UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

BEFORE HONORABLE DANA M. SABRAW, JUDGE PRESIDING

MS. L. AND MS. C., PETITIONERS-PLAINTIFFS, VS. U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT ("ICE"); U.S. DEPARTMENT OF HOMELAND SECURITY ("DHS"); U.S. CUSTOMS AND BORDER PROTECTION ("CBP"); U.S. CITIZENSHIP AND IMMIGRATION SERVICES ("USCIS"); U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ("HHS"); OFFICE OF REFUGEE RESETTLEMENT ("ORR"); THOMAS HOMAN, ACTING DIRECTOR OF ICE; GREG ARCHAMBEAULT, SAN DIEGO FIELD OFFICE DIRECTOR, ICE; ADRIAN P. MACIAS, EL PASO FIELD DIRECTOR, ICE; FRANCES M. JACKSON, EL PASO ASSISTANT FIELD OFFICE DIRECTOR, ICE; KIRSTJEN NIELSEN, SECRETARY OF DHS; JEFFERSON BEAUREGARD SESSIONS III, ATTORNEY GENERAL OF THE UNITED STATES; L. FRANCIS CISSNA, DIRECTOR OF USCIS; KEVIN K. MCALEENAN, ACTING COMMISSIONER OF CBP; PETE FLORES, SAN DIEGO FIELD DIRECTOR, CBP; HECTOR A. MANCHA JR., EL PASO FIELD DIRECTOR, CBP; ALEX AZAR, SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES; SCOTT LLOYD, DIRECTOR OF THE OFFICE OF REFUGEE RESETTLEMENT, RESPONDENTS-DEFENDANTS.	CASE NO. 18CV0428-DMS SAN DIEGO, CALIFORNIA FRIDAY JULY 13, 2018 1:00 P.M. CALENDAR

REPORTER'S TRANSCRIPT OF PROCEEDINGS
STATUS CONFERENCE

COUNSEL APPEARING:

FOR PLAINTIFF:

LEE GELERNT, ESQ.
ACLU IMMIGRANT RIGHTS PROJECT
125 BROAD STREET 18TH FLOOR
NEW YORK, NEW YORK 10004

BADIS VAKILI, ESQ.
ACLU FOUNDATION OF SAN DIEGO
AND IMPERIAL COUNTIES
P.O. BOX 87131
SAN DIEGO, CALIFORNIA 92138

SPENCER AMDUR, ESQ.
ACLU OF NORTHERN CALIFORNIA
39 DRUMM STREET
SAN FRANCISCO, CALIFORNIA 94111

FOR DEFENDANT:

SARAH B. FABIAN, ESQ.
U.S. DEPARTMENT OF JUSTICE
OFFICE OF IMMIGRATION LITIGATION
P.O. BOX 868
BEN FRANKLIN STATION
WASHINGTON, DC 20044

REPORTED BY:

LEE ANN PENCE,
OFFICIAL COURT REPORTER
UNITED STATES COURTHOUSE
333 WEST BROADWAY, ROOM 1393
SAN DIEGO, CALIFORNIA 92101

SAN DIEGO, CALIFORNIA - FRIDAY, JULY 13, 2018 - 1:07 P.M.

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THE CLERK: NO. 23 ON CALENDAR, CASE NO. 18CV0428, MS. L. VERSUS U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; ON FOR A STATUS CONFERENCE.

THE COURT: GOOD AFTERNOON.

MAY I HAVE APPEARANCES, PLEASE?

MR. GELERNT: GOOD AFTERNOON, YOUR HONOR. LEE GELERNT, FOR PLAINTIFFS, FROM THE ACLU.

MR. AMDUR: GOOD AFTERNOON. SPENCER AMDUR FROM ACLU.

MR. VAKILI: GOOD AFTERNOON, YOUR HONOR. BARDIS VAKILI FOR PLAINTIFFS.

THE COURT: THANK YOU.

MS. FABIAN: GOOD AFTERNOON, YOUR HONOR. SARAH FABIAN FROM THE DEPARTMENT OF JUSTICE FOR THE DEFENDANTS.

THE COURT: GOOD AFTERNOON.

I HAVE READ THE JOINT STATUS REPORT, AND I HAVE A COUPLE COMMENTS TO MAKE BASED ON THE JOINT STATUS REPORT, AND THEN WE WILL GET INTO THE DETAILS.

FIRST, THE GOVERNMENT ISSUED A PRESS RELEASE YESTERDAY, WHICH I SAW, INDICATING THAT THE ADMINISTRATION HAD COMPLETE REUNIFICATION FOR ELIGIBLE CHILDREN UNDER AGE FIVE. THERE WAS CAREFUL VETTING, THE GOAL IS THE WELL-BEING OF THE CHILD. AND THAT THEY WILL CONTINUE TO WORK IN A GOOD FAITH

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EFFORT TO REUNIFY FAMILIES.

AND I THINK THAT THAT, BY AND LARGE, IS TRUE. THERE IS SUBSTANTIAL COMPLIANCE. THERE IS GOOD FAITH BEING DEMONSTRATED, IN NO UNCERTAIN TERMS AND MEASURES, BY THE GOVERNMENT. THERE IS A COLLABORATIVE PROCESS THAT IS WELL UNDERWAY. THERE ARE SOME BUMPS TO BE EXPECTED AND THERE WILL CONTINUE TO BE, BUT THE PARTIES ARE REALLY WORKING THROUGH THE ISSUES IN A VERY MEASURED AND SUCCESSFUL WAY, GIVEN THE ENORMITY OF THE UNDERTAKING.

THE MEET-AND-CONFER PROCESS IS IMPORTANT, AND OF COURSE THE PARTIES WILL CONTINUE TO DO THAT. AS DISPUTES ARISE, AS THEY MAY, THOSE CAN BE ADDRESSED BY THE COURT THROUGH THE PROCESS WE HAVE IDENTIFIED. OPEN COMMUNICATION, ADVANCED PLANNING BY ALL GOVERNMENT AGENCIES SO THAT THERE IS COMMUNICATION WITH PLAINTIFFS' COUNSEL IS CRITICAL, AND TO BE EXPECTED THROUGHOUT THE PROCESS.

AND IT IS ALSO IMPORTANT TO NOTE THAT THE GOVERNMENT, IN ITS ATTEMPTS TO REUNIFY FAMILIES AND TO MEET THE DEADLINES, HAS BEEN OVER-INCLUSIVE, AND THAT SPIRIT IS REUNIFYING FAMILIES THAT ARE NOT TECHNICALLY WITHIN THE CLASS. AND THAT IS COMMENDABLE BECAUSE ALL OF THE FAMILIES THAT HAVE BEEN SEPARATED, EVEN THOSE THAT ARE NOT TECHNICALLY WITHIN THE CLASS, OUGHT TO BENEFIT BY THE PROCESS THAT'S IN PLACE. AND I THINK THAT'S WHAT THE GOVERNMENT IS ENDEAVORING TO DO.

BEING MORE SPECIFIC NOW, IN THE BRIEFING THERE IS --

THE NUMBERS, THEY CAN VARY JUST SLIGHTLY, SO THESE NUMBERS ARE NOT CONCRETE BUT THEY ARE CERTAINLY CLOSE.

THE GOVERNMENT HAS IDENTIFIED 103 CHILDREN IN THE UNDER-FIVE GROUP. 57 HAVE BEEN REUNITED. 22 THE GOVERNMENT HAS DETERMINED ARE NOT ELIGIBLE. APPROXIMATELY 11 HAVE SERIOUS CRIMINAL HISTORY, AND SEVEN ARE NOT PARENTS.

A QUICK QUESTION HERE. OF THE 11 WITH SERIOUS CRIMINAL HISTORY, ARE THOSE INDIVIDUALS, DO YOU KNOW, ARE THEY IN ICE DETENTION? HAVE ANY BEEN PAROLED?

IF YOU DON'T KNOW THAT IS FINE. I WAS JUST CURIOUS.

MS. FABIAN: I DON'T BELIEVE SO BUT I CAN'T DEFINITIVELY SAY TODAY, YOUR HONOR.

THE COURT: MEANING THEY ARE IN ICE DETENTION MOST LIKELY.

MS. FABIAN: I BELIEVE THEY WOULD ALL BE IN ICE DETENTION.

THE COURT: WHICH MAKES SENSE IF THEY HAVE SERIOUS CRIMINAL HISTORY.

MS. FABIAN: EXACTLY, YOUR HONOR.

THE COURT: THERE ARE A NUMBER OF PARENTS THAT FALL INTO THIS GROUP OF 22 NOT ELIGIBLE THAT I AM ASSUMING THE PARTIES WILL KEEP TRACK OF AND REUNIFY AT THE APPROPRIATE TIME.

SO THERE IS ONE INDIVIDUAL WHO HAS A COMMUNICABLE DISEASE. WHEN THAT DISEASE, HOPEFULLY, IS TREATED

SUCCESSFULLY HE OR SHE WILL BE REUNITED.

THERE IS ONE ADULT THAT HAD A PLACEMENT SITUATION INVOLVING ANOTHER ADULT WHO HAD CRIMINAL HISTORY. I AM ASSUMING THAT OTHER ARRANGEMENTS HAVE BEEN MADE FOR THAT PARENT AND A HOME TO GO TO, AND AT AN APPROPRIATE TIME THERE WOULD BE REUNIFICATION.

THERE WAS ANOTHER PARENT IDENTIFIED WITH A FALSE BIRTH CERTIFICATE.

AND WAS THE GOVERNMENT PLANNING TO DO DNA TESTING ON THAT INDIVIDUAL?

MS. FABIAN: THAT WOULD HAVE BEEN THE NORMAL COURSE, SO I WILL CONFIRM THAT. BUT THAT WOULD BE THE FOLLOWUP.

THE COURT: ALL RIGHT.

THEN THERE ARE TWO INDIVIDUALS APPARENTLY WHO ARE GRANDPARENTS. AND THERE WAS SOME DISCUSSION LAST TIME WHETHER OR NOT THEY WOULD BE INCLUDED. SO IT MAY BE THROUGH A MEET-AND-CONFER PROCESS THAT THEY WILL BE DEEMED TO BE SUITABLE CUSTODIANS. WE DON'T HAVE TO ADDRESS THAT NOW, BUT IT SEEMS LIKE SOME OF THESE INDIVIDUALS THAT I AM TALKING ABOUT MAY BE REUNIFIED AT A LATER TIME.

MS. FABIAN: YOUR HONOR, I WOULD SAY THAT A GRANDMOTHER WOULD BE A PERMISSIBLE SPONSOR UNDER THE ORDINARY PROCESSES THAT WOULD JUST GO THROUGH THE TVPRA SUITABILITY ANALYSIS. BUT THAT IS AN OPTION FOR A GRANDMOTHER TO APPLY AS A SPONSOR.

THE COURT: OKAY. LET'S DEFER ON THAT. IT MAY BE THAT THE MORE STREAMLINED PROCESS CAN BE USED. BUT A GRANDMOTHER DOESN'T FALL DIRECTLY WITHIN THE CLASS DEFINITION, SO THAT'S A GRAY AREA THAT HOPEFULLY CAN BE WORKED OUT, ABSENT SOME MODIFICATION OF THE CLASS DEFINITION OR COURT INTERVENTION.

THERE ARE 24 PARENTS NOT CURRENTLY ELIGIBLE. 12 HAVE BEEN REMOVED WITHOUT THEIR CHILD. THAT IS ONE OF THE DISTURBING REALITIES OF THIS SITUATION. AND SO THE PARTIES ARE LOOKING CAREFULLY TO FIND THOSE PARENTS AND THEN TO SET UP A PROCESS BY WHICH THE PARENT GETS TRAVEL DOCUMENTS FOR THE CHILD, AND THEN THE COURT CAN ORDER A TIME FRAME FOR REUNIFICATION.

MR. GELERNT: YES, YOUR HONOR.

THE COURT: HERE, LET ME RUN THROUGH SOME OF THESE THOUGHTS, THEN WE CAN HAVE MORE DISCUSSION.

IT SEEMS TO ME ON THE PARENTS WHO HAVE BEEN DEPORTED WITHOUT THEIR CHILDREN, ONCE THEY ARE RELOCATED, AND ASSUMING THEY WANT THE CHILD RETURNED, AND ASSUMING THEN THAT THE CHILD'S DOCUMENTATIONS FOR TRAVEL ARE OBTAINED, THAT ONCE THE GOVERNMENT IS IN RECEIPT OF THOSE TRAVEL DOCUMENTS THAT REUNIFICATION COULD OCCUR WITHIN SEVEN DAYS.

11 ARE IN CRIMINAL PROCEEDINGS. THIS SPEAKS TO THE ISSUE FOR THE NEED OF THE VARIOUS AGENCIES, INCLUDING DOJ, DHS, AND HHS, AND MORE SPECIFICALLY B.O.P., ICE, CBP, AND

OR.R., HHS, TO BE COMMUNICATING SO THAT WHEN PARENTS COME OUT OF CRIMINAL PROCEEDINGS THERE IS A PROCESS IN PLACE BY WHICH THERE IS NOTIFICATION TO THE RESPECTIVE AGENCIES AND THE GOVERNMENT BEGINS TO AFFIRMATIVELY TAKE STEPS TO REUNIFY THOSE PARENTS.

I AM ASSUMING OF THE 11 MANY OF THOSE PARENTS WILL BE OUT OF CRIMINAL PROCEEDINGS SOONER RATHER THAN LATER. AND THEN ASSUMING THEY ARE CLASS MEMBERS, FALL WITHIN THE DEFINITION, WOULD BE ELIGIBLE FOR REUNIFICATION AT AN APPROPRIATE TIME.

MOVING MORE SPECIFICALLY TO -- THERE IS ONE OTHER ISSUE. THE GOVERNMENT'S BRIEFING IN THE JOINT MOTION INDICATES THAT THERE WERE 16 PARENTS IN ICE CUSTODY THAT THE GOVERNMENT WAS RUNNING UP AGAINST THE DEADLINE, SO 13 OF THE 16 THE GOVERNMENT DID NOT CONFIRM PARENTAGE. AND, SIMILARLY, THERE WERE EIGHT PAROLED OR RELEASED PARENTS, AND THE GOVERNMENT DID NOT CONFIRM PARENTAGE AS TO SEVEN OF THE EIGHT.

AND THE GOVERNMENT'S EXPLANATION IS THAT IT CONSTRUED THE COURT'S DIRECTION TO PROVIDE FOR REUNIFICATION EVEN IF PARENTAGE WAS NOT CONFIRMED; AND THAT IS NOT ACCURATE.

THE CLEAR DIRECTIVE I MADE, AND I THOUGHT THE GOVERNMENT UNDERSTOOD, WAS THAT CONSISTENT WITH THE GOVERNMENT'S PRESS RELEASE ABOUT THE WELL-BEING OF THE CHILD AND CAREFUL VETTING, THAT THAT OCCURS. THAT PARENTAGE BE CONFIRMED, EITHER THROUGH DOCUMENTATION, AND THEN IF NECESSARY

THROUGH DNA TESTING. AND THAT CAN BE DONE PRIOR TO THE REUNIFICATION DEADLINE.

SO WHAT I WAS HOPING IS THAT THE CHILDREN COMING UP AGAINST THE JULY 10 DEADLINE, IF NECESSARY, WOULD BE SUBJECT TO DNA TESTING OR SOME CONFIRMATION PROCESS THAT SATISFIED THE GOVERNMENT THAT PARENTAGE WAS NOT AN ISSUE.

SO, GOING FORWARD, I THINK IT IS IMPORTANT THAT THERE BE A CLEAR UNDERSTANDING THAT PARENTAGE BE DETERMINED, EITHER THROUGH DOCUMENTATION AND/OR THROUGH DNA TESTING, PRIOR TO REUNIFICATION.

MS. FABIAN: I WOULD LIKE TO TALK ABOUT THAT A LITTLE MORE. IS THAT -- SHOULD WE DO THAT NOW?

THE COURT: WE CAN -- WELL, WHY DON'T WE.

MS. FABIAN: I GUESS TO FURTHER CLARIFY THAT THE QUESTION IS, HOW AFFIRMATIVE DOES THE -- DOES THE CONFIRMATION NEED TO BE IN TERMS OF IS -- IS NO DOCUMENTATION SUFFICIENT -- I THINK WHAT WE UNDERSTOOD IS THAT YOUR HONOR SAID IF THERE IS ADVERSE EVIDENCE RELATING TO PARENTAGE THAT THAT WOULD GIVE RISE TO A NEED TO DO DNA TESTING.

AND I WANT TO ADD THAT SOME OF THIS MAY -- SOME OF WHAT WAS MENTIONED IN THE GOVERNMENT'S REPORT WAS RELATED TO SORT OF GETTING SOME OF THESE CLARIFICATIONS CLOSER TO THE DEADLINE.

THE COURT: YES.

MS. FABIAN: I THINK THAT MAY BE PART OF THE ISSUE.

BECAUSE DNA TESTING WAS UNDERWAY FOR THOSE INDIVIDUALS FOR THE MOST PART, IT JUST HADN'T BEEN COMPLETED AND IT COULDN'T BE COMPLETED IMMEDIATELY. SO I KNOW WE DID HAVE A CONVERSATION ABOUT THAT.

BUT I THINK THE REAL POINT OF CLARIFICATION THERE IS THAT IN THE FACE OF NO ADVERSE INFORMATION ABOUT PARENTAGE, THE QUESTION WOULD BE WHETHER THE COURT CONSIDERS THAT CONFIRMATION OF PARENTAGE. AND THAT MAY BE SOMETHING FOR THE PARTIES TO MEET AND CONFER ON.

THE COURT: YES.

MS. FABIAN: SINCE WE ARE TALKING ABOUT IT I WANTED TO --

THE COURT: I JUST MADE THE ASSUMPTION THAT 13 OF THE 16 AND SEVEN OF THE EIGHT THAT WE JUST REFERENCED THE DNA TESTING WASN'T COMPLETE BUT THAT THE GOVERNMENT MUST HAVE SATISFIED ITSELF, GIVEN THE EXISTING DOCUMENTATION, THAT THERE WAS A COMFORT LEVEL FOR UNIFYING THOSE CLASS MEMBERS WITH THEIR CHILDREN.

GOING FORWARD ALL I COULD SAY IS THAT I THINK IN THE VAST MAJORITY OF THESE CASES THERE IS GOING TO BE SUFFICIENT DOCUMENTATION TO CONFIRM PARENTAGE, OR THE DNA TESTING CAN BE USED GOING FORWARD.

IF THERE IS -- AND THE GOVERNMENT HAS IDENTIFIED A CASE OR TWO WITH THIS GROUP OF 103 WHERE THEY HELD BACK TO MAKE A DNA CONFIRMATION.

SO I DON'T WANT TO SPECIFY WHAT IS REQUIRED. THE GOVERNMENT, OF COURSE, HAS TO HAVE THAT DISCRETION, AND HAS TO DO THE VETTING AND HAS TO DO IT IN GOOD FAITH. IT HAS TO BE DONE QUICKLY, AND IT CAN DO ALL OF THOSE THINGS.

MS. FABIAN: I THINK THAT YOU WILL FIND, YOUR HONOR, THERE ARE CASES WHERE THERE IS NOT DOCUMENTATION. AND I THINK THOSE ARE THE CASES WHERE IT DOES BECOME MORE DIFFICULT.

THE COURT: YES. AND THERE, AS WE DISCUSSED LAST TIME, DNA TESTING CAN BE DONE, SUBJECT TO THE PROTECTIVE ORDER. SO THAT'S A POWERFUL TOOL AND IT IS AVAILABLE.

MR. GELERNT.

MR. GELERNT: WE UNDERSTOOD YOUR HONOR'S ORDER THE SAME WAY THAT -- BUT I THINK THE ONLY THING THAT MAYBE JUST WE WANT TO CLARIFY IS, WE DON'T UNDERSTAND -- SORT OF AS A COMMON SENSE MATTER BUT I THINK MORE IMPORTANTLY THE RECORD EVIDENCE YOU HAVE, PARTICULARLY FROM PROFESSOR GUGGENHEIM, THAT THE ONLY WAY TO VERIFY PARENTAGE, TO GET A COMFORT LEVEL AS YOUR HONOR PUT IT, FROM A PROFESSIONAL STANDPOINT IS DNA TESTING OR THE BIRTH CERTIFICATES.

AS YOUR HONOR KNOWS, A LOT OF ASYLUM SEEKERS HAVE A HARROWING JOURNEY HERE AND CAN'T BRING THEIR DOCUMENTS OR CANT' GET THEM FROM THE GOVERNMENT THEY ARE RUNNING FROM. SO THAT I THINK IN A LOT OF CASES A PROFESSIONAL JUDGMENT IS IF THE LITTLE GIRL, TWO YEARS, IS CLINGING TO HER PARENT, SCREAMING MOMMY, MOMMY ALL THE TIME, I THINK THE ICE CASE

MANAGER OR WHOEVER IS THERE, WOULD MAKE A PROFESSIONAL JUDGMENT WE HAVE A COMFORT LEVEL, THIS IS A PARENT.

SO I WOULD JUST SAY -- AND IT SOUNDS LIKE THAT IS WHAT YOU ARE SAYING, YOUR HONOR, THAT THERE IS NO HARD-AND-FAST RULE HOW TO REACH THAT COMFORT LEVEL.

THE COURT: THAT IS EXACTLY RIGHT. AND A LOT OF THIS, OF COURSE, IS JUST COMMON SENSE, IT IS INTUITIVE. SO I DON'T WANT TO SPELL OUT WHAT IS OR IS NOT REQUIRED.

I AM ASSUMING THAT THE GOVERNMENT HAS THE PROPER CASE MANAGERS AND OTHER PERSONNEL THAT MAKE THESE DETERMINATIONS.

MS. FABIAN: I THINK WE UNDERSTAND YOUR HONOR'S ORDER THE SAME WAY. I WOULD SAY THAT FOR HHS FOR THE NORMAL PROCESS THEY WOULD WANT A HIGHER LEVEL OF CONFIRMATION AND THAT WOULD BE ABSOLUTE CONFIRMATION OF DOCUMENTATION OR DNA, BUT WE UNDERSTAND YOUR HONOR'S ORDER TO LOOK AT OTHER FACTORS.

AND I THINK IT IS -- WE ARE TALKING ABOUT -- I STILL SAY THAT THERE ARE CASES WHERE BASED ON WHAT THE GOVERNMENT IS ABLE TO OBSERVE IN CURRENT CIRCUMSTANCES IT MAY NOT BE POSSIBLE -- THERE MAY TRULY BE NO EVIDENCE. AND THEN I UNDERSTAND YOUR HONOR TO SAY IN THOSE CASES, IF THERE IS TRULY NOTHING ON WHICH THE GOVERNMENT CAN MAKE A DETERMINATION, THAT IT COULD USE DNA EVIDENCE IN THOSE CASES. AND I UNDERSTAND THAT THE PROFFER IS THAT THAT IS UNLIKELY AND THERE MAY BE OTHER EVIDENCE TO LOOK AT.

THE COURT: YES.

MR. GELERNT: WE WOULD, OF COURSE, AGREE WITH THAT, YOUR HONOR, AND SUBJECT TO WHAT YOUR HONOR SAID ABOUT EXPUNGING AFTERWARDS.

THE COURT: YES.

MR. GELERNT: BUT OBVIOUSLY AGREE THAT AS A LAST RESORT THEY OUGHT TO USE THE DNA TESTING.

THE COURT: YES. SO IT HAS TO BE DONE IN A TIMELY MANNER. SO WHOEVER IS DOING THIS, IF THEY DON'T HAVE SUFFICIENT DOCUMENTATION OR EVIDENCE OR THAT COMFORT LEVEL, THEN THEY CAN DNA TEST. AND THEY NEED TO DO IT IN A TIME WHERE THEY CAN RELEASE AND REUNIFY OR DETAIN AND REUNIFY WITHIN THE TIME FRAME SET OUT FOR THIS NEXT GROUP, THAT WOULD BE BY JULY 26.

LET'S KEEP GOING DOWN THE LIST BECAUSE SOME OF THAT WE ARE GOING TO GET TO.

THE GOVERNMENT HAS INDICATED THAT IT WILL PROVIDE A LIST OF CLASS MEMBERS TODAY. HAS THAT BEEN DONE OR THAT IS IN PROCESS?

MS. FABIAN: I AM WAITING TO RECEIVE IT, AND AS SOON AS I CAN LOG IN I WILL GET THAT OVER. BUT IT WOULD BE A LIST OF CLASS MEMBERS, AND THEN ALSO A LIST OF THE CHILDREN.

THE COURT: IS IT THE CLASS MEMBERS IN ICE CUSTODY, AND HOW MANY? AND WHAT ABOUT CLASS MEMBERS THAT ARE OUT OF ICE CUSTODY?

MS. FABIAN: THE LIST TO BE PROVIDED TODAY WOULD BE CLASS MEMBERS IN ICE CUSTODY. AND THIS MAY GO TO SORT OF THE BIGGER-PICTURE QUESTION OF THE PROVISION OF INFORMATION.

I WANT TO, BEFORE WE GET THERE, SAY ONE THING THAT I THINK IS IMPORTANT.

THE GOVERNMENT HAS PLANS WELL UNDERWAY FOR THE NEXT STAGE. I EXPECT THAT WE WILL BE FILING SOMETHING WITH THE COURT LATER TODAY ON THOSE.

I THINK THAT IT WOULD BE HELPFUL AS WE TALK ABOUT THE -- THEN THE PLANS AND THAT WE LOOK AT THAT AND TALK AS SOON AS POSSIBLE AFTER YOUR HONOR HAS SOME TIME TO LOOK AT THAT IN TERMS OF SETTING THE SPECIFICS.

BUT WHAT I WILL SAY IS THAT IN ORDER TO GET INFORMATION TO PLAINTIFFS' COUNSEL AS QUICKLY AS POSSIBLE WE WOULD LIKE TO GET THEM INFORMATION ABOUT CLASS MEMBERS IN ICE CUSTODY, AND A LIST OF THE CHILDREN IDENTIFIED BY HHS. AS WE TALKED ABOUT BEFORE SOMETIMES THAT LIST -- THE LIST OF CHILDREN REDUCES AS WE GO THROUGH THE PROCESS BECAUSE THEY ARE -- IT IS IDENTIFIED -- THEY ARE IDENTIFIED THROUGH A DIFFERENT PROCESS. AND AS WE SAW WITH THE FIRST LIST, THAT THAT NUMBER OR THAT LIST WILL REDUCE.

BUT IN ORDER TO GIVE PLAINTIFFS' COUNSEL THE OPPORTUNITY TO START REACHING OUT TO FOLKS AND HAVE -- WORK WITH THEIR OTHER ADVOCATES TO REACH OUT TO FOLKS WE THOUGHT THAT INFORMATION WAS SOMETHING THAT WE COULD GIVE UP FRONT AND

LET THAT PROCESS BE UNDERWAY.

I THINK THEN AS FAR AS PROVIDING ADDITIONAL DOCUMENTATION GOING FORWARD OUR HOPE WOULD BE THAT ONCE EVERYONE CAN TAKE A LOOK AT THE PLAN -- AND WE ARE CONCERNED THAT SOME OF THE REQUESTS MADE BY PLAINTIFFS IN THEIR SECTION OF THE JOINT STATEMENT WOULD -- THEY REQUIRE A LOT OF WORK FROM THE OPERATORS. THEY WOULD, WE FEEL, INTERFERE AND DELAY THE PROCESS THAT WE ARE IMPLEMENTING TO START REUNIFYING FAMILIES IMMEDIATELY.

THE COURT: I DID NOT SEE THE LIST FOR THE UNDER-FIVE, SO I WASN'T SURE WHAT WAS ON IT. I AM ASSUMING THAT IS THE PARENT'S NAME AND A-FILE NUMBER.

MS. FABIAN: I THINK THAT THE DIFFICULTY IN THAT LIST THAT TAKES THE OPERATOR TIME TO -- WITHOUT GOING INTO -- WELL, I WON'T GO INTO SPECIFICS OF ANY INDIVIDUALS, BUT THE DIFFICULTY OF THAT LIST IS THAT IT REQUIRES THE WORK OF OPERATORS FROM HHS AND ICE SITTING DOWN TOGETHER AND MARRYING UP THE INFORMATION.

THAT DOES HAPPEN IN THE REUNIFICATION PROCESS, BUT IT HAPPENS AT THE FIELD LEVEL. SO TO MARRY THAT INFORMATION ON A LIST ACROSS THE BOARD TAKES OPERATORS FROM BOTH -- FROM BOTH AGENCIES SITTING DOWN TOGETHER AND THEN GETTING ALL OF THE INFORMATION IN FROM THEIR FIELD AND THEN MARRYING IT UP TOGETHER.

THOSE OPERATORS WHO ARE DOING THAT AT THE

HEADQUARTERS LEVEL ARE THE SAME FOLKS WHO ARE OVERSEEING THIS PROCESS AT THE FIELD LEVEL, AND THE FOLKS PROVIDING THE INFORMATION AT THE FIELD LEVEL ARE THE FOLKS IMPLEMENTING THE REUNIFICATION.

SO THE NATURE OF TRYING TO GATHER THAT INFORMATION AND MARRYING IT UP TOGETHER IN A MASTER LIST TAKES A LOT OF OPERATOR TIME THAT DOESN'T SPEAK TO THE PROCESS THAT IS HAPPENING TO GROUND WHICH IS VERY INDIVIDUALIZED AT THE FIELD LEVEL.

SO THAT'S WHY OUR CONCERN WITH -- IT IS NOT NECESSARILY INFORMATION, ANY OF THE INFORMATION IS AVAILABLE, IT IS THE MARRYING UP OF THE INFORMATION IN A WAY -- AND I THINK PLAINTIFFS WOULD AGREE THAT EVEN JUST IN THE INITIAL WAY THAT IT WAS DONE IT WAS LESS USEFUL UNTIL REALLY THE LAWYERS GOT INVOLVED OVER THE WEEKEND LAST WEEKEND AND TALKED TO THE OPERATORS ABOUT WHAT INFORMATION NEEDED TO BE INVOLVED. BUT THAT WAS A LOT OF WORK THAT DOESN'T GO TO HAVING THE OPERATORS WORKING ON THE REUNIFICATION PROCESS.

SO I WOULD ABSOLUTELY AGREE THAT PROVIDING INFORMATION IS IMPORTANT. AND I WOULD HOPE WE CAN COME TO A WAY -- I THINK YOUR HONOR SUGGESTED LAST WEEK THAT WE WOULD TALK ABOUT MAYBE LISTS BY GROUPS OF -- OF FOLKS IN CERTAIN SITUATIONS OR OTHER WAYS.

I THINK THAT WHEN EVERYONE LOOKS AT WHAT WE HOPE TO FILE LATER TODAY THAT GIVES MORE DETAILS ABOUT HOW THAT WILL

GO, THAT MAY GUIDE WHAT SORT OF INFORMATION WE CAN THEN PROVIDE REGULARLY IN A WAY THAT WON'T INTERFERE WITH THAT PROCESS.

THE COURT: WHAT IS IT THAT YOU ARE HOPING TO PROVIDE TODAY? WHAT IS THE INFORMATION?

MS. FABIAN: IT WILL INCLUDE -- ESSENTIALLY DETAILING THE PLAN FOR THE REUNIFICATION OF THE NEXT GROUP OF INDIVIDUALS, FROM FIVE TO 17.

THE COURT: WHAT IS THAT PLAN? ARE YOU DOING IT BY, FOR EXAMPLE, PARENTS IN ICE CUSTODY, OR WHAT'S THE --

MS. FABIAN: AS A GENERAL MATTER -- AND IT IS SORT OF BEING FINALIZED FOR PRESENTATION AND SO I WOULD PREFER TO HAVE YOU SEE IT IN TOTAL.

BUT WHAT I CAN SAY IS THAT THE PLAN IS TO MOVE FOLKS WHO ARE -- HAVE -- DON'T RAISE CONCERNS AS FAR AS REUNIFICATION, MOVE THEM FORWARD AND START REUNIFYING THEM QUICKLY. LARGELY FOR OUR PURPOSES THAT IS GOING TO BE FOLKS IN ICE CUSTODY.

THE COURT: YES.

MS. FABIAN: BECAUSE THOSE REUNIFICATIONS CAN HAPPEN --

THE COURT: YES.

MS. FABIAN: -- SORT OF IN OUR -- WE HAVE CONTROL OVER THE OPERATIONAL ASPECT OF THOSE REUNIFICATIONS. SO I EXPECT THOSE TO HAPPEN QUICKLY.

THERE IS AN ATTEMPT TO, I THINK IN THE LAST ROUND -- AND I KNOW ONE OF THE ISSUES THAT PLAINTIFFS' COUNSEL RAISED IN THE REPORT THAT IT WAS MORE DIFFICULT TO LOCATE -- TO FIND THE LOCATIONS WHERE THOSE WERE OCCURRING.

I THINK THAT WILL BE LESS OF A PROBLEM THIS TIME. IT IS MORE SPECIFIED. I THINK THERE IS A MORE LIMITED NUMBER OF LOCATIONS THAT ARE GOING TO BE USED SO IT WOULD BE POSSIBLE FOR US TO IDENTIFY THOSE AND HAVE FOLKS AT THOSE LOCATIONS RATHER THAN TRYING TO LOCATE A LOT OF DIFFERENT LOCATIONS WHICH WAS -- WHICH WAS THE PROCESS THAT WAS USED FOR THE UNDER-FIVES.

SO I THINK YOU WILL SEE THAT IT HAS BEEN VERY WELL THOUGHT OUT AND DOES DEAL WITH SOME OF THE ISSUES THAT I THINK PLAINTIFFS ARE CONCERNED ABOUT.

THE COURT: I THINK IT IS IMPORTANT TO BEGIN REUNIFYING NOW, REUNIFY AS WE GO. THERE HAS GOT TO BE, OF THIS NEXT LARGE GROUP, THERE HAS TO BE A BIG GROUP THAT IS AN EASY CALL, THERE ARE NO ISSUES, AND CAN BE REUNIFIED MUCH SOONER RATHER THAN CLOSER TO THE DEADLINE.

SO I AM UNDERSTANDING YOU TO BE SAYING THAT THAT IS THE FIRST GROUP.

MS. FABIAN: I EXPECT THAT YOU WILL SEE THAT, YOUR HONOR.

THE COURT: THEN, MR. GELERNT, WHAT IS THE INFORMATION THAT YOU WANT? I DID NOT SEE THE -- I DON'T NEED

TO SEE IT NOW, BUT THE COURT NEVER GOT THE LIST.

MR. GELERNT: RIGHT. SO, YOUR HONOR, I WAS ACTUALLY GOING TO TELL YOU SO YOU HAVE A MUCH MORE CONCRETE UNDERSTANDING OF WHAT WAS ON THAT LIST, BECAUSE IT REALLY WASN'T THAT MUCH AND IT WAS VERY BASIC. BUT IT IS INFORMATION WE NEED, AND I AM NOT ENTIRELY SURE WHAT INFORMATION THE GOVERNMENT IS PLANNING ON CUTTING OUT. BUT HERE IS WHAT'S ON IT.

FOR THE KIDS, IT IS THEIR NAME, A-NUMBER -- WHICH IS CRITICAL, OBVIOUSLY -- THE LOCATION WHERE THEY ARE SO THAT WE KNOW WHATEVER SERVICE PROVIDER MAY BE ATTACHED TO THEM AS WELL AS THEIR AGE.

FOR THE PARENT IT IS JUST THE NAME, A-NUMBER, AND LOCATION, IF THEY HAVE IT.

THE PLANS TO REUNITE. IS THERE A PLAN, WHEN. OR ARE THEY SAYING THEY ARE NOT GOING TO REUNITE THEM BECAUSE THEY BELIEVE THEY FALL OUT OF THE CLASS. AND WHETHER THERE HAS BEEN ANY ATTEMPT TO DO PARENTAGE AND BACKGROUND VERIFICATION.

SO IT IS VERY BASIC TO GIVE US A SENSE OF WHERE THINGS ARE.

YOUR HONOR, ARE WE -- BECAUSE COUNSEL FOR THE GOVERNMENT I THINK SORT OF LAID OUT, AT LEAST IN GENERAL TERMS, HER VISION FOR HOW THIS WOULD GO FORWARD, SO THIS IS THE TIME THAT I SHOULD SORT OF RESPOND TO THAT?

THE COURT: YES.

MR. GELERNT: YEAH. I MEAN, I WOULD START, I THINK, BY THE GENERAL POINT THAT THINGS DIDN'T REALLY MOVE, TRUTHFULLY, UNTIL YOUR HONOR HELD A STATUS CONFERENCE ON THAT FIRST -- THAT FRIDAY LAST WEEK.

THE RULING WAS JUNE 26TH. WE DIDN'T HEAR FROM THE GOVERNMENT ABOUT ANY PLANS. WE REACHED OUT, WE GAVE THEM A WEEK BECAUSE WE FELT THAT WAS REASONABLE. ON JULY 2ND WE ASKED, SO ARE THERE PLANS? CAN WE HAVE A CLASS LIST?

WE DIDN'T GET ANYTHING. WE FINALLY CAME TO THIS COURT JULY 6TH. I THINK AT THAT POINT IT BECAME CLEAR TO US, SINCE WE STILL DIDN'T HAVE A LIST AND THAT THERE STILL WASN'T REALLY A PLAN FOR UNDER-FIVES AND I THINK -- I DON'T WANT TO PUT WORDS IN YOUR HONOR'S MOUTH, BUT I THINK IT BECAME SOMEWHAT CLEAR TO YOUR HONOR THAT YOU WOULD HAVE TO BE INVOLVED IN THIS PROCESS.

SO YOU DID ORDER THAT THIS LIST BE PROVIDED. IT WASN'T ULTIMATELY COMPLETE UNTIL SUNDAY. WE WERE BACK HERE MONDAY AND TUESDAY, AND THERE WERE LOTS OF GLITCHES IN THE PROCESS, INCLUDING THAT WE HAD SORT OF JUST FOUND OUT AT THAT POINT THAT THE GOVERNMENT WAS DOING THE FULL UNIFICATION PROCESS AND ASKING, ESSENTIALLY, FOR PARENTS TO REAPPLY TO OBTAIN THEIR CHILDREN, AND THERE WERE OTHER GLITCHES.

WHAT IT SEEMS TO ME IS THAT THAT SUGGESTS THAT FAR FROM THAT BEING A HINDRANCE TO MOVING THE REUNIFICATION

FORWARD IT ACTUALLY ENDED UP BEING INDISPENSABLE TO EVEN GETTING THESE 58 CHILDREN REUNITED. THEY DIDN'T MEET THE DEADLINE, BUT AT LEAST THESE 58 ARE NOW REUNITED.

I DO NOT THINK, WITHOUT THE COURT'S INVOLVEMENT OR WITHOUT THE GOVERNMENT PROVIDING INFORMATION ALMOST ON A DAILY BASIS, THAT WOULD HAVE HAPPENED.

SO WE ARE -- WE FEEL THAT IT IS EXTREMELY IMPORTANT THAT INFORMATION NOT BE REDUCED TO US. THAT MORE INFORMATION ALMOST BE PROVIDED AND ON A REGULAR BASIS. NOT TO -- IN THE COURT'S WORDS, NOT TO LEAVE THE COURT OR THE PLAINTIFFS IN THE DARK WITH THE GOVERNMENT SIMPLY SAYING WE WILL GET IT DONE, BECAUSE OBVIOUSLY IT CAME VERY CLOSE, THEY DIDN'T MEET THE DEADLINE BY THEIR OWN CONCESSION. I MEAN, SOME OF THE INDIVIDUALS -- WE CAN TALK ABOUT HOW MUCH THEY MISSED THE DEADLINE BY OR FOR WHAT REASONS. BUT OBVIOUSLY THE INFORMATION WE ARE ASKING FOR ON THE LIST IS VERY, VERY BASIC.

I CAN'T SPEAK TO EXACTLY WHAT THE OPERATORS ARE DOING. I WOULD SAY THAT SECRETARY AZAR DID SAY BEFORE CONGRESS, WE CAN JUST HIT A BUTTON AND ALL OF THE INFORMATION IS MATCHED.

THE GOVERNMENT IS OBVIOUSLY SAYING THAT IS NOT TRUE, THEY NEED TO HAVE TWO PEOPLE DOING SORT OF A, BINGO, I HAVE THAT KID, OH, GOOD, YOU HAVE THAT PARENT SOMEWHERE.

SO WE BELIEVE THAT THE STEPS WE LAID OUT FOR NONCOMPLIANCE, THEY ARE NOT REALLY PUNITIVE STEPS. WE DON'T

BELIEVE THAT THIS IS THE PLACE TO GET INTO SORT OF PUNITIVE SANCTIONS. WHAT WE TRIED TO LAY OUT IN THOSE STEPS IS SOMETHING CONSTRUCTIVE GOING FORWARD SO THAT THERE WOULD BE HARD DEADLINES FOR THE GOVERNMENT TO MEET THAT DIDN'T SIMPLY SAY, LET'S MEET BACK HERE JULY 26TH AND HOPE THAT ALL OF THE KIDS ARE REUNITED THAT ARE ELIGIBLE TO BE REUNITED.

I THINK THAT'S THE COURT'S PLAN GIVEN THAT THE COURT SAID YOU DO WANT TO HAVE FUTURE STATUS CONFERENCES.

THE COURT: YES. MANY, AND IN SHORT ORDER.

DO YOU NEED, FOR EXAMPLE ON THE LIST THAT IS PROVIDED, A PLAN TO REUNITE, AND WHETHER THE PARENTAGE CONSIDERATION IS DONE? DOES THAT NEED TO BE DONE RIGHT AWAY?

MR. GELERNT: YOUR HONOR, LET ME BE CLEAR. WE ARE HAPPY TO GET THINGS ON A ROLLING BASIS BECAUSE WE DON'T WANT TO WAIT. WE WOULD WANT ANY INFORMATION WE CAN GET AS SOON AS POSSIBLE. SO IF WHAT WE ARE GOING TO GET TODAY IS PARENT'S NAME AND A-NUMBER, CHILD'S NAME AND A-NUMBER, THAT IS GREAT.

THE COURT: IT SEEMS TO ME FOR THE PEOPLE ON THE GROUND, THE FIELD PERSONNEL, ICE AND HHS, THAT WHAT THEY CAN DO AS THEY MATCH UP, MARRY UP THE INFORMATION, VERY QUICKLY, IS GIVE, FOR THE CHILDREN, THE NAME, THE A-NUMBER, THE LOCATION, AND THE AGE.

MR. GELERNT: RIGHT.

THE COURT: FOR THE PARENT, THE NAME, THE A-NUMBER, AND THE LOCATION. ISN'T THAT A LOT OF HELPFUL INFORMATION?

MR. GELERNT: FOR SURE, YOUR HONOR. I DON'T WANT TO MAKE IT SEEM LIKE IT IS AN ALL-OR-NOTHING PROPOSITION FOR US. WE WILL TAKE THAT.

I THINK THE ONLY THING I AM SUGGESTING IS THERE WERE OBVIOUSLY GLITCHES IN GETTING PARENTAL VERIFICATION DONE BY THE DEADLINE, SO WHAT WE WOULD HATE TO DO IS COME BACK HERE JULY 25TH AND HEAR, WELL, THERE IS GLITCHES IN THIS PARENTAL.

THE COURT: YES.

MR. GELERNT: ESPECIALLY BECAUSE THOSE ARE THINGS WE COULD HELP WITH.

I MEAN, I JUST WOULD NOTE RIGHT NOW WE ARE VERY CONCERNED WITH NOT -- THIS IS AN ADDITIONAL POINT IN WHAT WE LAID OUT FOR NONCOMPLIANCE, IT MAY GO TO THIS.

WE ALSO NEED VERY SPECIFIC INFORMATION AS SOON AS POSSIBLE ABOUT WHO THEY DO NOT BELIEVE IS ELIGIBLE FOR REUNIFICATION AND WHY, BECAUSE WE ARE GETTING THAT VERY LATE AFTER THE DEADLINE, AND THEY ARE MAKING UNILATERAL DECISIONS.

AND WE UNDERSTAND TO SOME EXTENT THAT IS NECESSARY BUT, FOR EXAMPLE, WE GOT AN AFFIDAVIT THIS MORNING SAYING THAT SOMEONE THEY LEFT OUT WAS ACTUALLY ADOPTED -- THE FATHER ADOPTED THE CHILD, SHOWED THE ADOPTION PAPERS, AND THEY WERE STILL TAKEN OUT BECAUSE THEY WEREN'T THE PARENT.

NOW, THAT MIGHT HAVE BEEN A MISTAKE AT THE FIELD LEVEL. I AM NOT SUGGESTING THAT THAT INSTRUCTION DIDN'T GO OUT FROM HEADQUARTERS, I HAVE NO IDEA WHETHER IT DID OR NOT.

BUT THOSE ARE THE -- I MEAN, I AM GETTING AHEAD OF MYSELF BECAUSE THAT IS THE OTHER CATEGORY OF INDIVIDUALS WHO ARE NOT WITHIN THE CLASS.

I THINK THAT IS WHY THE SOONER THE BETTER WE CAN GET INFORMATION. IT ALSO GOES TO THE LOGISTICS POINT THAT PARENTS WERE LEFT ON A BUS STOP WITH THEIR CHILD. I REALIZE IT MAY NOT GO DOWN THAT WAY BUT --

THE COURT: THEY WOULD BE DIFFERENT INDIVIDUALS PROVIDING INFORMATION OF THE PLAN TO RELOCATE AND WHETHER THE PARENTAGE WAS CONFIRMED.

MR. GELERNT: RIGHT.

THE COURT: DO YOU AGREE? AND THAT'S NOT THE FIELD-LEVEL PEOPLE.

MR. GELERNT: I ACTUALLY AM NOT -- I WOULD DEFER TO THE GOVERNMENT ABOUT EXACTLY WHERE THAT INFORMATION WOULD COME. I MEAN, I ASSUME HEADQUARTERS IS GETTING THAT FULL INFORMATION AT SOME POINT, I JUST DON'T KNOW.

AND NEEDLESS TO SAY, WE DON'T WANT TO SLOW DOWN THE REUNIFICATION PROCESS, BUT I AM VERY WARY ABOUT STANDING HERE AND SAYING TO YOUR HONOR, FINE, LET'S JUST LET THE GOVERNMENT GO AHEAD AND DO IT WITHOUT ANY OVERSIGHT.

I THINK WHAT HAS HAPPENED UP TO NOW SUGGESTS THAT THE MORE OVERSIGHT THE BETTER. YOU KNOW, I CAN'T SPEAK TO HOW MANY OPERATORS HAVE BEEN PUT ON, WHETHER THEY CAN PUT ADDITIONAL OPERATORS. IT OBVIOUSLY IS VERY IMPORTANT EACH DAY

THAT THE CHILDREN ARE NOT REUNITED. SO I WOULD HATE TO BE BACK HERE JULY 26TH AND HEAR THAT THE GOVERNMENT TOOK OUT HALF OF THE CLASS BECAUSE THEY BELIEVED, UNILATERALLY, AND I WOULD JUST --

THE COURT: LET ME ASK A FEW MORE QUESTIONS, AND THEN I CAN PROVIDE A NUMBER OF RULINGS HERE VERBALLY, AND THEN FOLLOW UP WITH A WRITTEN ORDER.

YOU HAVE ASKED, ON THE 58 REUNIFIED, THAT PLAINTIFFS NEED MORE INFORMATION TO VERIFY THE ACCURACY OF THAT ELIGIBILITY NUMBER. SO THERE ARE YOU ASKING FOR MORE INFORMATION ON 45 WHO WERE DEEMED TO BE NOT ELIGIBLE SO THAT YOU CAN DETERMINE WHAT TO DO, OR ARE YOU ASKING FOR MORE INFORMATION TO VERIFY THAT 58 HAVE, IN FACT, BEEN REUNIFIED, OR BOTH?

MR. GELERNT: I THINK BOTH, YOUR HONOR. THE 58, I THINK, IS EASY. THE GOVERNMENT IS REPRESENTING TO YOU IN COURT THAT THOSE 58 HAPPENED.

I WOULD NOTE AS WELL THAT YOUR HONOR WANTED A JOINT SUBMISSION YESTERDAY BY 3:00 P.M. PACIFIC, AND THAT OBVIOUSLY MEANT US RESPONDING TO THE NUMBERS. WE NEVER SAW THE NUMBERS FROM THE GOVERNMENT UNTIL MANY HOURS AFTER THEY RELEASED IT TO THE PRESS. THAT'S SOMETHING THAT I THINK HOPEFULLY GOING FORWARD WILL NOT HAPPEN AGAIN.

THE GOVERNMENT MAY FEEL LIKE THE PRESS HAS THE RIGHT TO SEE IT AT THE SAME TIME AS US, BUT AT LEAST WE SHOULD BE

GETTING IT SIMULTANEOUS. I MEAN, IT WAS LITERALLY HOURS AND HOURS.

IF THE GOVERNMENT IS GOING TO REPRESENT HERE IN COURT THAT ALL 58 GOT DONE, I THINK WE WILL TAKE THAT REPRESENTATION. WE WILL FOLLOW UP AND HOPE THAT WE CAN REACH THE PARENTS, MAKE SURE, YOU DO HAVE YOUR CHILD WITH YOU.

I THINK IT IS MORE ON THE OTHER GROUP IF, FOR EXAMPLE, THAT FATHER WHO SAYS HE ADOPTED THE CHILD, HE HAS LEGAL PAPERS, HE SHOWED THEM TO THE GOVERNMENT, THAT IS EXACTLY WHY WE NEED MORE SPECIFIC INFORMATION.

SOME OF IT IS THEY SAY THERE IS A WARRANT IN A FOREIGN COUNTRY. MAYBE, MAYBE NOT. THAT KIND OF THING.

SO IT IS A BIG DEAL WHEN THE GOVERNMENT UNILATERALLY TAKES OUT CLASS MEMBERS.

THE COURT: IS THAT THE KIND OF INFORMATION YOU WANT RIGHT AWAY, OR AFTER JULY 26TH?

I AM ASKING BECAUSE THE GOVERNMENT IS MAKING A PROFFER, WHICH I ASSUME IS IN GOOD FAITH, THAT WE ARE HOLDING BACK THIS GROUP, 45, FOR VARIOUS REASONS. SOME OF THAT NUMBER PLAINTIFFS WILL DISAGREE WITH.

MR. GELERNT: RIGHT.

THE COURT: BUT IN ORDER TO ACCOMPLISH THE REUNIFICATION TO THE EXTENT WE CAN ON A TIMELY BASIS SHOULDN'T WE BE FOCUSING ON THE NEXT GROUP, JULY 26TH DEADLINE, AND THEN WE CAN BEGIN TO WORK THROUGH SOME OF THESE OTHER ISSUES?

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MR. GELERNT: YOUR HONOR, I AGREE WITH THE PRIORITIZATION. I JUST DON'T KNOW THAT THE GOVERNMENT IS REALLY SO STRAPPED FOR RESOURCES THAT THERE IS LITERALLY A FINITE NUMBER OF PEOPLE THEY CAN PUT ON THIS.

I JUST THINK IT IS -- THAT FATHER WAS EXPECTING TO BE REUNIFIED, HE DIDN'T GET REUNIFIED. SO I DO FEEL STRONGLY -- I REALIZE YOUR HONOR MAY ULTIMATELY NOT AGREE BUT I DO FEEL STRONGLY THAT THERE NEEDS TO BE ADDITIONAL PEOPLE PROVIDING ON A PARALLEL TRACK, HEY, PLAINTIFFS, WE ARE TAKING THIS PERSON OUT, WE DON'T THINK HE IS REALLY THE FATHER, THIS IS WHY.

IN TIME FOR US TO SAY, WAIT, HE GAVE THE PAPERS ABOUT HIS ADOPTION ON THE LOCAL LEVEL, CAN YOU PLEASE DOUBLE CHECK.

I WOULD JUST RESPECTFULLY ASK THE COURT TO LET THAT GO ON A PARALLEL TRACK AS MUCH AS CAN BE DONE, BECAUSE I DO NOT THINK THIS IS A SITUATION WHERE IT IS A SMALL LAW FIRM THAT HAS A FINITE NUMBER OF ASSOCIATES.

THE COURT: ALL RIGHT.

MS. FABIAN: YOUR HONOR, COULD I RESPOND TO THAT?

THE COURT: YES.

MS. FABIAN: SO A COUPLE OF POINTS.

I WANT TO CLARIFY THE STATEMENT MADE BY SECRETARY AZAR. IT WAS REPRESENTED THAT HE SAID HE COULD PUSH A BUTTON AND MATCH UP PARENTS AND CHILDREN. THAT IS NOT WHAT HE

TESTIFIED TO. HE TESTIFIED THAT HE COULD LOCATE ALL OF THE CHILDREN IN CUSTODY, AND THAT IS ACTUALLY EXACTLY REPRESENTATIVE OF WHAT WE OFFERED TO PROVIDE, WHICH IS THE LIST OF CHILDREN THAT HHS CAN IDENTIFY AND PROVIDE.

THE COURT: IT IS FINDING THE PARENTS.

MS. FABIAN: WELL, AND WE HAVE THE -- I MEAN, ICE CAN LOCATE THE PARENTS IN CUSTODY, AND THEN THE PROCESS THAT WE WILL NEED TO OCCUR IS IDENTIFYING AND PROVIDING A LIST OF PARENTS NOT IN CUSTODY, SO THESE ARE --

THE COURT: WHAT ABOUT DOJ?

MS. FABIAN: IT WOULD BE IDENTIFYING INDIVIDUALS WHO MAY BE IN MARSHAL SERVICE CUSTODY AND THEN THERE MAY BE -- THAT INFORMATION WILL ULTIMATELY COME FROM DHS WHO WOULD KNOW WHERE THE PARENT WENT FOLLOWING THE SEPARATION.

BUT, I MEAN, THE POINT -- THE POINT BEING MADE IS THAT WHAT WE ARE TALKING ABOUT IS PROVIDING INFORMATION THAT MAY BE -- QUICKLY THAT MAY BE A LITTLE MORE COMPARTMENTALIZED, AND THEN MOVING FORWARD TO PROVIDE INFORMATION THAT IS BROUGHT TOGETHER ON A MORE ROLLING BASIS.

BUT I THINK THE WAY TO FIGURE THAT OUT WOULD BE TO LOOK AT THE PLAN AND FOR US TO SIT DOWN WITH PLAINTIFFS, AT THAT POINT, AND SAY, YOU HAVE SEEN OUR PLAN, WHAT INFORMATION WILL HELP YOU BEST WORK WITH US ON THE PLAN THAT WE ARE IMPLEMENTING.

THE COURT: THE REST OF THE CHILDREN, THAT WOULD BE

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ALL CHILDREN, BUT THEIR PARENTS COULD BE IN, I GUESS, ONE OF FOUR AREAS; ONE MIGHT BE IN ICE DETENTION, CBP DETENTION, DOJ DETENTION, AND OTHERS MIGHT BE RELEASED OR PAROLED.

MS. FABIAN: I WOULD TAKE OUT CBP, MOST LIKELY. I WOULD SAY ICE DETENTION, RELEASED, MARSHAL'S SERVICE, POTENTIALLY STATE CRIMINAL CUSTODY. AND THEN YOU MAY HAVE A BUCKET OF INDIVIDUALS THAT HAVE BEEN REMOVED.

THE COURT: AND SOME THAT HAVE BEEN RELEASED.

MS. FABIAN: AND ALSO MAYBE REMOVED.

THE COURT: YES. SO THERE IS FIVE BUCKETS. THERE IS ICE, DOJ, STATE CUSTODY, PARENTS WHO HAVE BEEN RELEASED INTO THE COMMUNITY, AND THOSE WHO HAVE BEEN REMOVED.

MS. FABIAN: OFF THE TOP OF MY HEAD, YES, YOUR HONOR, I WOULD AGREE.

THE COURT: COULDN'T THE LIST, THEN, BE PROVIDED IN THESE -- IT IS EASY TO GET THE LIST OF THE CHILDREN, THE CHALLENGE IS FINDING THE PARENTS.

SO COULDN'T THE PARENT LIST BE IN THOSE BUCKETS, OR SOMETHING CLOSE TO IT: ICE DETENTION, AS YOU MENTIONED AT THE INCEPTION, THOSE IN DOJ DETENTION, THOSE WHO HAVE BEEN RELEASED INTO THE COMMUNITY, AND THOSE WHO HAVE BEEN REMOVED, AND THEN THERE WILL BE A SMALL NUMBER THAT ARE IN STATE CUSTODY. COULDN'T THAT KIND OF PARENT LIST BE PROVIDED --

MS. FABIAN: I WOULD SAY --

THE COURT: -- ON A STAGGERED BASIS?

MS. FABIAN: I WOULD SAY, AS A GENERAL MATTER -- AND THAT'S WHY I SAY I THINK THEN IT WOULD BE USEFUL TO LOOK AT THE PLAN. SOME OF THOSE INDIVIDUALS WOULD NOT BE EVEN ELIGIBLE FOR REUNIFICATION RIGHT AWAY, SO PROVIDING THOSE LISTS RIGHT AWAY MAY NOT BE THE FIRST PRIORITY AS FAR AS PROVIDING THE INFORMATION.

THE COURT: RIGHT.

MS. FABIAN: SO I DO THINK THAT THAT IS -- THAT DIVIDING IT IN A WAY THAT WAS MORE RELATED TO WHAT IS HAPPENING ON THE GROUND, THAT DOES MAKE SENSE. I THINK WHAT YOUR HONOR SAYS IS IN KEEPING WITH THAT.

I WANT TO -- BEFORE WE MOVE TOO FAR PAST IT, I WANT TO MAKE SURE I HAVE SPOKEN CLEARLY ON THE DNA ISSUE, BECAUSE I THINK WHAT YOU WILL SEE IN THE PLAN -- AND I THINK -- I SAID THAT IT MIGHT BE A SMALL NUMBER WHO HAD ABSOLUTELY NO EVIDENCE. I THINK THAT MAY HAVE BEEN A MISSTATEMENT. I THINK THERE IS A POSSIBILITY THAT THERE IS A MUCH MORE SIGNIFICANT NUMBER ABOUT WHOM THERE IS NO EVIDENCE.

AND I THINK WHAT YOU WILL SEE FROM WHAT DEFENDANTS PLAN TO PROVIDE LATER IS THAT IT REALLY IS NOT POSSIBLE -- IF ALL OF THOSE INDIVIDUALS WERE TO HAVE DNA TESTING IT WOULD NOT BE POSSIBLE TO MEET THE COURT'S DEADLINE.

AND I KNOW THAT WE HAVE GONE BACK AND FORTH, AND WE WOULD LIKE TO IMPRESS ON THE COURT THAT THERE HAS TO BE A BALANCING OF THAT. AND I JUST WANT TO MAKE SURE THAT I DIDN'T

SAY THAT WE CAN MEET THE DEADLINE IF WE DNA TESTED EVERYONE FOR WHOM THERE WAS NO EVIDENCE, BECAUSE THAT'S -- THAT WOULD NOT BE THE CASE.

THE COURT: LET'S START BY GOING INTO THE BUCKETS HERE.

SO IF THE GOVERNMENT IS ORDERED TO PROVIDE A LIST OF PARENTS IN ICE DETENTION, WHICH IS WHERE WE STARTED AND I THINK THAT WOULD BE THE LARGEST GROUP.

MS. FABIAN: WE COMMITTED TO DOING THAT TODAY, YOUR HONOR.

THE COURT: YES. COULDN'T THE PARENTAGE DETERMINATION BE MADE? THE PLAINTIFFS ARE PROPOSING BY THURSDAY, JULY 19. THAT IS A WEEK OUT, A LITTLE SHORT OF A WEEK NOW, THURSDAY THE 19TH. AND IT WOULD INCLUDE, I AM ASSUMING, A VERY LARGE PERCENTAGE OF THE PARENTS.

MS. FABIAN: YOUR HONOR, WHAT I WILL SAY IS THAT THE GOVERNMENT HAS ALREADY IDENTIFIED A PLAN. AND I APOLOGIZE THAT IT IS NOT ON FILE WITH THE COURT TODAY FOR THE HEARING. WE WANTED TO GET IT AS FULSOME AS POSSIBLE TO GET IT ON FILE. I WOULD LIKE -- I MEAN, IF WE CAN GET IT ON FILE AND WE COULD COME BACK EVEN THIS EVENING AND TALK ABOUT IT MORE.

BUT I AM CONCERNED -- I KNOW THAT MY FOLKS HAVE LOOKED AT THE NOTES PROVIDED BY PLAINTIFFS AND SAID THAT THAT WOULD SLOW DOWN WHAT THEY ARE PLANNING NOW, WHICH IS ALREADY UNDERWAY. AND I THINK WE WOULD EXPECT TO SEE REUNIFICATIONS

UNDER THAT PLAN VERY SHORTLY.

IT WOULD CONCERN ME TO PUT DEADLINES ON THAT AREN'T RELATED TO THE PLANS ALREADY UNDERWAY, AND PARTICULARLY WITH REGARD -- I MEAN, THIS GOES TO THE DNA QUESTION BECAUSE THE PLAN IS TO -- IN ORDER TO BE ABLE TO MEET THE DEADLINE HHS HAS SCALED BACK ITS PROCESSES BY WHICH IT DETERMINES PARENTAGE. AND SO THERE WILL BE SITUATIONS WHERE HHS CANNOT SAY, UNDER ITS OWN STANDARDS, THAT IT WOULD FEEL THAT PARENTAGE WAS MET. AND WE ARE TRYING TO IDENTIFY A STANDARD THAT MEETS WHAT WE UNDERSTAND THE COURT TO HAVE ORDERED.

SO THAT PROCESS IS EXPLAINED IN WHAT WE WILL FILE TODAY, AND I THINK IT WOULD BE HELPFUL FOR THE COURT TO LOOK AT THAT. AND IF YOU DO FIND THAT THAT DOES NOT PROVIDE SUFFICIENT DETERMINATION OF PARENTAGE, THEN IT MAY BE THAT WE HAVE TO COME BACK AND TALK ABOUT TIMELINES AGAIN. BUT WE HAVE DEVELOPED A PLAN THAT WE BELIEVE WILL ALLOW US TO MEET THE TIMELINE.

AND I THINK TO INSERT DEADLINES BASED ON WHAT PLAINTIFFS HAVE SAID HERE TODAY WITHOUT LOOKING AT THAT, I KNOW -- I SPOKE TO SOMEONE TODAY WHO SAID THAT WILL -- THESE DEADLINES WOULD SLOW DOWN THE PROCESS WE HAVE UNDERWAY.

SO I AM NOT SAYING THAT THERE CAN'T BE REPORTING INSERTED INTO THE PLAN THAT WE ARE PROVIDING. I ABSOLUTELY THINK THAT IS SOMETHING WE SHOULD DISCUSS. BUT IT CONCERNS ME TO INSERT THEM WITHOUT HAVING THE COURT AND PLAINTIFFS HAVE A

CHANCE TO LOOK AT THAT.

AND SO THAT IS WHAT I WOULD ASK, IF THAT IS -- I COULD CERTAINLY SEE HOW QUICKLY WE CAN GET THAT ON FILE AND TALK LATER TODAY, TOMORROW, FIRST THING MONDAY, WHATEVER WORKS. BUT WE -- I ABSOLUTELY THINK THAT THESE -- MAKING THESE PLANS CONSISTENT WITH WHAT IS ALREADY UNDERWAY IS GOING TO BE WHAT GETS US TO FULL REUNIFICATION AS QUICKLY AS POSSIBLE.

THE COURT: OKAY. IT IS DIFFICULT TO DO ANYTHING CONCRETE WHEN WE DON'T KNOW WHAT THE GOVERNMENT IS PROPOSING.

MS. FABIAN: I UNDERSTAND, YOUR HONOR. AND I CAN GET -- IF YOU WANT ME, I CAN GO OUT IN THE HALLWAY AND FIND OUT IMMEDIATELY HOW QUICKLY WE CAN GET THAT ON FILE. I DON'T THINK IT IS LONG. AND I WOULD FEEL BETTER IF WE HAD THAT DISCUSSION THEN WITH YOU HAVING HAD A CHANCE TO TAKE A LOOK AT THAT.

THE COURT: I THINK WHAT WOULD BE APPROPRIATE IS TO MAKE DETERMINATIONS NOW AND THEN SUBJECT TO MODIFICATION, BECAUSE I DON'T WANT TO LOSE TIME. AND IT IS IMPORTANT THAT THE GOVERNMENT DEVOTE WHATEVER RESOURCES ARE NECESSARY TO ACCOMPLISH THIS, AND FROM LAST FRIDAY WE DETERMINED TO PURSUE THE STREAMLINED PROCESS.

SO I WOULD LIKE TO MAKE SOME INDICATION TODAY AS TO HOW WE WILL PROCEED, GET THE GOVERNMENT'S FILING LATER TODAY. AND THEN WE CAN MEET MONDAY MORNING AGAIN, WITH COUNSEL, AND

SEE IF EVERYTHING IS ON TRACK OR IF THE GOVERNMENT IS PROPOSING SOMETHING THAT IS EVEN BETTER.

SO ANOTHER WAY OF SAYING THIS IS, I AM PREPARED TO MAKE SOME DETERMINATIONS THAT WILL START THE PROCESS, AND THEN IF THE GOVERNMENT'S PROPOSAL IS BETTER THAT WOULD BE TERRIFIC; IF IT IS NOT THEN I DON'T THINK I AM GOING TO BE INCLINED TO GO ALONG WITH IT UNLESS THERE IS SOME VERY GOOD REASONS SHOWN. SO I WOULD LIKE TO KEEP AN OPEN MIND ON THAT, BUT KEEP THE PROCESS MOVING.

MS. FABIAN: UNDERSTOOD, YOUR HONOR. CAN I RESPOND TO A COUPLE OF OTHER POINTS?

THE COURT: YES.

MS. FABIAN: WE TALKED ABOUT PROVIDING INFORMATION REGARDING INDIVIDUALS WHO ARE NOT ELIGIBLE FOR THE CLASS.

THE COURT: YES.

MS. FABIAN: WE HAVE DONE SO, AND WILL CONTINUE TO DO SO. I AM PREPARING SOME OF THAT INFORMATION ON THE 11 INDIVIDUALS HERE.

ONE THING I WANT TO SAY ABOUT THAT, THOUGH, IS THAT THE CLASS DEFINITION -- AND WE HAD THIS DISCUSSION I THINK LAST FRIDAY -- IS -- YOU KNOW, WE NEED IT TO BE ASCERTAINABLE. AND I THINK YOUR HONOR CLARIFIED THAT THAT WOULD MEAN THAT INDIVIDUALS WITH CRIMINAL HISTORIES ARE NOT ELIGIBLE.

AND AS I THINK YOU RECOGNIZED EARLIER, WE HAVE NONETHELESS INCLUDED IN THIS PROCESS INDIVIDUALS WHO HAVE --

MAY HAVE A CRIMINAL HISTORY AND THAT UNDER A STRICT READING OF THAT DEFINITION WOULD NOT BE INCLUDED.

THE COURT: THAT'S CORRECT.

MS. FABIAN: SO WE HAVE MADE A DISCRETIONARY DETERMINATION TO BE OVER-INCLUSIVE.

I THINK THAT SUBJECTING THAT TO A CASE-BY-CASE REVIEW BY PLAINTIFFS TO SAY, YOU KNOW, THAT THEY DISAGREE WITH THAT ASSESSMENT PUTS A LAYER ON THAT PROCESS THAT IS GOING -- THAT IS UNFAIR AS FAR AS THE CLASS DEFINITION REQUIREMENT HERE AND JUST IS NOT HELPFUL TO THE PROCESS.

THE COURT: I AGREE. THAT ISSUE, IF THERE IS A CRIMINAL HISTORY ISSUE, CAN BE ADDRESSED AT A LATER TIME, AFTER THE BULK OF REUNIFICATIONS OCCUR. AND IT COULD BE BY WAY OF MODIFYING THE SCOPE OF THE CLASS.

MR. GELERNT: RIGHT. AND, YOUR HONOR, JUST TO BE CLEAR, BECAUSE I THINK MAYBE I WASN'T CLEAR.

I AM NOT SUGGESTING THAT BY THE DEADLINE WE WOULD NEED TO RESOLVE DISPUTES, MUCH LESS BURDEN YOU. BUT, FOR EXAMPLE, IF WE TOLD THE GOVERNMENT, YOU KNOW, THIS FATHER HAS BEEN WAITING FOR HIS CHILD AND HE ACTUALLY HAS THE ADOPTION PAPERS IN HIS HAND AND HHS JUST TOOK A COPY. AND I WERE TO CALL COUNSEL FOR THE GOVERNMENT AND SAY, LET'S NOT HAVE A DISPUTE, LET'S JUST -- CAN YOU LOOK INTO IT?

THEY CALL AND SAY, OH, YEAH, WE DO HAVE THE ADOPTION PAPERS, SORRY, WE WOULD PUT THEM BACK IN.

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ASSUMING THE GROUP THAT ARE CURRENTLY NOT ELIGIBLE BECOME ELIGIBLE.

THAT GIVEN THE DISCUSSION WE HAVE HAD TODAY, THAT OF THE INDIVIDUALS WHO ARE NOT ELIGIBLE OR NOT CURRENTLY ELIGIBLE, THAT THE GOVERNMENT PROVIDE ADDITIONAL INFORMATION. I AM NOT GOING TO SET A TIME FRAME AT THIS POINT, BUT YOU HAVE INDICATED THAT YOU WILL DO THAT, AND DO IT AS QUICKLY AS IS REASONABLY PROPER. IF I HAVE TO I WILL SET A TIME FRAME LATER, AND WE CAN ADDRESS THAT IN THE COMING STATUS CONFERENCES. BUT I WOULD ASSUME THAT AS YOU LEARN MORE INFORMATION ABOUT INDIVIDUALS WHO ARE NOT CURRENTLY ELIGIBLE YOU WILL PROVIDE THE REASONS WHY THEY ARE NOT. AND THEN, IF THERE IS DISAGREEMENT, THEY CAN BE TEED UP WITH THE COURT.

ON THE OVER-FIVE GROUP, THE GOVERNMENT HAS INDICATED, AND I THINK IT IS A VERY GOOD START, TO PROVIDE THE LIST OF CLASS MEMBERS IN ICE CUSTODY TODAY, AS WELL AS THE LIST OF ALL OF THE CHILDREN TODAY.

BY MONDAY -- AND I WOULD LIKE THIS TO BE DONE BEFORE THE STATUS CONFERENCE, SO LET'S SET IT BY 9:00 A.M. PACIFIC STANDARD TIME, THAT LIST OF PARENT IN ICE CUSTODY SHOULD INCLUDE, IF IT DOESN'T ALREADY, THEIR NAME, A-NUMBER, AND LOCATION. AND THE LIST OF CHILDREN SHOULD INCLUDE NAME, A-NUMBER, LOCATION, AND AGE.

I WOULD LIKE THE GOVERNMENT TO BEGIN -- AND THEN WE CAN SET DEADLINES ON MONDAY -- CREATING THE LIST OF PARENTS

WHO HAVE BEEN RELEASED, WITH THE SAME INFORMATION, NAME, A-NUMBER, AND LOCATION. AND A LIST OF PARENTS WHO HAVE BEEN REMOVED WITH THE SAME INFORMATION. ANOTHER LIST --

MS. FABIAN: BY LOCATION WOULD YOU MEAN LAST KNOWN LOCATION? I THINK FOR --

THE COURT: ON THE REMOVAL ONES THAT WOULDN'T BE NECESSARY SINCE THEY -- IT WOULD BE MORE THE NAME AND THE A-NUMBER AND THEN THE LOCATION AS TO WHERE THEY ARE REMOVED TO.

MS. FABIAN: I WOULD SAY WE WOULD PROVIDE THE INFORMATION WE PROVIDED BEFORE, SO FOR REMOVED PARENTS THAT WOULD BE THE DATE AND LOCATION OF REMOVAL, AND THE LOCATION OF LAST ICE CUSTODY. AND THAT I WAS TOLD WOULD ASSIST THEM IN FINDING PEOPLE.

MR. GELERNT: JUST AS A PRACTICAL MATTER, YOUR HONOR, THE REASON THAT ASSISTS US IS THEN WE CAN GO TO THE SERVICE PROVIDER WHO WORKS IN THAT DETENTION CENTER.

THE COURT: YES.

MR. GELERNT: AND THEY COULD SAY, OH, YES, I REMEMBER HIM. WE BELIEVE WE HAVE SOME NOTES ABOUT WHERE HE WAS GOING WITHIN HONDURAS OR --

AND NATIONALITY COULD BE INCLUDED, AS WELL, SO WE KNOW WHAT COUNTRY THEY WERE REMOVED TO, I ASSUME.

MS. FABIAN: THAT IS WHAT WE HAVE GIVEN BEFORE.

THE COURT: SAME INFORMATION.

MS. FABIAN: AND FOR RELEASED INFORMATION IT WOULD BE ANY INFORMATION WE GOT UPON RELEASE. I THINK WE HAD GIVEN THEM THE ADDRESS WE UNDERSTOOD THEY HAD BEEN RELEASED TO, AND IF THERE WAS A PHONE NUMBER THAT, AS WELL.

MR. GELERNT: RIGHT.

THE COURT: YES, SAME INFORMATION.

AND THEN A SEPARATE LIST FOR THOSE IN DOJ CUSTODY AND A SEPARATE LIST FOR THOSE IN STATE CUSTODY. AND WHATEVER INFORMATION YOU PROVIDED LAST TIME, IT WOULD BE THE SAME.

THERE IS FIVE BUCKETS, AND I THINK THAT IS A GOOD PRACTICAL WAY TO GET STARTED. I AM ASSUMING THE LARGEST SEGMENT WILL BE IN ICE DETENTION, SO WE WILL START THERE.

AND TO BE CLEAR, WITH THE ICE DETENTION, WITH THE NAME, A-NUMBER, LOCATION, THAT LIST, IT WILL START TONIGHT AND THEN ALL OF THAT INFORMATION WOULD BE SUPPLIED BY MONDAY, 9:00 A.M. THE CHILDREN'S LIST WOULD START TONIGHT AND THE COMPLETED INFORMATION, IF IT IS NOT PRESENT TONIGHT, WOULD BE FORTHCOMING BY MONDAY, 9:00 A.M.

AND THEN WE WILL SET A TIME FRAME FOR THESE OTHER PARENTS AND THEIR INFORMATION AT MONDAY'S HEARING. BUT I AM ANTICIPATING MAYBE AS EARLY AS WEDNESDAY OR SO OF NEXT WEEK ALL OF THIS INFORMATION WOULD BE PROVIDED.

AS TO THE PARENTS IN ICE DETENTION -- THIS WILL BE SUBJECT TO MODIFICATION ONCE I RECEIVE THE GOVERNMENT'S BRIEFING, BUT AT THE PRESENT TIME WE WILL PROCEED WITH THE

UNDERSTANDING THAT ALL PARENTAGE DETERMINATIONS OF PARENTS IN ICE DETENTION WILL BE COMPLETED BY THURSDAY, JULY 19. AND IF THERE IS A DETERMINATION THAT THE INDIVIDUAL HAS FALLEN OUT OF THE CLASS, REASONS CAN BE STATED.

WE WILL SET PARENTAGE DETERMINATION DATES AS TO THE OTHER PARENTS IN THE OTHER BUCKET GROUPS AT A LATER TIME.

THE INFORMATION WITH RESPECT TO, HERE AGAIN, PARENTS WHO ARE INELIGIBLE, THE REASONS FOR THAT, WHETHER IT IS CRIMINAL HISTORY, ALLEGATIONS OF ABUSE OR UNFITNESS, OR PARENTAGE ISSUE, BE SPECIFIED BY JULY 19 FOR THIS ICE DETENTION GROUP.

THERE IS ALSO A REQUEST FOR 24 HOURS' NOTICE OF THE TIME, PLACE, AND LOCATION OF REUNIFICATION. CAN THAT BE DONE?

BECAUSE THE BRIEFING INDICATES THAT THINGS WENT RELATIVELY SMOOTHLY BUT THERE IS THREE INCIDENTS THEY POINT OUT WHERE THERE WERE PROBLEMS, A COUPLE IN PARTICULAR.

SO WHEN REUNIFICATION IS GOING TO OCCUR, THE GOVERNMENT WOULD BE IN A POSITION, I AM ASSUMING AT SOME POINT IN TIME PRIOR TO REUNIFICATION, HOPEFULLY AS MUCH AS 24 HOURS BEFORE OR 12 HOURS, GIVE NOTICE TO PLAINTIFFS OF WHEN AND WHERE.

MS. FABIAN: IT IS DIFFICULT, AGAIN, FOR US TO RESPOND TO THE BRIEFING, WE DON'T KNOW ANYTHING ABOUT THOSE SCENARIOS BECAUSE WE ARE NOT GIVEN THE INFORMATION THAT I WOULD NEED TO LOOK INTO THEM.

THAT SAID, I THINK THIS PROCESS GOING FORWARD WILL BE VERY DIFFERENT FROM THE PROCESS IN THE FIRST ROUND. I THINK -- MY UNDERSTANDING IS THAT THERE WILL BE A LIMITED NUMBER -- I DON'T HAVE THAT EXACT NUMBER -- OF ICE FACILITIES WHERE THE REUNIFICATIONS WILL OCCUR.

THE COURT: YES.

MS. FABIAN: AND I WOULD SUGGEST THAT -- ICE WILL THEN -- HAS, AS THEY DID BEFORE, PROVIDE ACCESS TO SERVICES AT THOSE LOCATIONS. BUT I THINK WE COULD PROBABLY SHARE THOSE LOCATIONS AND JUST HAVE -- THAT WOULD BE -- IT WOULD BE POSSIBLE TO THEN -- FOR PLAINTIFFS TO PROVIDE SERVICES ON-SITE AT THAT LIMITED AMOUNT OF LOCATIONS. AND I THINK IT WILL THEN BE HAPPENING ON MORE A ROLLING, REGULAR BASIS.

SO A VERY DIFFERENT SITUATION FROM WHERE YOU HAD 50-OR-SO UNIQUE, SEPARATE REUNIFICATION EVENTS IN A NUMBER OF DIFFERENT LOCATIONS.

SO I THINK THAT THIS PROCESS WILL BE DIFFERENT AND WILL ALLOW US TO PROVIDE THAT INFORMATION DIFFERENTLY. AND THAT IS HOW I WOULD SUGGEST THAT IT WOULD WORK.

MR. GELERNT: YOUR HONOR, WOULD I JUST SAY ABOUT THAT, THAT'S GREAT IF IT IS GOING TO BE EASIER THIS TIME GOING FORWARD. BUT I DO THINK THERE ARE GOING TO BE SOME REUNIFICATIONS THAT ARE GOING TO HAPPEN OUTSIDE OF THOSE.

SO, YOUR HONOR, RIGHT, 24 HOURS WOULD BE IDEAL. 12 HOURS LESS IDEAL BUT BETTER.

IN TERMS OF GETTING YOU THAT INFORMATION ABOUT -- WE ARE OBVIOUSLY PIECING IT TOGETHER BECAUSE THE INDIVIDUALS WHO WERE RELEASED WITHOUT ANYBODY THERE, THAT IS INFORMATION THAT IS HARD TO GATHER.

BUT I WOULD NOTE THAT YOU PROMISED TO GET US SOME OF THE TIME AND LOCATION OF THE REUNIFICATIONS, AND WE GOT ZERO. AND I UNDERSTAND THERE MAY BE REASONS FOR THAT, BUT WE DIDN'T GET ANY. SO IT IS NOT AS IF WE GOT 54 OUT OF THE 58, AND THOSE FOUR FELL THROUGH THE CRACKS AND YOU WANT TO KNOW ABOUT THEM.

MAYBE OTHERS GOT ON THE GROUND, AND THAT'S GREAT. BUT I THINK THERE JUST HAS TO BE SOME BETTER SYSTEM SO THERE IS AT LEAST SOME NOTICE. EVEN IF IT IS A FEW HOURS, SOMEONE CAN RUSH THERE SO THE MOTHER WHO IS GETTING OUT IN THE MIDDLE OF THE NIGHT IS NOT STANDING THERE.

THE COURT: THERE HAS GOT TO BE A WAY WHERE WHEN THE ACTORS WITHIN THE DEFENDANT AGENCIES MAKE A DETERMINATION, WE ARE REUNIFYING AT THIS LOCATION AT THIS TIME, THAT THAT INFORMATION BE COMMUNICATED TO SOMEONE WHO CAN THEN COMMUNICATE TO MR. GELERNT.

MS. FABIAN: WELL, AND AGAIN, AS -- MY UNDERSTANDING OF WHAT WE HAD TALKED ABOUT LAST TIME IS DIFFERENT FROM COUNSEL'S. WE HAD SAID ICE WAS PROVIDING SERVICES ON-SITE AT THESE RELEASES SO MY UNDERSTANDING WAS THAT WE HAD AGREED THAT THAT WAS -- IF THAT WAS IN PLACE THAT THAT WAS SUFFICIENT. IF

THAT DIDN'T WORK IN SOME SITUATIONS, AGAIN I CAN LOOK INTO THAT.

BUT I DO THINK THIS IS A DIFFERENT PROCESS. I THINK -- I WOULD HOPE THAT IN A SIGNIFICANT NUMBER OF CASES PROVIDING THE NUMBER OF ICE LOCATIONS THAT ARE BEING USED WILL WORK FOR THIS. IF -- AS I LOOK AT THE PLAN AND DISCOVER IF THERE ARE OTHER LOCATIONS THAT ARE BEING USED I THINK WE CAN WORK OUT A PLAN FOR EITHER PROVIDING -- ICE MAKING SURE THAT SERVICES ARE PROVIDED FOR PROVIDING THE INFORMATION TO PLAINTIFF SO THEY CAN PROVIDE SERVICES.

MR. GELERNT: SO THIS MAY BE SOMETHING WE NEED TO MEET AND CONFER WITH.

THE ONLY THING I WOULD ADD IS OUR UNDERSTANDING -- AND YOU CAN CORRECT ME IF I AM WRONG -- THAT EVEN THE PARENTS ARE NOT GETTING NOTICE OF REUNIFICATION. ALL OF A SUDDEN THEY ARE BEING TAKEN OUT AND SAYING, HERE IS YOUR CHILD.

I THINK THAT IS SOMETHING THAT PROBABLY ON THE GROUND MAYBE CAN BE DEALT WITH. AND THAT COUNSEL FOR THE PARENTS, WHEN THEY HAVE SPECIFIC COUNSEL, LONGSTANDING COUNSEL ARE NOT BEING ALLOWED TO KNOW WHEN THE REUNIFICATIONS ARE HAPPENING, THEY ARE NOT BEING ALLOWED TO BE INVOLVED IN THE PROCESS. THAT DOESN'T SEEM TO MAKE MUCH SENSE.

THE ONLY OTHER THING IN TERMS OF NOTICE IS I WOULD JUST ASK COUNSEL. COUNSEL HAS REPRESENTED, I THINK, THAT THE NOTICE THAT YOUR HONOR APPROVED HAS GONE OUT TO THE DETENTION

CENTERS. SO AT SOME POINT -- I THINK WE HAVE AGREED ON THIS -- THAT YOU ARE GOING TO LET US KNOW THAT THEY HAVE ACTUALLY BEEN POSTED. I THINK WE ARE IN AGREEMENT THAT YOU WILL LET US KNOW.

MS. FABIAN: WE ARE LOOKING INTO THAT. AND I WILL CONFIRM AS SOON AS I CAN.

AGAIN, I THINK -- IT IS DIFFICULT FOR ME TO RESPOND TO THESE QUESTIONS IN COURT. I WOULD URGE -- ASK THE COURT THAT THESE ISSUES BE -- IF THEY ARE RAISED TO ME I AM HAPPY TO LOOK AT THEM AND SEE IF WE CAN WORK OUT A SYSTEM.

THE COURT: OKAY. AT THE PRESENT TIME WHAT I WOULD PROVIDE -- AND THIS CAN BE SUBJECT TO MODIFICATION WHEN WE MEET AGAIN ON MONDAY -- THAT THERE BE 12 HOURS NOTICE. SOMEONE WITHIN THE DEFENDANT AGENCIES HAS TO BE ABLE TO COLLECT THE DATA, PROVIDE IT TO YOU OR SOMEONE WHO CAN THEN COMMUNICATE TO MR. GELERNT. TO PROVIDE NOTICE OF THE TIME AND PLACE AND LOCATION SO THAT THE PROCESS GOES RELATIVELY SMOOTHLY.

MS. FABIAN: IF I AM CORRECT AND THERE IS A LIMITED NUMBER OF FACILITIES THAT ARE BEING USED, WOULD NOTICE THAT THOSE EIGHT FACILITIES WILL BE THE PRIMARY LOCATIONS WOULD THAT SUFFICE FOR THOSE AND THEN THE 12-HOUR NOTICE WOULD APPLY TO OTHER LOCATIONS?

I UNDERSTAND THAT THAT WOULD WORK, BASED ON WHAT YOU ARE SAYING, BUT I WANTED TO CONFIRM.

THE COURT: IT WOULD BE FOR EACH PARENT, EACH REUNIFICATION, THERE NEEDS TO BE INFORMATION SO THAT THEY KNOW WHERE THIS IS HAPPENING AND SO THAT, IF NECESSARY, ARRANGEMENTS CAN BE MADE THROUGH THESE FAITH-BASED GROUPS OR NGO'S OR OTHER PEOPLE.

SO IT SEEMS TO ME THERE COULD BE 12 HOURS NOTICE OF THIS PARENT AND CHILD ARE BEING REUNIFIED AT THIS LOCATION AT THIS APPROXIMATE TIME, SO THAT THERE IS NOTICE AND PEOPLE ARE PREPARED TO MEET THEM.

MS. FABIAN: I DIDN'T UNDERSTAND THE NEED TO BE SPECIFIC TO THE INDIVIDUAL, BUT AS SORT OF A GENERAL MATTER PROVIDING SERVICES.

SO I WOULD HAVE SAID THAT THE NEED WAS DIFFERENT. BUT I AM HAPPY TO DISCUSS THAT, IF THERE IS A NEED FOR THE SPECIFIC INFORMATION THAT CERTAINLY -- THE QUESTION OF WHETHER THE PARENTS ARE BEING NOTIFIED, THIS IS THE FIRST I AM HEARING OF THAT BEING AN ISSUE, SO I CAN GO BACK AND LOOK AT THIS.

BUT IN TERMS OF THE NEED FOR PLAINTIFFS' COUNSEL TO HAVE THE INFORMATION, MY UNDERSTANDING WAS IT WAS TO HAVE PROVIDERS ON-SITE TO PROVIDE SERVICES. THAT SEEMS TO BE A GENERALIZED NEED THAT WOULDN'T REQUIRE THE NOTIFICATION OF WHO, PER SE, IS BEING RELEASED THAT DAY. BUT WE CAN TALK IT OVER AND SEE IF THERE IS A MORE SPECIFIC NEED.

THE COURT: YOU NEED TO KNOW.

MR. GELERNT: I MAKE TWO POINTS, YOUR HONOR. I

THINK YOU RAISED A GOOD QUESTION.

ONE, WE ARE HAPPY -- I MEAN, IT PROBABLY DOESN'T MAKE SENSE BUT WE ARE HAPPY TO REMOVE OURSELVES FROM THE PROCESS AND DESIGNATE A FAITH-BASED GROUP TO BE WHERE YOU SEND THE INFORMATION, IF THAT WOULD MAKE IT EASIER FOR YOU. AND THEN MAYBE YOU CAN DESIGNATE SOMEONE TO GET IT. OR WE CAN TAKE IT AND FORWARD IT ON, WHICHEVER. THAT IS SORT OF -- YOU KNOW, WE DON'T HAVE TO BE THE POINT PERSON ON THESE LOGISTICS.

I THINK YOUR HONOR IS RAISING THE IMPORTANT POINT ABOUT IT HAS TO BE INDIVIDUALIZED, AND IF THEY KNOW THE LIST OF PEOPLE WHO ARE GETTING REUNITED, THAT IS PRESUMABLY A BUTTON THAT CAN GET HIT. BECAUSE I THINK FOR THE FAITH-BASED GROUPS TO SEE 600 PEOPLE ALL JUST STREAMING OUT, AND HAVE NO SENSE OF WHO MAY HAVE MORE DIFFICULT CIRCUMSTANCES THAN OTHERS BECAUSE 100 OF THEM MAY HAVE AN AUNT OR A RELATIVE WHO THEY CAN GO TO, BUT 100 MAY NEED REAL HOTEL ROOM KIND OF SITUATION, YOU KNOW, THERE ARE A WHOLE BUNCH OF THINGS THAT MAY BE NEEDED. I THINK AT LEAST 12 HOURS NOTICE SO THE FAITH-BASED GROUPS CAN TRY AND GET HOTEL ROOMS FOR WHO THEY NEED TO GET, BUS TICKETS FOR WHERE THEY NEED TO GET, ALERT A RELATIVE SOMEWHERE IN THE COUNTRY.

THE COURT: SO MUCH OF THIS IS REALLY JUST COMMON SENSE AND COMMON COURTESY. WE ARE, IN A RELATIVE NUMBER, WE ARE NOT TALKING ABOUT THAT MANY. THE GROUP IS UNDER 3,000. AND THAT IS A MANAGEABLE NUMBER, ESPECIALLY WITH THE RESOURCES

OF THE GOVERNMENT. AND SOMEONE IS MAKING DETERMINATIONS AS TO WHO IS GETTING REUNIFIED, WHAT TIME, AND WHERE, AND THAT INFORMATION CAN BE COMMUNICATED.

SO I WILL LET THE PARTIES MEET AND CONFER AS TO WHO GETS IT. RIGHT NOW IT WOULD BE MR. GELERNT, BUT IF THERE ARE OTHER GROUPS. THIS PROCESS, THERE SHOULDN'T BE ANYTHING MYSTERIOUS ABOUT IT, IT SHOULD BE TRANSPARENT AND EASY TO DO: WE FOUND THE KID, WE FOUND THE PARENT, WE ARE MATCHING THEM UP, THEY ARE REUNIFYING AT X AT THIS TIME. IT SHOULD BE A VERY STRAIGHTFORWARD PROCESS.

I KNOW IT WILL TAKE A LOT OF STAFFING AND INDIVIDUAL EFFORT, BUT IT IS NOT A DIFFICULT ASSIGNMENT, IT IS JUST LABORIOUS. AND IT CAN BE DONE AND IT SHOULD BE DONE. PARENTS AND CHILDREN SHOULDN'T BE REUNITED AND THEN HAVE NO RESOURCES, NO ONE THERE TO REINTEGRATE THEM.

SO AT THIS JUNCTURE, WITHOUT PREJUDICE TO RECONVENING ON MONDAY, IT WOULD BE A 12-HOUR NOTICE PROVISION WITH SPECIFICITY, THAT EACH -- INDIVIDUALIZED. EACH FAMILY AND WHERE AND WHEN THEY ARE BEING REUNITED.

ON THE COST, IT DOESN'T MAKE ANY SENSE FOR ANY OF THESE PARENTS WHO HAVE BEEN IMPROPERLY SEPARATED TO PAY ANYTHING. SO THE REUNIFICATION SHOULD BE PAID FOR, WHETHER IT IS DNA, TRAVEL, OR OTHER MATTERS, SHOULD BE PAID FOR BY THE GOVERNMENT. AND I THINK THAT TAKES CARE OF THAT ISSUE. I AM TALKING ABOUT CLASS MEMBERS HERE.

MS. FABIAN: YOUR HONOR, I HAVE TO SAY ON THAT POINT THAT IT IS NOT -- THAT IS A HUGE ASK ON THE PART OF HHS. I UNDERSTAND AND I WANTED TO -- I UNDERSTAND THAT WE ARE WORKING WITH DONORS, NONPROFITS, AND OTHER ORGANIZATIONS, AN AIRLINE, TO COORDINATE INDIVIDUALS WHO HAVE OFFERED TO DONATE THOSE SERVICES AND TO -- BECAUSE THE GOVERNMENT CANNOT ACCEPT GIFTS AND DONATIONS, THAT WAY TO COORDINATE A WAY THAT COULD ALLOW THOSE TO BE MADE TO INDIVIDUALS. THE RESOURCES ARE NOT IN O.R.R. OR HHS TO PROVIDE -- TO PAY FOR THOSE FLIGHTS. SO THEY ARE BEING --

THE COURT: HOW IS IT PRESENTLY DONE?

MS. FABIAN: THE GENERAL PRACTICE IS THAT ON A CASE-BY-CASE BASIS THE INDIVIDUAL -- THE O.R.R. INDIVIDUAL ON THE GROUND CAN MAKE A DETERMINATION IF PAYMENT WILL BE MADE. I DON'T RIGHT NOW KNOW THE CONSIDERATIONS THAT GO INTO THAT DETERMINATION.

THE COURT: WHAT HAPPENED WITH THE UNDER-FIVE? SOME OF IT WAS PAID FOR, OTHERS I GUESS THE FIELD PERSON WAS ASKING THE PARENT OR SOMEONE ELSE TO PAY?

MS. FABIAN: I DON'T HAVE -- I CAN TELL YOU THAT IT WASN'T A GENERAL DIRECTIVE, BUT FOR THE MOST PART THOSE INDIVIDUALS WERE THE -- THE PARENTS WERE BROUGHT CLOSE TO THE CHILDREN, AND THAT WAS ICE TRANSPORT, AND THEN THE REUNIFICATION, SO IT DIDN'T REQUIRE THAT SORT OF TRANSPORTATION.

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THE COURT: LET'S LEAVE IT THIS WAY. THE PROCESS YOU ARE DESCRIBING IS THE TVPRA, WHICH IS -- IN THIS CONTEXT IS BACKWARDS, WHERE A SPONSOR IS APPLYING AND THEY ARE MAKING EFFORTS TO BE REUNIFIED, AND THEY HAVE TO PASS MUSTER AND BE ACCEPTED AND BE WILLING TO DO A LOT OF THINGS IN ORDER TO RECEIVE THE CHILD. BUT AS WE DISCUSSED LAST FRIDAY, THAT'S NOT THIS SITUATION.

SO LET'S PROCEED WITH THE UNDERSTANDING THAT THE GOVERNMENT WILL MAKE IT HAPPEN. AND THEN IF THERE ARE ISSUES THAT I AM NOT AWARE OF THAT NEED TO BE PRESENTED TO THE COURT WE CAN ADDRESS THOSE MONDAY MORNING --

MS. FABIAN: THANK YOU, YOUR HONOR.

THE COURT: -- WITH RESPECT TO THE COSTS.

IS THERE ANYTHING ELSE WE NEED TO ADDRESS NOW?

I THINK IT IS IMPORTANT THAT WE GET THE GOVERNMENT'S FILING SO WE HAVE MORE INFORMATION. I THINK WE HAVE SET IN PLACE A NUMBER OF THINGS THAT WILL GET MOVING NOW AND OVER THE WEEKEND, WHICH IS CRITICAL.

MR. GELERNT: RIGHT.

THE COURT: AND THEN WE CAN SETTLE ANY REMAINING ISSUES MONDAY AT 9:30.

MR. GELERNT: THAT MAKES SENSE, YOUR HONOR. I WAS JUST GOING TO RAISE TWO QUICK POINTS THAT DON'T GO -- THAT WOULDN'T INTERFERE, WHAT YOU ARE TALKING ABOUT, WITH THIS PLAN GOING FORWARD.

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ONE IS JUST MORE FOR THE RECORD, AND I DON'T WANT TO DWELL ON IT.

WE DON'T UNDERSTAND THE GOVERNMENT TO HAVE ACTUALLY INCLUDED ANY CHILD IN THE REUNIFICATION THAT WASN'T STRICTLY WITHIN YOUR CLASS, SO YOUR HONOR'S URGING THEM TO BE OVER-INCLUSIVE IS FANTASTIC FROM OUR STANDPOINT. WE DON'T UNDERSTAND THAT TO HAVE ACTUALLY HAPPENED, SO I JUST WANTED TO SAY THAT FOR THE RECORD, BUT I DON'T WANT TO DWELL ON IT.

THE OTHER POINT I WANTED TO RAISE, WHICH IS SOMETHING THAT LITERALLY GETTING BOMBARDED WITH DOZENS AND DOZENS OF EMAILS EVERY HOUR FROM ADVOCATES AND SERVICE PROVIDERS ON THE GROUND AND FAITH-BASED GROUPS, THEY ARE VERY CONCERNED THAT THE REUNIFICATIONS ARE GOING TO START THIS WEEKEND AT ICE FACILITIES, AND THE PLAN IS THEN TO REMOVE THE PARENT AND CHILD IMMEDIATELY.

AND THE REASON THAT IS OF SUCH CONCERN IN THIS UNIQUE CONTEXT IS THAT NORMALLY A PARENT AND CHILD ARE TOGETHER AND THEY ARE DISCUSSING, WHAT'S THE BEST OPTION FOR US? DOES THE CHILD HAVE A PARTICULAR ASYLUM CLAIM THAT THE MOTHER DOESN'T?

BUT WHAT WE ARE GOING TO -- I THINK THEY ARE CONCERNED THAT THE PARENTS AND CHILD ARE GOING TO BE BROUGHT TOGETHER, PERHAPS AS EARLY AS TOMORROW, AND THEN BE ON A PLANE THE NEXT DAY OR THE DAY AFTER, AND NOT HAVE TIME TO FIGURE OUT WHAT'S THE BEST SITUATION FOR THAT FAMILY BECAUSE THEY HAVEN'T

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BEEN TOGETHER.

AND THE CHILD NOW HAS BEEN GIVEN AN ADVOCATE BECAUSE THEY HAVE BEEN SENT AWAY TO O.R.R., AND THAT CHILD ADVOCATE IS VERY CONCERNED THAT THEY ARE NOT GOING TO HAVE A CHANCE TO TALK TO THE PARENT AND SAY, YOU KNOW, WHILE YOU HAVE BEEN SEPARATED WE HAD NO CHOICE BUT TO LOOK INTO THE CHILD'S STATUS AND SITUATION AND WHAT MAY BE AVAILABLE TO THE CHILD, WE WANT TO BE ABLE TO EXPLAIN THAT TO YOU AS THE PARENT.

SO I DON'T KNOW WHETHER THAT IS SOMETHING WE MAY NEED TO BRIEF TO YOU BY MONDAY MORNING WITH AFFIDAVITS POTENTIALLY, IF WE CAN, OVER THE WEEKEND FROM ADVOCATES TO EXPLAIN OUR CONCERN.

UNLESS THE GOVERNMENT IS GOING TO REPRESENT THAT NO REMOVALS OF THESE REUNIFIED KIDS ARE GOING TO HAPPEN FOR SEVEN DAYS OR SOME -- I DON'T THINK THEY ARE GOING TO REPRESENT THAT. BUT IF THEY WERE THEN THAT GIVES US MORE TIME TO SORT OF FULLY APPRISE YOU. OTHERWISE, WE WOULD GET TO MONDAY MORNING, WE WOULD HOPE NO REMOVALS HAPPEN BEFORE YOUR HONOR HAS HAD A CHANCE TO LOOK AT THAT SITUATION, AND ENSURING ACCESS WHERE THE PARENT AND CHILD CAN AT LEAST TALK TO THE CHILD'S ADVOCATE AND EXPLAIN, THIS IS WHAT HAS HAPPENED TO YOUR CHILD AND THIS IS THE SITUATION YOUR CHILD IS IN. OTHERWISE I AM NOT SURE THE PARENT CAN REALLY MAKE AN INFORMED DECISION ABOUT HOW THIS SHOULD PROCEED.

THE PHONE CALLS HAVE BEEN SPARING AT BEST. THE