

# NOTICE OF PROPOSED CLASS ACTION SETTLEMENT – *MS. L. v. ICE*

If you were a noncitizen parent (or Legal Guardian), or were a minor child, who came to the U.S. border together between January 20, 2017 and January 20, 2021, were apprehended by the U.S. government together, and then separated by the U.S. government, you may be affected by a proposed class action settlement (“Settlement”).

The Settlement has been reached in a class action lawsuit called *Ms. L v. ICE*, 18-cv-00428-DMS-AHG (S.D. Cal.). This lawsuit is about families who were apprehended by the U.S. government together, but then separated and kept apart. The parties in the lawsuit have proposed to settle the case, and the U.S. District Court for the Southern District of California must decide whether to approve the Settlement.

This Notice will tell you about your rights under the Settlement. You are not being sued, and this is not an advertisement. If you think the Settlement relates to you, please read this Notice.

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE  
TO INQUIRE ABOUT THIS SETTLEMENT.**

## **What is the lawsuit about?**

*Ms. L. v. ICE* is a federal court case about the separation of families at the border between January 20, 2017 and January 20, 2021. It was originally brought on behalf of a class of noncitizen parents who came to the southern U.S. border together as a family, but were separated by the U.S. government. A case like this is brought on behalf of a group of people who have similar legal claims (called a “Class”).

The case was filed in early 2018 and claimed that the government’s practice of separating families from each other violated the U.S. Constitution and federal laws.

Plaintiffs and the government have now agreed to settle this case and have asked the Court to approve a Settlement that would offer various ways of helping families reunify with their separated family members.

The Court has appointed lawyers to represent the Class. They are called “Class Counsel” and their contact information is listed at the end of this document.

## **What rights does the settlement provide?**

Below is only a summary of the Settlement. If you want to know more, you should read the Settlement or talk to your lawyer, if you have one. The Settlement provides benefits to certain families who were separated by the U.S. government in the past, and also creates procedures the U.S. government must follow if it seeks to separate noncitizen families in the future. Potential Class members are noncitizen parents or Legal Guardians, and their child(ren), who were separated at the border and meet the requirements of Class membership contained in the Settlement.

For certain families who were separated between January 20, 2017 and January 20, 2021, the U.S. government will provide:

- **The opportunity to reunify for *Ms. L. Settlement Class Members outside the United States.*** The U.S. government will:
  - provide the opportunity for all *Ms. L. Settlement Class members* to reunify with their separated parent, Legal Guardian, or child, including via applying for temporary immigration parole. The first step for Settlement Class members who seek reunification through this opportunity will be to register for assistance through an existing U.S. government website, together.gov or juntos.gov, or to call a help desk for assistance with registering.

- provide a process by which certain family members who were *not* separated will be provided an opportunity to live with the reunified parent or Legal Guardian and child in the United States.
- return to the United States Class members and certain additional family members who are determined to be necessary for reunification at the government's expense.
- **Support for *Ms. L.* Settlement Class Members inside the United States.** The U.S. government will:
  - provide assistance with certain health care copayments and housing needs
  - provide legal access and orientation tailored to Class members, including counseling on relief, steps necessary to apply for relief, assistance in filling out applications, and pro bono referrals.
  - provide behavioral health services to Class members.
- **Accounting for the effects of separation in immigration cases.** The U.S. government will:
  - Provide certain Class members and qualifying additional family members the opportunity to apply for parole and employment authorization. Terms of parole and employment authorization will be for 36 months, with the opportunity to renew. USCIS will exempt the filing fee for parole applications and employment authorization applications.
  - Establish procedures for *Ms. L.* Class members in the United States to apply for asylum in the United States with USCIS. Applications filed within the deadlines set by the settlement will be deemed to meet the one-year filing deadline.
  - USCIS asylum applications filed by *Ms. L.* Class members will be reviewed by a special group of asylum officers, who will be specially trained on how the harms of separation can affect Class Members' asylum claims.
  - Establish procedures to allow *Ms. L.* Class members in proceedings or who have removal orders to reopen their cases or otherwise access affirmative asylum proceedings.
  - Contract with an independent organization to communicate with class members and assist class members and eligible additional family members with necessary parole and employment authorization applications.
- **Including certain separated parents and children in the Settlement.** Certain families separated from January 20, 2017, and January 20, 2021, were previously not included in the *Ms. L.* Class because of things like the parent's criminal history or allegations of abuse against the parent. Depending on the reasons for their separations, the Settlement will provide a mechanism for certain of those separated family members to seek inclusion in the Class, which would make them eligible for certain settlement benefits. A first step in seeking inclusion in the Class will be to register through an existing U.S. government website, together.gov or juntos.gov, or to call a help desk for assistance with registering.

Into the future, the Settlement Agreement will provide the following:

- The government will ensure that noncitizen children in DHS custody are not separated from their accompanying noncitizen parent or Legal Guardian, except in limited circumstances. The settlement describes the limited circumstances when a family may be separated.
- The government will also use specific procedures to maintain family unity to the greatest extent possible.
- The government will document the separation and the facts and reasons for separation; ensure that the separated parents and children have information about each other; and ensure that federal agencies communicate with each other concerning the locations and status of separated adults and children.
- The settlement also provides procedures to ensure continued communication between parents and children; allow families to challenge a separation; and provide mechanisms for reunifying separated families.

The Settlement also provides that Defendants will pay Class Counsel reasonable attorneys' fees, which they will negotiate after this Settlement is approved. The amount of the fee award will be submitted to the Court for approval, and the Court will provide later notice to the Class of the amount and an opportunity for any objections.

This lawsuit does not address any requests for money damages a Class member may have against the government based on family separation, and leaves those requests to be addressed in other cases.

### **You have the right to object to the Settlement.**

You have the right say what you think about the Settlement before the Court decides whether to approve it. You can do this by submitting something in writing to the Court or Class Counsel, attending a Court hearing about the Settlement, or both.

If you like the Settlement's terms, you do not have to do anything.

If you are not satisfied with the Settlement, you can ask the Court to deny approval for the Settlement. If the Court denies approval, the Settlement will not happen and the lawsuit will continue.

- If that is what you want, you must object to the proposed Settlement in writing. If you object in writing, you may also appear at the Final Approval Hearing, either on your own behalf or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying for that attorney. If the Court approves the Settlement despite any objections, it will apply to you even if you do not agree with it.

All written objections and supporting papers must:

- Clearly identify the following case name and number: *Ms. L. v. ICE*, Case 18-cv-00428-DMS-AHG (S.D. Cal.)
- Be submitted to the Court by mailing them to:

James M. Carter & Judith N. Keep U.S. Courthouse, Clerk's Office  
United States District Court for the Southern District of California  
333 W. Broadway San Diego CA 92101  
ATTN: Ms. L. v. ICE Class Objection

You can also file your objections in person at the above address, or email a copy of your objections to Class Counsel at the information below.

- Be filed or received on or before November 21, 2023.

### **When and where will the Court decide whether to approve the Settlement?**

The Final Approval Hearing is scheduled to take place on December 8, 2023, at 1:00 PM, at the James M. Carter & Judith N. Keep U.S. Courthouse, 333 W. Broadway San Diego CA 92101. The date and time of the Final Approval Hearing may change without notice to you.

Information about any changes to the Final Approval Hearing date or time will be available, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system, at <https://www.casd.uscourts.gov/cmecf/nextgen.aspx>, using the case number 18-cv-00428-DMS-AHG.

## **Where can I get more information?**

This Notice summarizes the Settlement. You should feel free to talk to your lawyer if you want to know more. The Settlement Agreement is also available at the following website: <https://www.aclu.org/cases/ms-l-v-ice>

You can also contact Class Counsel at this email address or voicemail number:

Phone: (646) 905-8892

Email: [familyseparation@aclu.org](mailto:familyseparation@aclu.org)

You can register your interest in assistance through the Settlement at [together.gov](https://together.gov) or [juntos.gov](https://juntos.gov), or you can call these phone numbers to a help desk for assistance with registering:

In Guatemala, call: +502 – 2302 – 5773

In Honduras, call: +504 – 2217 – 0379

In El Salvador, call: +503 – 2136 – 1163

In Mexico, call: +52 – 55 – 8897 – 5395

In Brazil, call: +55 – 21 – 3500 – 8817

In Nicaragua, call: +505 – 7517 – 8143

In the United States and in all other countries, call: +1 – 213 – 454 – 0527