
4            Defendants’ *Ex Parte* Application for Relief from the Flores Settlement.  
5            A copy of the proposed brief is attached to this motion as Attachment 1.  
6            Plaintiffs and Defendants both consent to *amici’s* filing of this brief.

7            On June 26, 2018, Judge Dana M. Sabraw, in the District Court for  
8            the Southern District of California issued an order requiring the federal  
9            government to reunite many Plaintiffs in this instant case – those who  
10           have been cruelly and unnecessarily separated from their families by  
11           Defendants – with their parents.<sup>1</sup> Because many, if not most, of  
12           Plaintiffs’ parents remain in Defendants’ custody, Defendants are  
13           asking this court for relief from critical child welfare protections set  
14           forth in the longstanding *Flores* Settlement Agreement.

15           The precipitating crisis, i.e. forced family separation, was a  
16           creation of Defendants’ own doing, and *amici* assert that Defendants’ *Ex*  
17           *Parte* Application for Relief from the Flores Settlement threatens the  
18           well-being of not just Plaintiffs and their families, but also *amici’s* police  
19           power interests in seeing the state licensing requirements be properly  
20           applied and enforced within our respective jurisdictions.

21           Specifically, *amici*, by and through either our respective police  
22           departments or our prosecutors, enforce and prosecute violations of  
23           respective state child welfare laws. *Amici* have a strong interest,  
24           therefore, in the continued licensed regulation of Defendants’ child  
25           welfare programs, especially considering that thousands of  
26           unaccompanied minors have been placed with sponsors in our respective

27 \_\_\_\_\_  
28 <sup>1</sup> *Ms. L. v. U.S. Immigration & Customs Enf’t*, No. 18-cv-0428 (DMS)  
(MDD), 2018 U.S. Dist. LEXIS 107365 (S.D. Cal. June 26, 2018).

1 jurisdictions in recent years and, separately, hundreds of children taken  
2 from their families by Defendants in recent weeks are currently being  
3 held in facilities located in our jurisdictions.

4 For the foregoing reasons, *amici* respectfully request the court's  
5 permission to file the attached brief.

6 Dated: June 29, 2018

7 Respectfully submitted,

8 By: /s/ Michael Dundas

9 Michael N. Feuer  
10 *City Attorney*  
11 James P. Clark  
12 Leela Kapur  
13 Valerie Flores  
14 Michael Dundas  
15 200 North Main Street,  
16 Los Angeles, CA 90012

17 *Attorneys for Amicus Curiae*  
18 *City of Los Angeles, California*

19 EDWARD N. SISSEL  
20 *Corporation Counsel*  
21 30 N. LaSalle Street, Suite 800  
22 Chicago, IL 60602

23 *Attorney for Amicus Curiae*  
24 *City of Chicago, Illinois*

25 ZACHARY W. CARTER  
26 *Corporation Counsel*  
27 100 Church Street  
28 New York, NY 10007

*Attorney for Amicus Curiae*  
*City of New York, New York*

DENNIS J. HERRERA  
*City Attorney*  
City Hall Room 234  
One Dr. Carlton B. Goodlett Pl.  
San Francisco, CA 94102

*Attorney for Amicus Curiae*  
*City and County of San Francisco,*  
*California*

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 29, 2018, a copy of the foregoing Administrative Motion for Leave to File Brief of City of Los Angeles, City of Chicago, City of New York and City and County of San Francisco as Amici Curiae in Opposition to Defendants’ *Ex Parte* Application for Relief from the *Flores* Settlement; and attached Proposed Brief were filed and served pursuant to the Court’s electronic filing procedures using CM/ECF.

/s/ Michael Dundas  
Michael Dundas

# ATTACHMENT 1

1 MICHAEL N. FEUER, SBN 111529  
City Attorney  
2 JAMES P. CLARK, SBN 64780  
LEELA A. KAPUR, SBN 125548  
3 VALERIE L. FLORES, SBN 138572  
MICHAEL DUNDAS, SBN 226930  
4 200 North Main St., City Hall East Suite 800  
Los Angeles, California 90012  
5 mike.dundas@lacity.org  
Telephone: (213) 978-8130  
6 Facsimile: (213) 978-8312

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11 **UNITED STATES DISTRICT COURT**  
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14 JENNY LISETTE FLORES,  
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19 JEFFERSON B. SESSIONS III,  
20 Attorney General of the  
21 United States, *et al.*,

22 Defendants.  
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Case No. 2:85-cv-4544-DMG

**[PROPOSED] BRIEF OF CITY  
OF LOS ANGELES, CITY OF  
CHICAGO, CITY OF NEW  
YORK, AND CITY AND  
COUNTY OF SAN FRANCISCO  
AS AMICI CURIAE IN  
OPPOSITION TO  
DEFENDANTS' EX PARTE  
APPLICATION FOR RELIEF  
FROM THE FLORES  
SETTLEMENT**

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1 **STATEMENT OF INTEREST**

2 The City of Los Angeles, City of Chicago, City of New York and  
3 City and County of San Francisco respectfully submit this proposed  
4 brief, as *amici curiae*, in opposition to Defendants’ *ex parte* application  
5 for relief from the *Flores* settlement agreement.

6 This litigation is of utmost importance to *amici*. At least 1.5  
7 million Los Angeles residents are themselves immigrants.<sup>1</sup> Nearly  
8 900,000 of those, 22% of the city’s entire population, were born either in  
9 Mexico or Central America.<sup>2</sup> The City of Los Angeles is home to  
10 residents from more than 135 foreign countries, and 185 languages are  
11 spoken here.<sup>3</sup> Some 40.2% of business owners in Los Angeles are  
12 immigrants.<sup>4</sup> And the City, itself, employs approximately 10,000  
13 foreign-born workers in its various offices and departments.<sup>5</sup>

14 The city’s economic and cultural success derives directly from its  
15 openness to welcoming diversity. In 2016, approximately 2,322 refugees  
16 were resettled in the Los Angeles area,<sup>6</sup> and 3517 unaccompanied  
17 minors being held by the U.S. Department of Health & Human Services  
18 Office of Refugee Resettlement (ORR) were released to sponsors in and  
19

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20 <sup>1</sup> U.S. Census Bureau, 2012-2016 American Community Survey 5-Year  
21 Estimates (2012-2016 ACS Data).

22 <sup>2</sup> *Id.*

23 <sup>3</sup> *Id.*; U.S. Census Bureau, Detailed Languages Spoken at Home and  
24 Ability to Speak English for the Population 5 Years and Older: 2009-  
25 2013.

26 <sup>4</sup> Analysis of data from the 2016 Current Population Survey by the  
27 American Immigration Council, using IPUMS-CPS. Sarah Flood, King,  
28 Miriam, Ruggles, Steven, and Warren, J. Robert, *Integrated Public Use  
Microdata Series, Current Population Survey: Version 5.0* [dataset]  
(Minneapolis, MN: University of Minnesota, 2017).

<sup>5</sup> City of Los Angeles analysis of personnel data.

<sup>6</sup> U.S. Department of State, Bureau of Population, Refugees and  
Migration, Office of Admissions – Refugee Processing Center (State  
Department Refugee Data), *available at* [ireports.wrapsnet.org](http://ireports.wrapsnet.org).

1 around Los Angeles.<sup>7</sup>

2 Chicago is likewise heavily dependent on the contributions of  
3 individuals from countries most affected by the *Flores* settlement  
4 agreement. Some 560,000 of Chicago's approximately 2.7 million  
5 residents are immigrants. More than one half of those immigrants  
6 (291,487, or approximately 11% of Chicago's population) were born in  
7 Central America, Mexico, or South America.<sup>8</sup> Approximately 1.32  
8 million people are employed in Chicago. Of those, 185,836, or  
9 approximately 14% of Chicago's workforce, were born in Central  
10 America, Mexico, or South America.<sup>9</sup>

11 In addition, like Los Angeles, Chicago welcomes and resettles a  
12 large number of refugees: in 2016, approximately 2,091 refugees  
13 resettled in the Chicago area,<sup>10</sup> and in 2016, 256 unaccompanied minors  
14 were placed by ORR in and around Chicago.<sup>11</sup> This includes refugees  
15 directly impacted by the federal government's policy of separating  
16 immigrant parents and children at the southwest border. Just  
17 yesterday, a federal district court judge in Chicago entered a  
18 preliminary injunction directing government officials to immediately  
19 release a nine-year-old boy who had been placed with a social services  
20 agency in Chicago to his mother, who had not seen him since they were  
21 separated at the border in late May. The court held that their continued  
22 separation likely violated their due process rights and subjected them to

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23 <sup>7</sup> U.S Department of Health and Human Services, Office of Refugee  
24 Resettlement - Unaccompanied Children Released to Sponsors by  
25 County FY16, Updated: January 26, 2017. (FY16 ORR Report).  
26 Retrieved from: <https://www.acf.hhs.gov/orr/resource/unaccompanied-children-released-to-sponsors-by-county-fy16>

26 <sup>8</sup> 2012-2016 ACS Data, *supra*, fn. 1.

27 <sup>9</sup> *Id.*

27 <sup>10</sup> State Department Refugee Data, *supra*, fn. 6.

28 <sup>11</sup> FY16 ORR Report, *supra*, fn. 7.

1 irreparable harm.<sup>12</sup>

2 The population of New York City is 8.4 million people as of 2016.<sup>13</sup>  
3 New York City is home to over 3.1 million foreign-born New Yorkers,  
4 about 37% of the City's population.<sup>14</sup> Of those immigrants, over 300,000  
5 people, or about 4% of the city's total population, were born either in  
6 Mexico or Central America.<sup>15</sup> New York City has residents from more  
7 than 150 foreign countries.<sup>16</sup> Over 150 languages are spoken in New  
8 York City<sup>17</sup> and approximately 49% of New Yorkers speak a language  
9 other than English at home.<sup>18</sup>

10 Approximately 4.3 million people are in the labor force in New  
11 York City; of those, 46% are foreign-born immigrants.<sup>19</sup> New York City  
12 itself employs 287,000 people,<sup>20</sup> 33% of them foreign-born.<sup>21</sup> And 52% of  
13 New York City's business owners are immigrants.<sup>22</sup>

14 More than 2,000 refugees have been resettled in New York City  
15 since 2010.<sup>23</sup> However, since President Trump entered office, on  
16 average, New York City has received about half the number of refugees

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17 <sup>12</sup> Souza v. Sessions, No. 1:18-cv-04412 (MSS) ECF Dkt. # 23 (N.D. Ill.  
18 June 28, 2018).

19 <sup>13</sup> 2012-2016 ACS Data, *supra*, fn. 1.

20 <sup>14</sup> *Id.*

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

22 <sup>16</sup> *Id.*

23 <sup>17</sup> NEW YORK CITY MAYOR'S OFFICE OF IMMIGRANT AFFAIRS, STATE OF OUR  
24 IMMIGRANT CITY: ANNUAL REPORT MARCH 2018, at \*13. Retrieved from:  
25 [https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia\\_annual\\_re](https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia_annual_report_2018_final.pdf)  
26 [port\\_2018\\_final.pdf](https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia_annual_report_2018_final.pdf)

27 <sup>18</sup> 2012-2016 ACS Data, *supra*, fn. 1.

28 <sup>19</sup> *Id.*

<sup>20</sup> Goodman, David J., *Now Hiring: Under De Blasio, New York's*  
*Government Grows to Record Level*, N.Y. Times (Oct. 11, 2016),  
Retrieved from: [https://www.nytimes.com/2016/10/12/nyregion/bill-de-](https://www.nytimes.com/2016/10/12/nyregion/bill-de-blasio-government-jobs.html)  
[blasio-government-jobs.html](https://www.nytimes.com/2016/10/12/nyregion/bill-de-blasio-government-jobs.html)

<sup>21</sup> 2012-2016 ACS Data, *supra*, fn. 1.

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

<sup>23</sup> State Department Refugee Data, *supra*, fn. 6.

1 per month compared to the last year of the Obama administration, from  
2 about 29 refugees placed in New York City per month in 2016 to about  
3 15 per month during Trump's administration, for a total of 241 refugees  
4 placed in New York City from January 2017 to June 26, 2018.<sup>24</sup> In  
5 federal fiscal year 2017, 1,400 unaccompanied minors being held by  
6 ORR were released to sponsors in New York City.<sup>25</sup>

7 The City and County of San Francisco, with a total population of  
8 850,282, has some 296,849 immigrant residents. Of those, 46,220 (more  
9 than 5% of the entire population) were born in either Mexico or Central  
10 America. In addition, San Francisco has 10,600 Hispanic/Latino owned  
11 business. Those businesses generated \$1,583,562,000 in sales, receipts,  
12 or value of shipments and they employed 8,748 people. Specifically  
13 addressing the need for ongoing support of Plaintiffs, San Francisco  
14 welcomed 253 unaccompanied minors placed with sponsors by ORR in  
15 2016 and another 230 unaccompanied minors in 2017.<sup>26</sup>

16 Of course, *amici* simply echo our nation's centuries-old practice of  
17 welcoming migrant children. Since its inception, the United States has  
18 served as an adopted home for generations of migrant children.  
19 Welcoming and protecting young immigrants is part and parcel of our  
20 DNA. For example, more than one million children passed through Ellis  
21 Island in its 62 years as an immigration station.<sup>27</sup> However immigrants  
22 came to our country, those who arrived here as children have certainly  
23 helped to build the foundation of our economic prosperity, military

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24 <sup>24</sup> *Id.*

25 <sup>25</sup> U.S Department of Health and Human Services, Office of Refugee  
26 Resettlement - Unaccompanied Children Released to Sponsors by  
27 County FY17, Updated: May 25, 2018 (FY17 ORR Report). Retrieved  
28 from: <https://www.acf.hhs.gov/orr/resource/unaccompanied-children-released-to-sponsors-by-county-fy17>

<sup>26</sup> FY16 ORR Report, *supra*, fn. 7; FY17 ORR Report, *supra*, fn. 25.

<sup>27</sup> Moreno, Barry, *Children of Ellis Island*, Arcadia Publishing (2005).

1 security, cultural artistry, and civic society. *Amici* therefore look to a  
2 new generation of child migrants, especially those traveling here to  
3 escape harm and persecution, to help lead our financial and cultural  
4 success into the future. For the following reasons, *amici* assert that  
5 Defendants’ *ex parte* application should be denied.

## 6 ARGUMENT

### 7 I. DEFENDANTS ARE UNABLE TO MEET THE BURDEN OF 8 SHOWING THERE HAS BEEN A SIGNIFICANT CHANGE IN 9 CIRCUMSTANCES AT THE SOUTHWEST BORDER TO 10 WARRANT REVISION OF THE SETTLEMENT.

11 As Defendants note in their application, a court may only relieve a  
12 party from “a final judgment, order, or proceeding” if that party  
13 established that “a significant change in circumstances warrants  
14 revision of the decree.” Fed. R. Civ. Proc. 60(b)(5); *Rufo v. Inmates of the*  
15 *Suffolk County Jail*, 502 U.S. 367, 383 (1992); see also *Horne v. Flores*,  
16 557 U.S. 433, 447 (2009). As set forth by the United States Supreme  
17 Court, this test is met where there are “changes in circumstances that  
18 were beyond the defendants’ control and were not contemplated by the  
19 court or the parties when the decree was entered.” *Rufo*, at 380-81.

20 Defendants have not met that burden. This Court’s action in  
21 response to Defendants’ 2015 motion to modify the *Flores* agreement  
22 provides guidance here. At that time, Defendants argued that a  
23 modification to the agreement was required since the United States was  
24 experiencing a “surge” in unauthorized family units entering the United  
25 States in 2014. Defendants argued that this increase in the  
26 apprehension of family units, as distinguished from apprehensions of  
27 unaccompanied minors, was not anticipated when the parties entered  
28



1 into the *Flores* agreement.<sup>28</sup>

2 Statistics show that in 2012 and 2013, the two years prior to the  
3 “surge” that was the impetus for Defendants’ 2015 motion, United  
4 States Border Patrol apprehended a yearly average of 12,986 people  
5 arriving in family units.<sup>29</sup> In 2014, however, Border Patrol apprehended  
6 68,445 family unit members, a 427% increase in family unit  
7 apprehensions over the preceding year-over-year average. *Id.* After  
8 considering the impact of the “surge,” this Court denied Defendants’  
9 motion, and the Ninth Circuit affirmed, holding that the *Flores*  
10 agreement “expressly anticipated an influx” could occur. *Flores v.*  
11 *Lynch*, 828 F.3d 898, 910 (9th Cir. 2016).

12 With the present *ex parte* application, Defendants are once again  
13 trying to claim that a “surge” in family units crossing the southwest  
14 border has created a change sufficient to meet the standard set forth in  
15 *Rufo*. But, even taking Defendants’ own qualified interpretation<sup>30</sup> of  
16 recent family unit apprehension statistics, one can see that there has  
17 been no “significant change in circumstances.” Defendants are

18  
19 <sup>28</sup> See Defendants’ Motion to Modify Settlement Agreement, ECF Dkt. #  
120 (Feb. 27, 2015).

20 <sup>29</sup> U.S. Customs and Border Protection (CBP) statistical report titled:  
21 *United States Border Patrol Southwest Family Unit Subject and*  
22 *Unaccompanied Alien Children Apprehensions Fiscal Year 2016*.  
Retrieved from: [https://www.cbp.gov/newsroom/stats/southwest-border-](https://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016)  
[unaccompanied-children/fy-2016](https://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016)

23 <sup>30</sup> *Amici* use the word “qualified” because Defendants’ motion states they  
24 are estimating 88,670 apprehensions of family unit members in 2018, a  
25 number “projected” off the monthly average of family unit apprehensions  
26 to date in 2018 and “based on the assumption that illegal crossers for  
27 the remaining four months will arrive at the same rate as in the prior  
28 eight months, a projection that does not account for seasonal variations.”  
Defendants’ *Ex Parte* Application to Modify Settlement Agreement  
(Application), ECF Dkt. # 435-1 at \*8 (June 21, 2018). The “projected”  
number should not be considered reliable because it fails to reflect the  
seasonal fluctuations in migration patterns (*i.e.* the 2018 CBP statistical  
year ends on September 30, 2018 and crossings historically drop in the  
coming summer months when temperatures spike at the southwest  
border.).



1 estimating there will be 88,670 apprehensions of family unit members in  
2 2018. Taking this one year of data alone, Defendants’ assert “a 30%  
3 increase” in family entries over the 2014 apprehensions. But this  
4 increase is significantly smaller than the 427% “surge” relied upon in  
5 Defendants’ 2015 motion, which this Court found unconvincing. And, if  
6 one averages out the four years of reported family apprehensions since  
7 that prior ruling – including Defendants’ qualified 2018 count – one  
8 would find a yearly average of 70,451 apprehensions from 2015 through  
9 and including 2018, which is a de minimis increase over the 68,445  
10 apprehensions in 2014 that this Court found to be insufficient under the  
11 *Rufo* test.

12 II. THE STATE LICENSING REQUIREMENT IN THE EXISTING  
13 SETTLEMENT IS CRITICAL TO ENSURING THE HEALTH  
14 AND SAFETY OF THE PLAINTIFF CHILDREN.

15 *Amici* are acutely focused on Defendants’ attempt to modify the  
16 settlement to eliminate the state licensing requirement. Notably,  
17 paragraph 6 of the *Flores* settlement defines “licensed program” as “any  
18 program, agency or organization that is licensed by an appropriate state  
19 agency,” and Exhibit 1 of the settlement requires that licensed programs  
20 “comply with all applicable state child welfare laws and regulations and  
21 all state and local building, fire, health and safety codes.”

22 The City of Los Angeles, through the Los Angeles City Attorney’s  
23 Office, prosecutes violations of child welfare laws and health and safety  
24 codes in the State of California. So does the City and County of San  
25 Francisco and the City of New York. Cases are referred to these offices  
26 for prosecution by the State of California’s and New York’s licensing  
27 agencies. *Amici* have a strong interest, therefore, in the continued  
28 licensed regulation of Defendants’ child welfare programs, especially

1 considering that media reports estimate that hundreds of children  
2 recently separated from their families by Defendants' are being held in  
3 and around *amici's* jurisdictions.<sup>31</sup>

4 Defendants assert in their application to the Court that they will  
5 continue to comply with the requirements set forth in Exhibit 1 of the  
6 settlement. *See* Application at \*18 (stating "the Government does not  
7 now object to the requirement that [Immigration and Customs  
8 Enforcement (ICE)] family residential facilities would continue to meet  
9 the standards laid out in Exhibit 1 to the Agreement"). Defendants are,  
10 therefore, conceding they will continue to comply with state law, as  
11 Exhibit 1 requires, but they want to be relieved of any oversight  
12 provided by the state licensure.

13 Licensing is a critical check on the adequacy and competence of the  
14 organizations running the facilities holding these migrant children. The  
15 very purpose of state licensing is to ensure a minimum standard of  
16 quality in a service field that is incredibly complex with the potential to  
17 inflict extreme harm upon an already vulnerable youth population. The  
18 only discernible purpose of the government's requested change is to  
19 evade the crucial layer of oversight and accountability provided by the  
20 settlement agreement's state licensure requirement.

21 But Defendants present no evidence that state licensing is  
22 unavailable or even impracticable, nor do they propose any alternative  
23 to state licensure that would help ensure accountability of the agencies  
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25 <sup>31</sup> *See* Robbins, Liz, *Hundreds of separated children have quietly been*  
26 *sent to New York*, N.Y. Times (June 20, 2018). Retrieved from:  
27 [https://www.nytimes.com/2018/06/20/nyregion/children-separated-](https://www.nytimes.com/2018/06/20/nyregion/children-separated-border-new-york.html)  
28 [border-new-york.html](https://www.nytimes.com/2018/06/20/nyregion/children-separated-border-new-york.html); Bermudez, Esmeralda, *Children separated from*  
*parents arrive in L.A., but frustrated community gets few answers*, L.A.  
Times (June 21, 2018). Retrieved from:  
[http://www.latimes.com/local/california/la-me-ln-separated-kids-la-](http://www.latimes.com/local/california/la-me-ln-separated-kids-la-20180620-story.html)  
[20180620-story.html](http://www.latimes.com/local/california/la-me-ln-separated-kids-la-20180620-story.html)

1 running the facilities. To the contrary, a report released just this week  
2 by the Office of the Inspector General (OIG) at the Department of  
3 Homeland Security shows that ICE, for example, should not be self-  
4 monitoring. Specifically, the OIG determined that ICE's privately-  
5 contracted inspection firms and its own self-monitoring via ICE's Office  
6 of Detention Oversight do not result in sustained compliance with  
7 detention standards and practices, nor do they promote systemic  
8 improvements or comprehensive corrections of deficiencies.<sup>32</sup>

9 The state licensing requirement is all the more critical now that  
10 Judge Dana M. Sabraw has issued an order requiring the federal  
11 government to reunite the separated children with their parents, many  
12 of whom are in Defendants' custody.<sup>33</sup> Removing the licensing  
13 requirement at this critical moment of reunification could create serious  
14 consequences for the health and wellbeing of the children. In his ruling,  
15 Judge Sabraw recognized the "constitutional liberty interest 'of parents  
16 in the care, custody, and control of their children[,]'" which 'is perhaps  
17 the oldest of the fundamental liberty interests recognized by' the  
18 Supreme Court." *Id.* at \*35 (quoting *Troxel v. Granville*, 530 U.S. 57, 65  
19 (2000)).

20 *Amici's* interest in seeing the state licensing requirements be  
21 properly applied and enforced within our respective jurisdictions has its  
22 foundation in that same fundamental liberty interest in protecting the  
23 care and custody of all children.

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24  
25 <sup>32</sup> U.S. Department of Homeland Security OIG Report (OIG-18-67),  
26 *ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to*  
27 *Sustained Compliance or Systemic Improvements* (June 26, 2018).  
Retrieved from: <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>

28 <sup>33</sup>*Ms. L. v. U.S. Immigration & Customs Enft.*, No. 18-cv-0428 (DMS) (MDD), 2018 U.S. Dist. LEXIS 107365 (S.D. Cal. June 26, 2018).

## CONCLUSION

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2 For these reasons, *amici* respectfully request this Court to deny  
3 Defendants' *ex parte* application for relief from the *Flores* settlement  
4 agreement.

5 As Physicians for Human Rights stated last week, "without state  
6 licensure, there would be no guarantee of adherence to existing  
7 minimum standards, which are designed to protect children and  
8 families. In practice, such a modification would legalize ad hoc detention  
9 sites, including tent cities on military bases. Families should be placed  
10 in community-based settings while their proceedings are pending, and  
11 no detention facility should ever be exempt from state licensing  
12 requirements."<sup>34</sup>

13 Ironically, just yesterday, the United States Department of State  
14 echoed the statement by Physicians for Human Rights in the  
15 department's 2018 Trafficking in Persons Report.<sup>35</sup> The report, which  
16 was officially released on June 28, 2018, states in the context of  
17 criticizing foreign government practices of child institutionalization  
18 that, "[r]emoval of a child from the family should only be considered as a  
19 temporary, last resort. Studies have found that both private and  
20 government-run residential institutions for children, or places such as  
21 orphanages and psychiatric wards that do not offer a family-based  
22 setting, cannot replicate the emotional companionship and attention  
23 found in family environments that are prerequisites to healthy cognitive

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24  
25 <sup>34</sup> Statement by Homer Venters, MD, Physicians for Human Rights  
26 Director of Programs, on June 21, 2018. Retrieved from:  
[http://physiciansforhumanrights.org/press/press-releases/legal-  
protections-for-immigrant-children.html](http://physiciansforhumanrights.org/press/press-releases/legal-protections-for-immigrant-children.html)

27 <sup>35</sup> U.S. Department of State, *2018 Trafficking in Persons Report* (June  
28 28, 2018). Retrieved from:  
<https://www.state.gov/documents/organization/282798.pdf>

1 development.”<sup>36</sup>

2 Dated: June 29, 2018

Respectfully submitted,

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By: /s/ Michael Dundas

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MICHAEL N. FEUER

5

*City Attorney*

6

James P. Clark

7

Leela Kapur

8

Valerie Flores

9

Michael Dundas

10

200 North Main Street,

11

City Hall East Suite 800

12

Los Angeles, CA 90012

13

*Attorneys for Amicus Curiae*

14

*City of Los Angeles, California*

15

EDWARD N. SISKEL

16

*Corporation Counsel*

17

30 N. LaSalle Street, Suite 800

18

Chicago, IL 60602

19

*Attorney for Amicus Curiae*

20

*City of Chicago, Illinois*

21

ZACHARY W. CARTER

22

*Corporation Counsel*

23

100 Church Street

24

New York, NY 10007

25

*Attorney for Amicus Curiae*

26

*City of New York, New York*

27

DENNIS J. HERRERA

28

*City Attorney*

City Hall Room 234

One Dr. Carlton B. Goodlett Pl.

San Francisco, CA 94102

*Attorney for Amicus Curiae*

*City and County of San Francisco,  
California*

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<sup>36</sup> *Id.*