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17 **UNITED STATES DISTRICT COURT**
18 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

20 S.A.; J.A.; A.B.; R.C., on behalf of himself and
as Guardian Ad Litem for J.C., a minor child;
21 M.C.; D.D.; G.E., on behalf of himself and as
Guardian Ad Litem for B.E., a minor child; J.F.,
22 on behalf of himself and as Guardian Ad Litem
for H.F. and A.F., minor children, on behalf of
23 themselves and on behalf of a class of all
24 similarly situated individuals, and CASA,

25 Plaintiffs,

26 v.

27 DONALD J. TRUMP, in his official capacity as
President of the United States; U.S.
28 DEPARTMENT OF HOMELAND SECURITY;
U.S. CITIZENSHIP AND IMMIGRATION

Case No.

**CLASS ACTION COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

1 SERVICES; U.S. DEPARTMENT OF STATE;
2 KIRSTJEN NIELSEN, in her official capacity as
3 Secretary of Homeland Security; MICHAEL R.
4 POMPEO, in his official capacity as Secretary of
5 State; L. FRANCIS CISSNA, in his official
6 capacity as Director of U.S. Citizenship and
7 Immigration Services; UNITED STATES OF
8 AMERICA,

Defendants.

INTRODUCTION

1
2 1. This lawsuit challenges the Trump Administration’s termination of the parole portion
3 of the Central American Minors (“CAM”) program—a program established in 2014 in response to
4 the humanitarian crisis presented by thousands of unaccompanied minors fleeing danger in El
5 Salvador, Guatemala, and Honduras and arriving at the Southern Border. Over the years, the CAM
6 Program enabled thousands of Central American parents lawfully residing in the United States to
7 safely and legally bring their children to the United States as refugees or parolees through an
8 orderly process in which eligibility determinations were made in the minors’ home countries.

9 2. This Administration’s highly erratic and unexplained termination of the CAM Parole
10 program, which began with secretly shutting down its operations immediately after inauguration
11 and culminated with the mass rescission of conditional approval for parole status for nearly 3,000
12 children in August 2017, can only be understood as another one of this Administration’s cruel and
13 xenophobic policies against people it has publicly labeled “animals.”

14 3. The termination of the CAM Parole program pulled the rug out from under Plaintiffs
15 and proposed class members—thousands of families who had spent years and thousands of dollars
16 in reliance on the availability of this safe pathway to family reunification, and thousands of whom
17 had attained conditional approval for parole status and believed they would imminently travel.
18 Plaintiffs include U.S.-based parents and their children in Central America who completed every
19 step of the application process, including paying for plane tickets to come to the United States.
20 They include a teenage girl who was forced to drop out of high school a few months shy of her
21 graduation because an MS-13 gang member was trying to forcibly “date” her and she feared being
22 raped or killed. They include a teenage boy who was beaten so badly by the MS-13 after he refused
23 to join the gang that he needed emergency surgery and still has trouble walking and bathing himself.
24 They include a teenage boy whose uncle was shot and killed by the MS-13 right outside the boy’s
25 home, and now the gang has repeatedly threatened to do the same to him. They include Central
26 American parents who have lived lawfully in the United States for decades, including in Northern
27 California, are raising U.S. citizen children, have earned state professional licenses, and have spent
28 years and sometimes decades at jobs in the U.S. as teacher’s assistants, butchers, and mechanics.

1 4. Meanwhile, the life-threatening conditions in the Central American countries that led
2 to the creation of the CAM Program have not abated. Honduras, El Salvador, and Guatemala—
3 sometimes called “the Northern Triangle”—are among the countries with the highest child
4 homicide rates in the world. Just in the past month, a refugee “caravan,” including children from
5 these countries fleeing violence and seeking asylum, arrived at the Southern border of the United
6 States. The caravan was organized to raise awareness of the conditions in the Northern Triangle
7 countries and to protect the migrants from the dangers they would otherwise face on the journey to
8 the U.S. border—a journey that the CAM Program had made unnecessary for thousands of children.

9 5. Having shut down the CAM Program’s pathway to safety for Central Americans, the
10 Trump Administration is now turning away Central Americans seeking to apply for asylum at ports
11 of entry and prosecuting those who desperately attempt to enter the border illegally. In short,
12 President Trump has acted on his promise to get Central Americans out of the United States by
13 trying to shut down every possible avenue for relief for people, often children, fleeing the
14 humanitarian crisis in their home countries.

15 6. When the CAM Parole program was terminated, the Trump Administration told
16 many of the named Plaintiffs and the proposed class members that they could request review of the
17 denial of their refugee applications under the CAM Program. But with only a few months left to
18 this fiscal year, many who have requested review of their denials have not yet received a response—
19 raising the prospect and the fear that this final opportunity to safely reach the United States will also
20 be foreclosed.

21 7. The termination of the CAM Parole program violated, among other things, the
22 Administrative Procedure Act and the Fifth Amendment guarantees of Due Process and Equal
23 Protection. Individual Plaintiffs, along with CASA, request that the Court set aside the termination
24 of the CAM Parole program and the mass rescission of conditional approval for parole, and thereby
25 restore the important, historic American tradition of protecting and aiding the most vulnerable
26 people fleeing perilous circumstances abroad.

27 //

28 //

PARTIES

1
2 8. Plaintiffs S.A. and J.A. are a family. Plaintiff S.A. is a national of El Salvador and a
3 lawful resident of Concord, California, where she has worked for the same small business for 12
4 years. S.A. was eligible to apply for the CAM Program and in August 2015 submitted an
5 application on behalf of her biological daughter, J.A., who was then 20 years old, and her
6 daughter's baby son, who was then a year old. J.A. and her son are both nationals and residents of
7 El Salvador. They were conditionally approved for parole and progressed through every stage of
8 the CAM application process, including paying thousands of dollars for plane tickets. They never
9 traveled, however, because their conditional approval for parole was rescinded when the CAM
10 Parole program was publicly terminated in August 2017. Soon after learning that her family would
11 not be able to reunite with her, S.A. was diagnosed with breast cancer and has gone through surgery
12 and multiple rounds of radiation without the support and assistance of her daughter.

13 9. Plaintiff A.B. is a national of El Salvador and a lawful resident of San Jose,
14 California, where he is raising a U.S. citizen child and has been working as a cashier at a local
15 Safeway for 15 years. A.B. was eligible to apply for the CAM Program and in November 2015
16 submitted an application on behalf of his biological son who is a national and resident of El
17 Salvador and who was 20 years old at the time of application. After President Trump's
18 inauguration, A.B.'s son's application process ground to a halt, and a year later, he was denied
19 refugee status and not considered for parole status because the CAM Parole program had been
20 terminated. A.B.'s son has been repeatedly threatened and robbed by members of the MS-13,
21 which is very active in his community.

22 10. Plaintiffs R.C., M.C., and J.C. are a family. Plaintiff R.C. is a national of El
23 Salvador and a lawful resident of Oxnard, California, where he is raising three U.S. citizen children
24 and has been working for the same company as a celery packer for ten years. R.C. was eligible to
25 apply for the CAM Program and in May 2016 submitted applications on behalf of his three
26 biological children who are nationals and residents of El Salvador, including M.C., who at the time
27 was 17 years old, and J.C., who at the time was 14 years old. The three children were conditionally
28 approved for parole and had progressed through every stage of the CAM application process,

1 including receiving a travel date of February 20 after R.C. paid thousands of dollars for their plane
2 tickets. They never traveled, however, because their conditional approval for parole was rescinded
3 when the CAM Parole program was publicly terminated. Around the time that the family learned
4 about the rescission of their conditional approval, J.C. was brutally attacked by MS-13 gang
5 members and required emergency surgery. M.C. has been aggressively pursued by an MS-13 gang
6 member demanding that she “date” him, and she has been forced to drop out of school.

7 11. Plaintiff D.D. is a national of El Salvador and a lawful resident of Hyattsville,
8 Maryland, where she is raising a U.S. citizen son and has been working as a licensed teacher’s
9 assistant at a day care. She was eligible to apply for the CAM Program and in May 2015 submitted
10 an application on behalf of her biological daughter who is a national and resident of El Salvador and
11 who at the time was 15 years old. D.D.’s daughter was conditionally approved for parole and
12 progressed through every stage of the CAM application process, including receiving a travel date of
13 February 13, 2017 after D.D. paid more than a thousand dollars for her plane ticket. D.D.’s
14 daughter never traveled, however, because her conditional approval for parole was revoked when
15 the CAM Parole program was publicly terminated. D.D.’s daughter remains in El Salvador and
16 remains at risk.

17 12. Plaintiffs G.E. and B.E. are a family. G.E. is a national of El Salvador and a lawful
18 resident of Montgomery Village, Maryland, where he is raising two U.S. citizen children and has
19 been working as a mechanic at the same car shop for more than six years. He was eligible to apply
20 for the CAM Program and in December 2015 submitted an application on behalf of his biological
21 son who is a national and resident of El Salvador and who at the time was 15 years old. B.E. was
22 conditionally approved for parole and was waiting for his medical exam—which G.E. paid for—to
23 be scheduled when President Trump was inaugurated and processing on his application stopped.
24 B.E.’s conditional approval for parole was revoked when the CAM Parole program was publicly
25 terminated. B.E. has been repeatedly threatened by MS-13 gang members and leaves his home as
26 little as possible.

27 13. Plaintiffs J.F., H.F., and A.F. are a family. J.F. is a national of Honduras and a
28 lawful resident of Jamaica, New York where he has been working at the same restaurant for two

1 decades. He was eligible to apply for the CAM Program and in June 2016 submitted an application
2 on behalf of his biological daughters, H.F. and A.F., and his wife—their biological mother—who
3 are nationals and residents of Honduras. At the time of application, H.F. was 4 years old, and A.F.
4 was an infant. After President Trump was inaugurated, J.F.’s family waited almost a year for a
5 decision on their applications, and then they were deemed ineligible for refugee resettlement and
6 not considered for parole. While waiting for the decision on their applications, MS-13 gang
7 members threatened J.F.’s wife at her job.

8 14. Plaintiff CASA is a nonprofit advocacy and assistance organization headquartered in
9 Langley Park, Maryland, with offices in Maryland, Virginia, and Pennsylvania. Founded in 1985,
10 CASA is the largest membership-based immigrant rights organization in the mid-Atlantic region,
11 with more than 90,000 members. Its mission is to create a more just society by building power and
12 improving the quality of life in low-income immigrant communities. Seeing in the CAM Program
13 the opportunity to advance its mission by lawfully uniting its members with their children living in
14 the Northern Triangle, CASA helped 235 of its members to apply for CAM. Through its
15 investment of significant staff and volunteer time and resources to assist its members, CASA
16 developed substantial expertise in the CAM Program. CASA continued to expend staff and
17 volunteer time assisting members with the CAM Program following the unannounced shutdown of
18 the CAM Program. Following the announcement of the termination of the program and mass
19 rescission of conditional approval for parole, CASA had to expend further staff and volunteer time
20 and resources counseling CAM applicants on their options, and had to redirect staff and resources
21 elsewhere. At least two of CASA’s members submitted CAM applications for their family
22 members, the family members were conditionally approved for parole, and their parole was
23 rescinded by Defendants. Moreover, CASA suffered reputational harm due to the CAM termination
24 and mass rescission; CAM applicants frustrated that their time and money was wasted directed their
25 anger at CASA. As a result of the termination of the CAM Program and the mass rescission of
26 conditional approval for parole status, CASA suffered in a way sufficient to establish organizational
27 standing and associational standing on behalf of its members.

28 15. Defendant Donald J. Trump is the President of the United States. He is sued in his

1 official capacity.

2 16. Defendant United States Department of Homeland Security (“DHS”) is a
3 Department of the Executive Branch of the United States Government and is an agency within the
4 meaning of 5 U.S.C. § 552(f)(1). Along with Defendant United States Department of State
5 (“DOS”), it is jointly responsible for administering the CAM Program.

6 17. Defendant United States Citizenship and Immigration Services (“USCIS”) is an
7 Operational and Support Component agency within DHS. USCIS is the DHS sub-agency
8 responsible for making determinations on CAM applications and for processing cases in the CAM
9 Program generally and in the CAM Parole program.

10 18. Defendant DOS is a Department of the Executive Branch of the United States
11 Government and is an agency within the meaning of 5 U.S.C. § 552(f)(1). Along with Defendant
12 DHS, it is jointly responsible for administering the CAM Program. DOS has contracted the
13 International Organization for Migration (“IOM”) to run the United States Government’s
14 Resettlement Support Center in Latin America, which is responsible for processing CAM
15 applications.

16 19. Defendant Kirstjen Nielsen is the Secretary of Homeland Security. She oversees
17 DHS. She is sued in her official capacity.

18 20. Defendant Michael R. Pompeo is the Secretary of State. He oversees DOS. He is
19 sued in his official capacity.

20 21. Defendant L. Francis Cissna is the Acting Director of U.S. Citizenship and
21 Immigration Services. He oversees USCIS. He is sued in his official capacity.

22 22. Defendant United States of America includes all government agencies and
23 departments responsible for the termination of the CAM Parole program and mass rescission of
24 conditional approval for parole.

25 **JURISDICTION AND VENUE**

26 23. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 because this action arises
27 under the Constitution and laws of the United States. This Court has additional remedial authority
28 under the Declaratory Judgment Act, *see* 28 U.S.C. § 2201 *et seq.*, and the Administrative

1 Procedure Act, 5 U.S.C. §§ 701-706.

2 24. The federal government has waived its sovereign immunity and permitted judicial
3 review of agency action pursuant to 5 U.S.C. § 702. *See Presbyterian Church (U.S.A.) v. United*
4 *States*, 870 F.2d 518, 525 (9th Cir. 1989). Sovereign immunity does not bar claims against federal
5 officials which seek only to prevent future violations of federal law, rather than monetary relief.
6 *See, e.g., Larson v. Domestic & Foreign Commerce Corp.*, 337 U.S. 682, 697-99 & nn. 18-19
7 (1949); *Shields v. Utah Idaho Cent. R. Co.*, 305 U.S. 177, 183-84 (1938).

8 25. Venue is proper in the Northern District of California pursuant to 28 U.S.C.
9 § 1391(e)(1) because at least one plaintiff resides in this judicial district and each defendant is an
10 agency of the United States or an officer of the United States sued in his or her official capacity.

11 **INTRADISTRICT ASSIGNMENT**

12 26. A substantial part of the events or omissions which give rise to the claim occurred in
13 each of Santa Clara County and Contra Costa County, given that at least one of the plaintiffs resides
14 in each such county. Accordingly, for purposes of Civil Local Rule 3-2(c) and 3-5(b), this case may
15 be assigned to the San Francisco, Oakland, or San Jose Division.

16 **FACTUAL ALLEGATIONS**

17 **THE CAM PROGRAM WAS CREATED** 18 **TO RESPOND TO A HUMANITARIAN CRISIS FOR CHILDREN**

19 27. DOS and DHS proposed and implemented the CAM Program in 2014 as part of a
20 multi-prong effort to respond to a humanitarian crisis for children in the Americas and an
21 unprecedented rise in the number of unaccompanied Central American children crossing the border
22 between Mexico and the United States.

23 28. Beginning in 2012, the number of unaccompanied children from the Northern
24 Triangle countries attempting to cross the southern U.S. border rose exponentially. In the years
25 preceding 2012, approximately 4,000 unaccompanied children from Northern Triangle countries
26 were apprehended at the southern border each year. In 2012, that number more than doubled, and
27 by 2014, more than 50,000 unaccompanied children from the Northern Triangle countries were
28 stopped at the border. Many of these children were younger than 12. A significant portion of these

1 children were seeking to reunify with parents or other family members present in the United States.

2 29. The overland journey from Central America through Mexico and into the United
3 States is extremely dangerous. While some immigrant smugglers, or “coyotes,” deliver migrants to
4 their destinations, others rob, exploit, enslave, or abandon them. Among the reported stories:

- 5 a) Many migrants of all ages have been raped or sexually assaulted, extorted, or
6 abducted by drug cartels and other criminal groups. Indeed, the likelihood of rape is
7 so high that girls and women obtain prophylactic shots of the contraceptive Depo-
8 Provera before setting out to avoid pregnancy.
- 9 b) Children are regularly crushed to death or lose limbs under the tracks of “La Bestia,”
10 the freight train that runs south to north through Mexico, where many migrants hitch
11 a ride.
- 12 c) In 2017, at least 85 migrants died on the journey through Mexico—many of them hit
13 or run over while attempting to hitch a ride on trains and trucks, and another 415
14 migrants drowned or died of exposure while attempting to cross the Southern Border.

15 30. As then-DHS Secretary Jeh Johnson acknowledged on July 10, 2014—two months
16 before DHS, DOS, and the Department of Justice (“DOJ”) proposed the CAM Program—“the long
17 journey for a child, in the custody of a criminal smuggling organization, from Central America to
18 the United States is dangerous. Many of the children are exploited, abused and hurt.”

19 31. Despite the dangers of the journey, unaccompanied children from the Northern
20 Triangle countries risked their lives on this passage in record numbers because of increased
21 violence in their home countries, particularly targeting young people. In these countries, gangs like
22 the MS-13 and Barrio 18—gangs originally formed in the United States that extended to Central
23 America after their members were deported—have created a confederation of semi-autonomous
24 mini-states within each country that coordinate more closely than the national governments.
25 Attacks on buses, abductions and gang rapes, and shootings in broad daylight occur daily in many
26 neighborhoods in the Northern Triangle, along with omnipresent efforts to recruit even small
27 children as gang members or sex slaves. Children are executed by gang members for refusing to
28 join a gang or to have sex or to pay extortion money, or simply because they are in the wrong place
at the wrong time. In one city in Honduras, morgue technicians have regularly received corpses of
children under 10, and sometimes as young as two. In 2014, the collapse of a “truce” agreement
between the MS-13 and the government of El Salvador led to an explosion in violence in that

1 country. The Northern Triangle countries have some of the highest homicide rates in the world for
2 children under 18 years old, with a 2014 United Nations (“UN”) report identifying El Salvador and
3 Guatemala as the two countries with the highest child homicide rates.

4 32. Nearly 60 percent of Central American children interviewed in U.S. custody by the
5 U.N. High Commissioner for Refugees in 2013 said they had suffered, been threatened, or feared
6 serious harm—of the sort that would make them likely eligible for international protection as
7 refugees. By comparison, only 13 percent of children identified such concerns in similar interviews
8 in 2006.

9 33. Then-DHS Secretary Jeh C. Johnson determined that the situation at the border was a
10 “humanitarian crisis.” In the face of this crisis, the United States struggled to meet its legal
11 obligations to the children streaming across its border. Federal law—passed with overwhelming
12 bipartisan support in the last months of the George W. Bush Administration—requires the
13 government to provide unaccompanied Central American children with an opportunity for an
14 immigration hearing prior to removal. 8 U.S.C. § 1232(a)(5)(D). It also requires the Department of
15 Health and Human Services to place the child “in the least restrictive setting that is in the best
16 interest of the child” and to attempt to reunite children with their family members in the United
17 States. *See* 8 U.S.C. § 1232(c)(2)(A). The U.S. government opened emergency shelters on an Air
18 Force base in order to house the young arrivals, and later enlisted the Federal Emergency
19 Management Agency to manage the relief effort.

20 34. To address the refugee crisis, the U.S. government proceeded along multiple tracks
21 to attempt to reduce the number of dangerous border crossings by unaccompanied Central American
22 children. Among other things, it:

- 23 a) Worked with Mexico to secure its borders.
- 24 b) Put in place a public messaging campaign in Central America emphasizing the
25 dangers of the journey through Mexico to the United States.
- 26 c) Delivered \$750 million in aid to the Northern Triangle countries.

27 35. And the U.S. government implemented the Central American Minors program to
28 allow children from the Northern Triangle countries to apply for refugee resettlement or parole

1 status while still in their home countries, in order to be reunified with their parents lawfully residing
2 in the United States.

3
4 **THE CAM PROGRAM SUCCEEDED IN PROVIDING CHILDREN A
LEGAL PATHWAY TO SAFETY AND FAMILY REUNIFICATION**

5 36. The Obama Administration first proposed the CAM Program on September 18, 2014
6 as part of the President’s annual recommendations to Congress on the proposed refugee admissions
7 for the following fiscal year, pursuant to 8 U.S.C. §§ 1157(d) & (e). The annual Presidential
8 Determination on Refugee Admissions incorporated these recommendations, identifying people in
9 El Salvador, Honduras, and Guatemala as being of special humanitarian concern. From the start,
10 the Administration trumpeted the CAM Program as a “safe, legal, and orderly alternative to the
11 dangerous journey that some children are taking to reach the United States.”¹

12 37. Like many prior programs created by the U.S. government to address humanitarian
13 crises in particular countries, CAM was structured as a dual refugee/parole program. Under the
14 CAM Refugee program, Central American parents lawfully living in the United States could apply
15 for their minor children and qualifying family members in the Northern Triangle countries to be
16 considered for refugee resettlement while still in their home countries. This type of in-country
17 refugee processing takes place only after DOS, in consultation with DHS/USCIS, NGOs, UNHCR,
18 and other experts, identifies a specific group as being in need of resettlement. The children and
19 qualifying family members were accepted as refugees if they could establish that they qualified for
20 resettlement under U.S. law—by demonstrating a well-founded fear of persecution based on
21 religion, race, nationality, political opinion, or membership in a particular group.

22 38. But significantly for CAM participants, even if the children and qualifying family
23 members did not meet the specific eligibility criteria for refugee admission, they were automatically
24

25 ¹U.S. Dep’t of State, *Central American Minors (CAM) Program*,
26 <http://web.archive.org/web/20170806132845/https://www.state.gov/j/prm/ra/cam/index.htm> (version from Aug. 6, 2017
27 accessed via Wayback); U.S. Dep’t of State, *Expansion of the Central American Minors (CAM) Program*, Fact Sheet
28 (Jan. 20, 2017), available at <https://www.state.gov/j/prm/releases/factsheets/2017/266363.htm> (last accessed on Apr.
17, 2018); USCIS, *In-Country Refugee/Parole Processing for Minors in Honduras, El Salvador and Guatemala*
(*Central American Minors – CAM*), <http://web.archive.org/web/20170806014805/https://www.uscis.gov/CAM> (version
from August 6, 2017 accessed via Wayback).

1 considered on a case-by-case basis for parole pursuant to 8 U.S.C. § 1182(d)(5) under the CAM
2 Parole program. USCIS promised participants that if they were eligible for the CAM Program but
3 deemed ineligible for refugee status, they “will then be considered on a case-by-case basis for
4 parole into the United States” and that “[a] separate application for this parole process is *not*
5 *required* if the individual already has access to the CAM program” (emphasis added).² Children
6 and qualifying family members were eligible for parole to join their family members in the United
7 States if USCIS determined that: (1) they were “at risk of harm”; (2) they “clear[ed] all background
8 vetting”; (3) USCIS had received “no serious derogatory information”; and (4) a third party had
9 committed to financially support them in the United States.³

10 39. The CAM Program continued a long tradition by the United States of adopting
11 mixed refugee/parole programs to address specific regional crises.⁴ For example, for more than
12 two decades beginning in 1988, the United States considered applicants fleeing religious
13 persecution in the former Soviet Union for refugee resettlement, and if they did not qualify, for
14 extended parole status in the United States.⁵ Similarly, for a decade beginning in 1989, Vietnamese
15 nationals who were denied refugee status were considered for admission to the United States as
16 parolees under a program established to provide a safe and legal alternative to leaving Vietnam by
17 boat.⁶

18 40. To qualify as a CAM applicant, a U.S.-based parent had to be at least 18 years old
19 and be lawfully present in the United States as a Legal Permanent Resident, Temporary Protected
20 Status recipient, Parolee, or Deferred Action Recipient. In order to be eligible, Parolees and
21 Deferred Action Recipients had to have held that status for at least one year at the time of

22 _____
23 ² USCIS, *Central American Minors (CAM) Refugee/Parole Program: Information for Conditionally Approved Applicants* (from June 2, 2017—accessed using Wayback).

24 ³ U.S. Dep’t of State, *In-Country Refugee/Parole Program for Minors in El Salvador, Guatemala, and Honduras with Parents Lawfully Present in the United States, 2009-2017* Archive for the U.S. Dep’t of State (Nov. 14, 2014), <https://2009-2017.state.gov/j/prm/releases/factsheets/2014/234067.htm>, *supra* n.1.

25 ⁴ USCIS Ombudsman, *Recommendation on the Central American Minors (CAM) Refugee/Parole Program* (Dec. 21, 2016) at 13-14, *available at*
26 <https://www.dhs.gov/sites/default/files/publications/Citizenship%20and%20Immigration%20Service%20Ombudsman.pdf>.

27 ⁵ *Id.* at 14.

28 ⁶ GAO, *Report to the Chairman, Subcommittee on Immigration, Refugees, and International Law, Committee on the Judiciary, House of Representatives: Refugee Program – The Orderly Departure Program From Vietnam* (Apr. 1990), *available at* <http://archive.gao.gov/t2pbat10/141353.pdf>.

1 application.

2 41. To qualify as a CAM beneficiary, a child had to be under 21 years old; unmarried; a
3 national of El Salvador, Guatemala, or Honduras, and the genetic, step- or legally adopted- child of
4 a qualifying parent. The CAM Program also allowed close family members of qualifying children
5 to participate as beneficiaries under certain conditions. In mid-2016, the Obama Administration
6 expanded the program to allow additional immediate family members of the children to apply as
7 “derivative” beneficiaries.

8 42. The lengthy CAM application process had many components, which included the
9 extensive screening and vetting process accompanying the U.S. Refugee Admissions Program. The
10 CAM application process included the following steps:

- 11 (a) **First**, a qualifying parent filed an application with assistance of a
12 “resettlement agency” in the United States—a non-profit organization that is
13 partially funded by the government to welcome refugees into the country.
14 The parent had to provide proof of identity, proof of legal status in the United
15 States, and a passport size photo of the child. Defendant DOS reviewed
16 applications and forwarded eligible applications to the International
17 Organization for Migration (“IOM”)—the inter-governmental organization
18 DOS contracts to run its Resettlement Support Center⁷ in Latin America.
- 19 (b) **Second**, IOM contacted the child in the Northern Triangle country and
20 invited them to a pre-screening interview in the capital city of their country.
21 There, IOM interviewed the child, took their biometric data and background
22 information, prepared their case file, and initiated security checks—following
23 the standards for processing applicants to the U.S. Refugee Admissions
24 Program.
- 25 (c) **Third**, USCIS verified the relationship between the parent and child and
26

27 ⁷ DOS funds and manages nine Resettlement Support Centers around the world to process refugee applications for U.S.
28 resettlement consideration. DOS contracts international and nongovernmental organizations, such as IOM, to operate these centers.

1 performed security checks. Part of the verification required the parent and
2 child to take DNA tests at the parent's expense. After the parent paid for
3 testing, the child had to travel to the capital city of their country to provide
4 the test sample. Where the testing confirmed the relationship, parents were
5 subsequently reimbursed for the DNA tests. USCIS's Refugee Access
6 Verification Unit also verified the relationship using documentary evidence.
7 If the relationship was not confirmed, USCIS rejected the application.

8 (d) **Fourth**, after confirming the relationship, USCIS scheduled and conducted
9 an interview with the child in the capital city. The U.S. Embassy in
10 Honduras told CAM applicants that after they submitted an application,
11 "DHS officials will interview eligible family members to determine who will
12 be admitted as a refugee or offered parole to the U.S."⁸

13 (e) **Fifth**, after confirming security check results and DNA test results, USCIS
14 made a determination on the refugee application. CAM beneficiaries either
15 received a decision letter or a phone call informing them of the
16 determination. For those who received letters, if refugee status was denied,
17 the letter checked one of several boxes to explain the reason for the denial
18 and outlined the process to request a review of the refugee determination.
19 The letter then indicated whether the child was eligible for the CAM Parole
20 program. Where USCIS had approved the child for the CAM Parole
21 program, the letter said:

22 You have been conditionally approved for parole into
23 the United States. Final approval is conditioned upon
24 successful completion of any remaining clearances that
25 include medical examination by a U.S. approved panel
26 physician, completion of security clearance
27 procedures, and verification of family relationships.
28 Please see attached information sheet for next steps

⁸ U.S. Embassy in Honduras, *In-Country Refugee/Parole Processing for Minors in Honduras, El Salvador, and Guatemala (Central American Minors – CAM): Frequently Asked Questions*, available at https://hn.usembassy.gov/wp-content/uploads/sites/109/2016/07/visas_camprogram-faqs.pdf (last viewed on April 18, 2018).

1 that must be completed for you to be paroled into the
2 United States.

- 3 (f) **Sixth**, after a child was conditionally approved for parole, they had to
4 undergo a medical examination at the parent’s expense. USCIS told
5 applicants that if they were conditionally approved, “IOM will contact your
6 relative in the United States to collect payment for the medical exam,” and
7 “[a]fter receiving payment, IOM will contact you to arrange your exam.”⁹
8 The child was required to travel to the capital city for the exam.¹⁰ If the child
9 cleared the exam, they would receive a medical clearance valid for six
10 months.¹¹
- 11 (g) **Seventh**, USCIS told applicants that “[i]f the medical exam results clear,
12 IOM will contact your relatives in the United States to arrange for your
13 flight,” and “[a]fter IOM receives payment for your travel, they will submit
14 the travel itinerary to USCIS.”¹²
- 15 (h) **Eighth**, USCIS told applicants that after receiving the travel itinerary from
16 IOM, USCIS “will . . . [p]erform final security checks, [e]nsure the medical
17 exam results remain valid until date of travel, and [v]erify that your relative
18 still has a qualifying legal presence in the United States.”¹³ USCIS further
19 represented to applicants that “[i]f we decide that you have met all
20 requirements for parole under this program, we *will* issue Form I-512L,
21 Authorization for Parole of an Alien Into the United States,” and “IOM *will*
22 give you this document and your plane ticket the day you fly to the United
23 States.”¹⁴ Under DHS regulations, “when parole is authorized,” “the alien
24

25 ⁹ USCIS, *Central American Minors (CAM) Refugee/Parole Program: Information for Conditionally Approved*
26 *Applicants* (from June 2, 2017—accessed using Wayback), *supra* n.2.

27 ¹⁰ *Id.*

28 ¹¹ *Id.* If the child suffered from Class “A” TB, Class “B” 1 TB, or HIV, the medical exam was valid for only three
months. *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

1 shall be issued an appropriate document authorizing travel” to the United
2 States by DHS. 8 C.F.R. § 212.5(f) (emphasis added).

3 (i) **Finally**, the child traveled to a U.S. port of entry, where DHS Customs and
4 Border Protection could authorize parole for a period of up to two years and
5 would issue Form I-94, Arrival/Departure Record. USCIS told applicants
6 that “[w]e will consider CAM parole extension requests for the duration of
7 the program.”¹⁵

8 43. The CAM application process was designed to proceed quickly, particularly after an
9 applicant was conditionally approved for parole. The required medical examination results were
10 valid for only six months (and only three months for beneficiaries with certain medical diagnoses),¹⁶
11 and needed to be repeated—and paid for again—if they expired. Similarly, security checks were
12 valid for only a limited period of time. Accordingly, USCIS advised applicants “to book the travel
13 [to the United States] within the time period suggested by IOM to avoid additional processing
14 delays and costs if the medical exam or security checks expire.”¹⁷ Anticipating that conditionally
15 approved parolee cases would be quickly processed, USCIS also advised applicants that if they
16 needed additional time to pay for medical exams or flights to the United States to notify IOM or
17 USCIS so their cases could be administratively closed and reopened when they had collected the
18 necessary funds.¹⁸

19 44. The CAM Program began accepting applications on December 1, 2014, and during
20 the approximately two and a half years it was in operation, more than 13,000 people applied.
21 Because of the program, at least 1,627 individuals were able to resettle in the United States as
22 refugees and 1,465 people were able to reunite with their families in the United States as parolees.

23 //

24 //

25 //

26 _____
27 ¹⁵ *Id.*

28 ¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

1 interviews of CAM beneficiaries, thereby blocking all CAM applications at that stage from being
2 processed. Emails recently released in response to a Freedom of Information Act request show that
3 within the first seven days of the Trump Presidency, USCIS cancelled more than 2,000 CAM
4 interviews already scheduled to take place in January, February, and March 2017. The interviews
5 were cancelled in anticipation of an Executive Order suspending the U.S. Refugee Admissions
6 Program—what would later become Executive Order 13,769, Protecting the Nation from Foreign
7 Terrorist Entry into the United States (“EO-1”). Although EO-1 was immediately enjoined
8 nationwide on February 3, 2017 by *Washington v. Trump*, 2017 WL 462040 (W.D. Wash. Feb. 3,
9 2017), *aff’d*, 847 F.3d 1151 (9th Cir. 2017), USCIS did not reinstate the interviews; rather, USCIS
10 confirmed on February 3, 2017 that all USCIS interviews in the Northern Triangle countries
11 through the end of March 2017 were cancelled.

12 49. The Trump Administration, without notifying the public, stopped issuing decisions
13 post-interview to applicants who were likely candidates for parole. For example, Plaintiff J.F.’s two
14 young children, Plaintiffs H.F. and A.F., were interviewed in November 2016, but did not receive
15 decisions on their applications for more than a year (when they were denied refugee resettlement
16 and not considered for parole).

17 50. With regard to children who prior to President Trump’s inauguration had been
18 conditionally approved for parole, the Trump Administration stopped scheduling the medical
19 examinations that were required before conditionally approved parolees could travel to the United
20 States. Once again, the Administration did so secretly, without informing the public or the CAM
21 participants of what it was doing. And notwithstanding its secret shutdown of the CAM Program,
22 the Trump Administration continued to solicit and accept funds from applicants, leading them to
23 believe the program was still operational.

24 51. For example, Plaintiff B.E. was conditionally approved for parole in November
25 2016, and on January 30, 2017, IOM contacted his father, Plaintiff G.E., requesting advance
26 payment for B.E.’s medical exam by February 15, 2017. G.E. paid for the exam before February
27 15, but B.E.’s medical exam was never scheduled.

28 52. With respect to conditionally approved parolees who had cleared their medical

1 examinations, completed every step of the application process, and whose parents had paid for their
2 plane tickets to come to the United States, the Trump Administration—again without notifying the
3 public—blocked their travel.

4 53. For example, days after President Trump’s inauguration—on or about January 22,
5 2017—Plaintiff D.D., who had already paid for her daughter’s plane ticket on or about December 8,
6 2016, sought information about when her daughter would fly to the United States. An IOM
7 employee told D.D. that IOM had received new orders and all the CAM cases were frozen for 120
8 days—the same length of suspension called for in EO-1 for refugee admissions—although her
9 daughter’s case was in the Parole program. The IOM employee told D.D. that her daughter had
10 been scheduled to fly to the United States on February 13, 2017, but that she could not travel at that
11 time and had to wait. Finally, the IOM employee said that none of the CAM cases could be
12 processed because the new government had changed its position, and IOM had to wait for orders
13 from the new Administration. The employee told D.D. that IOM would call her in 120 days. D.D.
14 was never called by IOM again.

15 54. Similarly, Plaintiff R.C. paid approximately \$3,875 for his three children’s plane
16 tickets to the United States in January 2017. R.C., who packs produce for a living, took a loan from
17 friends and managed to send the money to IOM within three days as instructed. IOM told his
18 family that the children would travel on February 20, 2018 and would receive a follow up call with
19 more information. The children, including Plaintiffs M.C. and J.C., never received a call.

20 55. Notwithstanding the secret shutdown of the program, the Trump Administration
21 continued to solicit and accept payments for plane tickets from applicants, thus leading applicants to
22 believe that the program was still operational. For example, on February 1, 2017, Plaintiff S.A.
23 received an email from IOM saying that it had received “the payment information for the Flight
24 Reservation” for her daughter, Plaintiff J.A., and baby grandson, and she needed to send IOM over
25 \$2,500 “no later than FEB 25, 2017.” S.A. sent the funds within days, and IOM confirmed receipt
26 on February 9, 2017. IOM told S.A. that her daughter and grandson would be able to travel to the
27 United States approximately two weeks after her payment was received, but they never received
28 flight information and never traveled. When J.A. called IOM for an update in approximately April

1 2017, she was told that all the CAM parole cases were frozen.

2 56. Despite shutting down the CAM Parole program and stopping USCIS interviews of
3 all CAM applicants in January 2017, Defendants failed to notify the public of what they were doing
4 or to provide any explanation, much less a reasoned one, for why they were **shutting down** the
5 program. Instead, Defendants continued to publicly misrepresent—**for 7 months**—that the CAM
6 Parole program was functioning normally and continued to solicit and accept payments from
7 applicants for various steps of the program, including DNA testing and medical tests.

8 57. Notably, even after the Administration secretly shut down the CAM Parole program,
9 the USCIS program webpage for CAM applicants conditionally approved for parole, which
10 discussed USCIS’s and IOM’s obligations vis-à-vis those applicants, remained active. This website
11 and another USCIS website specifically disclaimed any plan to terminate the CAM Parole program,
12 saying “[c]urrently **there is no planned end date** for the CAM parole program,”¹⁹ and “[t]here is
13 **currently no filing deadline for this program.**”²⁰

14 58. Similarly, following the secret shutdown of the CAM Parole program, the USCIS
15 program webpage for conditionally approved CAM applicants continued to recommend that
16 applicants not delay in paying for plane tickets—the single largest CAM-related expense—to avoid
17 delayed processing: “We encourage your relative to book the travel within the time period
18 suggested by IOM to avoid additional processing delays and costs if the medical exam or security
19 checks expire.”²¹ USCIS estimated that the cost of a single plane ticket for a child or adult ranged
20 from \$1,110 to \$1,401.²²

21 59. And following the secret shutdown of the CAM Parole program, a DOS webpage
22 discussing the CAM Program expansion continued to represent that applications for newly-eligible
23 derivative beneficiaries would be processed if they were filed before **September 30, 2017**:

24 For a temporary period of time, the expansion of the CAM program will apply
25 retroactively in certain cases. A qualifying, lawfully present parent who filed a

26 ¹⁹ *Id.* (emphasis added).

27 ²⁰ USCIS, *In-Country Refugee/Parole Processing for Minors in Honduras, El Salvador and Guatemala (Central American Minors – CAM)*, <http://web.archive.org/web/20170806014805/https://www.uscis.gov/CAM> (version from Aug. 6, 2017 accessed via Wayback).

28 ²¹ *Id.*

²² *Id.*

1 CAM AOR from December 1, 2014, through November 30, 2016, and wishes to
 2 request access for expanded category relatives will need to file an amended DS-7699
 3 prior to *September 30, 2017*. . . . An amended AOR form filed on or before this date
 4 *will be processed* regardless of where the qualifying child is in the process as long as
 the relationships of the expanded category relatives can be verified through DNA
 testing.²³

5 60. Moreover, for months following the secret shutdown of the CAM Parole program, in
 6 no fewer than five webpages controlled by USCIS, DOS, and the U.S. Embassies in El Salvador
 7 and Honduras, Defendants represented well into the summer of 2017 that the CAM Program
 8 continued to offer:

- 9 a) “a legal means of family reunification for qualified individuals,”²⁴
 10 b) “a safe, legal, and orderly alternative to the dangerous journey that some children are
 11 currently undertaking to the United States,”²⁵ and
 12 c) “protect[ion for] Central Americans at risk by allowing lawfully present parents in
 13 the United States to request refugee status for their children in El Salvador,
 Honduras, and Guatemala via the U.S. Refugee Admissions Program.”²⁶

14 ***The Trump Administration Waited Until August 2017
 to Publicly Announce the Termination of CAM.***

15 61. President Trump and his Administration officials had ample opportunity to publicly
 16 acknowledge that they had shut down the CAM Parole program—and indeed they issued repeated
 17 announcements about the use of parole authority—but they specifically failed to mention any
 18 changes to the CAM Parole program.

19
 20
 21 ²³ U.S. Dep’t of State, *Expansion of the Central American Minors (CAM) Program*, Fact Sheet (Jan. 20, 2017),
<https://www.state.gov/j/prm/releases/factsheets/2017/266363.htm> (emphasis added). The U.S. Embassy in El Salvador
 has an identical and still-active webpage about the expansion of the CAM program. U.S. Embassy in El Salvador,
 22 *Expansion of the Central American Minors (CAM) Program*, available at <https://sv.usembassy.gov/expansion-central-american-minors-cam-program/> (last viewed on April 18, 2018) (emphasis added).

23 ²⁴ U.S. Embassy in Honduras, *In-Country Refugee/Parole Processing for Minors in Honduras, El Salvador, and
 Guatemala (Central American Minors – CAM): Frequently Asked Questions*, available at [https://hn.usembassy.gov/wp-
 content/uploads/sites/109/2016/07/visas_camprogram-faqs.pdf](https://hn.usembassy.gov/wp-content/uploads/sites/109/2016/07/visas_camprogram-faqs.pdf) (last viewed on April 18, 2018).

24 ²⁵ USCIS, *In-Country Refugee/Parole Processing for Minors in Honduras, El Salvador and Guatemala (Central
 American Minors – CAM)*, <http://web.archive.org/web/20170806014805/https://www.uscis.gov/CAM> (version from
 25 August 6, 2017 accessed via Wayback); U.S. Embassy in El Salvador, *Expansion of the Central American Minors
 (CAM) Program*, available at <https://sv.usembassy.gov/expansion-central-american-minors-cam-program/> (last viewed
 26 on April 18, 2018); U.S. Dep’t of State, *Expansion of the Central American Minors (CAM) Program*, Fact Sheet (Jan.
 20, 2017), available at <https://www.state.gov/j/prm/releases/factsheets/2017/266363.htm>.

27 ²⁶ U.S. Dep’t of State, *Expansion of the Central American Minors (CAM) Program*, Fact Sheet (Jan. 20, 2017),
 available at <https://www.state.gov/j/prm/releases/factsheets/2017/266363.htm>; U.S. Embassy in El Salvador, *Expansion
 of the Central American Minors (CAM) Program*, available at [https://sv.usembassy.gov/expansion-central-american-
 28 minors-cam-program/](https://sv.usembassy.gov/expansion-central-american-minors-cam-program/) (last viewed on April 18, 2018).

1 62. For example, President Trump issued Executive Order 13,767 (“the Parole EO”), 82
2 Fed. Reg. 8,793, on January 25, 2017, in which he ordered the Homeland Security Secretary to take
3 “appropriate action” to ensure that his statutory parole authority was exercised “only on a case-by-
4 case basis” and “only when an individual demonstrates urgent humanitarian reasons or a significant
5 public benefit derived from such parole.” The Parole EO made no mention of the CAM Program.

6 63. Similarly, on February 20, 2017, then-Homeland Security Secretary John Kelly
7 issued a memorandum purporting to implement the Parole EO, and said that in his judgment,
8 statutory parole authority “should be exercised sparingly.” Without any explanation, he asserted
9 that “[t]he practice of granting parole to certain aliens in pre-designated categories in order to create
10 immigration programs not established by Congress, has contributed to a border security crisis,
11 undermined the integrity of the immigration laws and the parole process, and created an incentive
12 for additional illegal immigration.” He ordered the Director of USCIS to “ensure that . . .
13 appropriate written policy guidance and training is provided to employees . . . so that such
14 employees are familiar with the proper exercise of parole . . . and exercise such parole authority
15 only on a case-by-case basis,” pending the issuance of final regulations on the use of parole.
16 Secretary Kelly omitted any mention of the CAM Program.

17 64. Not until August 16, 2017 did Defendants finally publicly announce the termination
18 of the CAM Parole program by publishing a notice in the Federal Register. 82 Fed. Reg. 38,926
19 (Aug. 16, 2017).

20 65. In the August Federal Register notice, then-Acting Secretary of Homeland Security
21 Elaine Duke announced that, effective immediately, USCIS was no longer considering or
22 authorizing parole under the CAM Parole program. In the same notice, DHS rescinded conditional
23 approval for parole *en masse* for all CAM beneficiaries whom USCIS had granted this status but
24 had not yet traveled to the United States.

25 66. Notably, DHS’s Federal Register notice did not provide any explanation for the
26 termination of the CAM Parole program or for the mass rescission of conditional approval for
27 parole. Furthermore, the notice failed to acknowledge that in fact the program had been shut down
28 without any explanation since January 2017.

1 67. Nor did DHS’s Federal Register notice claim that conditions in the Northern
2 Triangle counties had improved from the conditions in 2014 that led to the establishment of the
3 CAM Program. Indeed, they have not, even according to the U.S. government. For example:

- 4 a) In March 2017, DOS issued a report on El Salvador’s human rights practices. This
5 report described rampant human rights abuses throughout El Salvador that “stem[]
6 from . . . widespread extortion and other crime,” “widespread corruption,” “weak
7 rule of law, which contributed to high levels of impunity and government abuse,
8 including unlawful killings by security forces,” “widespread” violence against
9 women and girls, and the commercial sexual exploitation of women and children.
- 10 b) On January 10, 2018, DOS issued a Level Three travel advisory for El Salvador that
11 warns travelers to “[r]econsider travel” to the country “due to crime.” The advisory
12 states that “[v]iolent crime, such as murder, assault, rape, and armed robbery, is
13 common,” and that “[g]ang activity, such as extortion, violent street crime, and
14 narcotics and arms trafficking, is widespread.”
- 15 c) According to DOS, nearly one out of every five persons in El Salvador has been a
16 victim of violent crime. Approximately ten women per day experience violence or
17 sexual assault in El Salvador, and 7 of every 10 victims of sexual violence are under
18 the age of 20.
- 19 d) In a report published in August 2017, the U.N. World Food Program identified the
20 violence in El Salvador as “a humanitarian emergency” that “has significantly
21 impeded development” in the country.
- 22 e) DOS’s 2017 Human Rights Report for El Salvador stated that over 48,000 students
23 dropped out of school in 2015 due to gang threats, crime, or forced displacement due
24 to gang activity. In 2017, the Internal Displacement Monitoring Centre estimated
25 that nearly 220,000 people were forced to flee violence in El Salvador in 2016 alone.
26 The U.S. Conference of Catholic Bishops Delegation noted that the estimated
27 number of displaced persons in El Salvador could be as high as 400,000.
- 28 f) El Salvador has one of the world’s highest homicide rates. In 2017, the homicide
rate was nearly twelve people per day.
- g) In January 2018, Human Rights Watch reported that Honduras continues to have the
highest murder rate in the world.
- h) On January 10, 2018, DOS issued a Level 3 Travel Advisory for Honduras, noting
that homicide and armed robbery are “common” and that “[v]iolent gang activity,”
including rape, violent street crime, and human trafficking, is “widespread.” The
advisory further notes that “[l]ocal police and emergency services lack the resources
to respond effectively to serious crime.”
- i) DOS’s 2017 Human Rights Report for Honduras identified widespread human rights
violations including arbitrary killings and arrests, killings of journalists, and
widespread corruption, as well as “murder, extortion, kidnapping, torture, human
trafficking,” and other forms of violence by “local and transnational gangs and
narcotics traffickers.” It stated “that the judiciary was “subject to intimidation,
corruption, politicization, and patronage,” and that “organized criminal groups . . .
exercised influence on the outcomes of some court proceedings.”

- 1 j) Honduras has a femicide rate of 14.6 per 100,000, and in 2016, 463 women were
2 murdered in Honduras. Authorities only investigated 15 of those cases.
- 3 k) On January 10, 2018, DOS issued a Level 3 Travel Advisory for Guatemala, asking
4 that U.S. citizens “[r]econsider travel” to the country. The Advisory noted that
5 “sexual assault, carjacking, armed robbery, and murder” are “common” and that
6 “gang activity,” including “extortion, violent street crime, and narcotics trafficking,
7 is widespread.”
- 8 l) DOS’s 2017 Human Rights Report for Guatemala says that government officials
9 “frequently engaged in corrupt practices with impunity.” The report cited major
10 crimes committed with stunning flagrancy, including an MS-13 attack on a large
11 public hospital that killed five civilians and freed a fellow gang member.
- 12 m) Violence against women remained at epidemic levels. DOS’s 2017 report mentions
13 that “[p]olice had minimal training or capacity to investigate sexual crimes or assist
14 survivors of such crimes, and the government did not enforce the law effectively.”
- 15 n) DOS’s 2017 report mentions rampant abuse of children, including “children engaged
16 in the worst forms of child labor.” It reported that 683 minors had been violently
17 killed in the country between January 2017 and August 2017. It also noted that in
18 2016, 41 girls at a government-run shelter for adolescents died after a fire started in
19 the room where the shelter had locked them.

20 68. The Federal Register notice was silent about the grave risks to the life and safety of
21 unaccompanied minors that motivated the original creation of the CAM Program. It did not suggest
22 that those risks had abated or would be addressed by other approaches.

23 69. The August 16, 2017 Federal Register notice stated that the CAM Refugee program
24 would be left in place, but the reprieve for the CAM Refugee program was short-lived. On
25 November 8, 2017, DOS announced that it would stop accepting CAM applications the following
26 day, and soon thereafter it announced that it would stop interviews in January 2018. Since January
27 31, 2018, children with pending CAM applications who had not been interviewed have been
28 receiving communications denying their applications and advising them to seek assistance at child
welfare agencies in their countries of origin. On information and belief, the Administration plans to
deny the nearly 4,000 CAM applicants who were not interviewed by January 31, 2018.

70. After the Administration formally terminated the CAM Parole program, IOM told
applicants whose conditional approval for parole was rescinded—all of whom had previously been
deemed ineligible for refugee resettlement under the CAM Refugee program—that they could file a
Request for Review (“RFR”) of the denial of refugee status within 90 days of notice of the
rescission.

1 71. Many of the CAM applicants affected by the mass rescission relied upon
2 Defendants' representations and filed RFRs, including Plaintiffs H.F., A.F., and B.E.

3 72. Nonetheless, upon information and belief, while RFRs are often adjudicated within
4 two to four months of filing, many CAM applicants who filed RFRs have not yet received decisions
5 for RFRs filed in 2017 or early 2018. Fiscal Year 2018 is drawing to a close, and the Fiscal Year
6 2019 Presidential Determination on refugee admissions may further limit refugee admissions from
7 Central America or end in-country processing, and thereby prevent even people deemed eligible for
8 refugee resettlement from entering the United States.

9 73. The termination of the CAM Parole program—its secret termination, the mass
10 rescission of conditional approval of parole status for nearly 3,000 people, and failure to consider
11 parole eligibility for people already in the pipeline in August 2017—was unprecedented. The
12 United States has created or maintained many refugee/parole programs in the past, but it has never
13 before secretly and abruptly terminated one in this fashion. For example:

- 14 a) When the Lautenberg parole program²⁷ was publicly terminated in 2011, USCIS
15 gave applicants conditionally approved for parole who had not yet traveled 90 days
16 to complete their processing and enter the United States. The vast majority of parole
17 applicants travelled to the United States before the deadline, and USCIS later
18 extended the deadline to give another chance to those who missed the window.
- 19 b) When the Vietnamese Public Interest Parole program was ended in 1999, applicants
20 who were already conditionally approved for parole were allowed to travel to the
21 United States after the termination.
- 22 c) When a program considering Cuban medical professionals for parole ended in the
23 early days of 2017, USCIS announced that it would process all pending applications
24 and parolees would be given six months to submit applications on behalf of
25 derivative family members.

26 74. The termination of the CAM Program—specifically, shutting it down first before
27 officially announcing its permanent termination—does, however, follow the Trump
28 Administration's *modus operandi* in its various attempts to ban immigrants and refugees from this
country. For example, in the context of immigrant and non-immigrant visas, President Trump
issued successive Executive Orders purporting to temporarily suspend Muslim travelers from six

²⁷ The Lautenberg Amendment, first enacted in 1990 and subsequently expanded, lowered the standard for proving refugee status for persecuted religious minorities in the former Soviet Union and later in other countries.

1 countries from entering the United States—allegedly, to enable a security review—before issuing an
2 order that permanently subjected nearly the same group of Muslim travelers to nearly an identical
3 ban. *See* Exec. Order No. 13,769, 82 Fed. Reg. 8,977 (Feb. 1, 2017); Exec. Order No. 13,780, 82
4 Fed. Reg. 13,209; Presidential Proclamation 9,645 (Sept. 24, 2017).

5 75. Similarly, in the refugee context, President Trump issued successive Executive
6 Orders purporting to temporarily suspend the U.S. Refugee Admissions Program—again, allegedly,
7 to enable successive security reviews. *See* Exec. Order No. 13,769, 82 Fed. Reg. 8,977 (Feb. 1,
8 2017); Exec. Order No. 13,780, 82 Fed. Reg. 13,209. On the day the second “temporary”
9 suspension was slated to end, the Trump Administration publicly purported to resume refugee
10 admissions, but the Secretary of Homeland Security, the Secretary of State, and the Director of
11 National Intelligence released a memorandum which further suspended admissions of all refugees
12 from nine Muslim-majority countries. *See* Exec. Order No., 13,815, 82 Fed. Reg. 50,055, 50,057,
13 and its accompanying memorandum. To this day, only a handful of refugees from those nine
14 Muslim-majority countries have been admitted to the United States this fiscal year.

15
16 ***The CAM Termination Is Part and Parcel of Trump Administration Policies
Motivated by Racial Animus Against Latinos.***

17 76. This unprecedented, unexplained, and unsupported termination of the CAM Parole
18 program can only be understood as one of this Administration’s many policies fueled by anti-Latino
19 animus. For example, since coming to office, the Administration has announced the termination of
20 Temporary Protected Status (“TPS”) for Salvadorans, Nicaraguans, and Hondurans, many of whom
21 had lived in the United States for decades. The Administration forged ahead with these TPS
22 terminations in deliberate disregard of the advice of senior career diplomats with regional expertise
23 to the contrary.

24 77. Moreover, recently disclosed USCIS emails further call into question whether the
25 Administration’s decision to end these and other TPS programs were made in good faith and
26 whether the stated reasons for TPS terminations were pretextual. The emails demonstrate that
27 Administration officials sought negative details about Haitian TPS holders before terminating TPS
28 for Haiti—despite the fact that such details were irrelevant to the Administration’s purported reason

1 for termination: that there was no longer any humanitarian need for the program.

2 78. Nearly 200,000 Salvadorans, 60,000 Hondurans, and 5,000 Nicaraguans will lose
3 legal status in the United States as a result. The TPS terminations have been challenged as
4 discriminatory and based on unconstitutional animus. *See Ramos v. Nielsen*, 3:18-cv-01554, Class
5 Action Compl. (N.D. Cal. filed Mar. 12, 2018); *Centro Presente v. Trump*, 1:18-cv-10340, First
6 Amended Compl. (D. Mass. filed May, 9, 2018); *CASA de Maryland v. Trump*, 8:18-cv-00845,
7 Compl. (D. Md. filed Mar. 23, 2018).

8 79. Similarly, the Trump Administration has ended other programs and reversed policies
9 affecting unaccompanied minors, primarily from El Salvador, Guatemala, and Honduras, in an
10 effort to facilitate their deportation. Within days of his inauguration, President Trump ordered
11 federal officials to take policy actions relating to the treatment of unaccompanied minors from
12 Central America, and in response, the DOJ issued memoranda making it easier to strip
13 unaccompanied minors of their legal rights and protections. DOJ has also removed guidelines—in
14 place since the George W. Bush Administration—on child-sensitive questioning techniques, and
15 declined to renew funding for a program providing legal services to 7,000 unaccompanied minors.

16 80. The Trump Administration has also embraced a widely criticized policy of
17 separating migrant parents from their children by prosecuting any adult who illegally crosses the
18 border. Administration officials say the goal is to discourage Central American families from
19 traveling to the border and applying for asylum—indeed, the very goal that the CAM Program was
20 designed to, and did, address. The separation policy has been challenged as unconstitutional and
21 unlawful, and a federal judge recently denied the government’s motion to dismiss a case involving
22 such a challenge, finding that the alleged behavior shocks the conscience and violates the migrant
23 parents’ and children’s constitutional right to family integrity. *Ms. L. v. U.S. Immig.t and Customs*
24 *Enforcement*, 3:18-cv-00428, Order on Motion to Dismiss (S.D. Cal. June 6, 2018).

25 81. And most notoriously, the Trump Administration illegally terminated the Deferred
26 Action for Childhood Arrivals (“DACA”) program through which approximately one million
27 immigrants who had illegally come to the United States as children applied for and received
28 deferred action allowing them to legally work, study, and drive in this country. The majority of the

1 people affected by the termination are Latino, and in response to legal challenges, three courts have
 2 issued nationwide injunctions of the termination. *NAACP v. Trump*, 1:17-cv-02325-JDB (D.C. Cir.
 3 Apr. 24, 2018); *Regents of the Univ. of Cal. v. U.S. Dep't of Homeland Sec.*, 279 F. Supp. 3d 1011,
 4 1026 (N.D. Cal. 2018); *Batalla Vidal v. Nielsen*, 279 F. Supp. 401, 437–38 (E.D.N.Y. 2018). One
 5 court held that plaintiffs were likely to succeed on their constitutional claim that the DACA
 6 termination was the result of animus toward Latinos. *Batalla Vidal*, 279 F. Supp. at 437–38.

7 82. Even as the Trump Administration has been accused of promoting and implementing
 8 these and other anti-Latino policies motivated by racial animus, President Trump has persisted in
 9 labeling all Latinos as gang members and drug traffickers and calling Central Americans as a group
 10 “true animals” and “bad people.” For example:

- 11 a) On January 25, 2017, shortly after signing executive orders calling for immediate
 12 construction of a wall along the southern U.S. border and withholding federal funds
 13 from “sanctuary” cities, President Trump condemned the “unprecedented surge” of
 14 migrants from Central America for eroding safety in the United States, claiming that
 15 these two orders “will save thousands of lives.”
- 16 b) On January 27, 2017, newly-inaugurated President Trump and Mexico’s President
 17 Peña Nieto discussed President Trump’s proposal for a border wall over the phone.
 18 During that transcribed conversation, President Trump once again referred to
 19 Mexicans as “tough hombres.”
- 20 c) On February 3, 2017, during a visit to the Customs and Border Protection training
 21 center, President Trump said “You know they’re bad. They’re pouring in from El
 22 Salvador, Guatemala, Honduras, Mexico, all over. They’re just pouring into our
 23 country!”
- 24 d) In February 2017, President Trump said “What has been allowed to come into our
 25 country, when you see gang violence that you’ve read about like never before, and all
 26 of the things—much of that is people that are here illegally . . . They’re rough and
 27 they’re tough . . . So we’re getting them out.”
- 28 e) On June 21, 2017, President Trump implied that thousands of immigrants are
 members of the Central American gang MS-13. He said “These are true animals.
 We are moving them out of the country by the thousands, by the thousands.”
- f) Similarly, on June 28, 2017, President Trump suggested that the MS-13 gang had
 taken over swaths of U.S. territory, and said: “They are bad people. And we’ve
 gotten many of them out already. . . We’re actually liberating towns, if you can
 believe that we have to do that in the United States of America. But we’re doing it,
 and we’re doing it fast.”
- g) On August 25, 2017, President Trump pardoned former Maricopa County Sheriff Joe
 Arpaio, who was to be sentenced for criminal contempt for failing to comply with a
 federal judge’s order to stop racially profiling Latinos. Before issuing the pardon,
 President Trump asked rhetorically, “Was Sheriff Joe convicted for doing his job?”

1 After issuing the pardon, President Trump sent a tweet calling Mr. Arpaio “an
2 American patriot.”

- 3 h) On September 5, 2017, in conjunction with the Administration’s announcement of
4 the termination of the DACA program, President Trump issued a statement decrying
5 “the massive surge of unaccompanied minors from Central America including, in
6 some cases, young people who would become members of violent gangs throughout
7 our country, such as MS-13.”
- 8 i) On January 11, 2018, President Trump infamously referred to El Salvador as a
9 “shithole country” during a meeting with lawmakers about immigration, asking
10 “Why are we having all these people from shithole countries come here?” He then
11 suggested that the United States should bring more people from countries such as
12 Norway, which has an overwhelmingly white population.
- 13 j) In February 2018, President Trump claimed that immigrants from El Salvador,
14 Guatemala, Honduras, and Mexico are “just pouring into our country . . . These
15 countries are not our friends, you know. We think they’re our friends, and we send
16 them massive aid . . . and they’re pouring drugs into our country and they’re
17 laughing at us”—returning to his common refrain that Central Americans are
18 somehow gaming the U.S. immigration system.
- 19 k) In May 2018, President Trump said of people crossing the Mexican border into the
20 United States: “You wouldn’t believe how bad these people are. These aren’t
21 people. These are animals.”

22 **THE CAM PAROLE PROGRAM TERMINATION AND MASS RESCISSION**
23 **HAVE BEEN DEVASTATING AND ARE CONTINUING TO HARM**
24 **PARENTS AND THEIR CHILDREN SEEKING TO REUNITE**
25 **IN THE UNITED STATES AWAY FROM DANGER**

26 83. The CAM Parole program termination and mass rescission devastated thousands of
27 families in the United States and the Northern Triangle countries. The termination meant that
28 thousands of children and family members who had applied for CAM in reliance on the possibility
of parole under that program—including nearly 3,000 children and family members who had been
conditionally approved for parole and who relied on Defendants’ representation that if they met all
the requirements for parole under the CAM Program, they would travel to the United States—were
deprived of the opportunity to reunite with their loved ones in the safety of the United States.

84. Moreover, the families who had applied for CAM prior to its termination had
reasonably relied on Defendants’ representations about the availability of the CAM Parole program
in applying for CAM in the first place and in proceeding with their applications during the first
seven months of President Trump’s Administration, even though the Administration had secretly
shut down the program. During that time, Defendants continued to publicly promise parents that

1 their children, including children who had been denied refugee status but had been conditionally
2 approved for parole, had a legal pathway to the United States, and Defendants continued to solicit
3 and accept parents' money to process the applications. Defendants' misrepresentations led families
4 to continue to expend significant financial resources and to put their lives in danger in order to
5 pursue the false promise of parole.

6 85. The CAM application process required applicant parents to pay a significant amount
7 of money, particularly for individuals who often must support themselves, their families in the
8 United States, *and* their families living in danger in Central America. Parents had to pay
9 approximately \$400 per parent-child pair for DNA tests, which was required to be reimbursed if the
10 tests confirmed a biological relationship.

11 86. After a child was conditionally approved for parole, parents had to pay
12 approximately \$100 for their required medical exam, and sometimes additional money for a follow-
13 up exam. Then, parents had to pay approximately \$1,400 for each child's plane ticket to the United
14 States. The Trump Administration continued to solicit and accept these fees from January to
15 August 15, 2017, even after they secretly shut down the CAM Parole program.

16 87. Parents whose children had already completed their medical exam, such as Plaintiffs
17 D.D., R.C., S.A., and G.E., were not reimbursed when their children's conditional approval for
18 parole was revoked *en masse*.

19 88. Moreover, even when parents were eventually reimbursed the thousands of dollars
20 they paid for their children's plane tickets, they incurred additional expenses that were not
21 reimbursed and suffered hardships that could not be remedied. For example, Plaintiff R.C. had to
22 take out loans from friends in order to pay about \$4,000 for his three children's plane tickets within
23 the three-day deadline IOM gave him, and he was not reimbursed the \$200 interest he paid.
24 Plaintiff S.A. was not able to travel to El Salvador to visit her family because she used her limited
25 income to pay approximately \$2,500 for her daughter and grandson's plane tickets to the United
26 States and didn't receive a refund until nine months later.

27 89. In addition to these costs specifically required by the CAM Program, parents and
28 children by necessity incurred other application-related costs. Each step of the application

1 process—prescreening, DNA testing, USCIS interviews, medical examinations, and dropping off
2 and receiving required documentation—took place in San Salvador, Tegucigalpa, or Guatemala
3 City. Many of the children, including Plaintiffs A.F., H.F., M.C., J.C., B.E., and J.A., lived hours
4 outside of their respective capital cities and repeatedly had to travel long distances for each step of
5 the process. Because road travel in the Northern Triangle countries is extremely unsafe and public
6 transportation is especially dangerous—gangs routinely attack buses, rob or abduct passengers, and
7 murder bus drivers (driving a bus in Guatemala has been characterized as the most dangerous job on
8 the planet)—Plaintiff children regularly drove in private cars to and from their CAM appointments.
9 Plaintiff parents thus had to pay for gasoline, tolls, and food for the trip, and frequently had to
10 reimburse the family member or friend who drove the child for a day’s lost wages. Plaintiffs R.C.,
11 S.A., D.D., J.F., G.E., and A.B. sent their children one hundred dollars or more for each of their
12 long trips to and from capital cities for their CAM appointments.

13 90. And, even private transportation did not fully mitigate the risk of being stopped on
14 the highway by gangs, particularly when driving in the dark. Plaintiff J.C., for example, worried
15 about being stopped or harassed on the road every time he and his siblings traveled to San Salvador
16 for their CAM appointments. Nevertheless, the CAM families continued to take these risks and
17 incur these costs because they reasonably relied on Defendants’ representations that the program
18 was still operating in the first seven months of the Trump Administration.

19 91. Moreover, Plaintiff parents—particularly those whose children had been
20 conditionally approved for parole and expected their children to travel to the United States
21 imminently—incurred significant expenses in preparing their homes and buying clothes, furniture,
22 and luggage in anticipation of the promised arrival of their children. For example, Plaintiff R.C.
23 spent more than \$2,000 to buy new furniture and clothes for his three children after he paid for their
24 plane tickets and believed they would arrive at his California home within weeks.

25 92. The U.S. Government was well aware of the financial burden and safety risks CAM
26 families faced in proceeding with their CAM applications. The USCIS Ombudsman stated in a
27 December 2016 report that the CAM Program imposed “significant financial hardships” on the
28 families of applicants. She noted that some families “require[d] extended time to gather the funds

1 necessary to pay DNA testing costs or, in the case of parolees, to cover the costs of travel to the
2 United States,” and that the upfront cost for DNA testing in particular was “prohibitive for some
3 families.” Defendants, specifically DOS, have recognized the danger associated with travel to
4 capital cities in El Salvador, Honduras, and Guatemala, identifying each as a “critical-threat
5 location.”

6 **Plaintiff family S.A. and J.A.**

7 93. Twenty-three year old Plaintiff J.A. remains in El Salvador with her four-year-old
8 son. She is harassed daily by gang members who congregate outside her house. They threaten to
9 kidnap her, demand that she “date” them, and extort her. J.A. remains at risk, and at one point in
10 2017, she became so fearful when a gang member aggressively demanded to “date” her that she
11 temporarily fled with her son to San Salvador for their safety.

12 94. J.A. and her son were conditionally approved for parole, and had progressed through
13 every step of the process. S.A. had purchased plane tickets for her daughter and grandson, and they
14 expected to travel to the United States two weeks later. To reach this stage of the process, J.A. had
15 to make approximately eight trips to San Salvador, a four-hour drive each way from where she
16 lives, often with her baby son in tow. Then, inexplicably, processing of her and her son’s
17 applications ground to a halt. After about eight months of waiting desperately for news, the family
18 learned that J.A. and her son’s conditional approval for parole had been rescinded and they would
19 not travel to the United States.

20 95. S.A. and J.A. lost the opportunity to reunite in the United States—and S.A. to protect
21 her daughter from the dangers she faces in El Salvador. S.A. has not lived with her daughter since
22 she was just a baby—when S.A. fled the violence of El Salvador’s civil war and an abusive ex-
23 husband. S.A. is deeply aware of all the events, big and small, in her daughter’s life that she has
24 missed and had been filled with hope at the possibility of sharing their lives together.

25 96. Soon after her family members’ conditional approval for parole was rescinded, S.A.
26 was diagnosed with breast cancer. S.A. missed the opportunity to have her daughter care for her
27 during her recovery from surgery and her chemotherapy.

28 97. S.A. lost the money she spent on her daughter’s and grandson’s applications and

1 associated expenses, including \$196 and \$137 she spent on two medical exams, \$250 she spent on
2 suitcases and clothing, and approximately \$800 total for her daughter's trips to San Salvador for
3 CAM appointments.

4 **Plaintiff A.B.**

5 98. Plaintiff A.B. worries every day about the safety of his 23-year-old son who lives in
6 a neighborhood in El Salvador where the MS-13 is very active. The MS-13 killed A.B.'s nephew in
7 the community several years ago. MS-13 members have robbed A.B.'s son multiple times and
8 violently attacked a bus he was traveling in, injuring some of the passengers. Recently, the MS-13
9 murdered a young man and his family in the son's community.

10 99. A.B.'s son, a university graduate with a degree in computer systems, has struggled to
11 find work in El Salvador, and recently felt compelled to take the only job he could find—collecting
12 interest on loans—which requires him to travel to dangerous neighborhoods in his community.
13 A.B. tried to convince not to take the job, but recognizes that his son has little choice, given that
14 coming to the United States is no longer a possibility.

15 100. A.B. filed a CAM application for his son in 2015, and his son had completed the
16 initial steps of the CAM process. He was waiting for USCIS to schedule an interview with him
17 when processing of his application inexplicably ground to a halt. About a year later in January
18 2018, he was finally interviewed. Weeks later, he was denied refugee status and not considered for
19 parole—even though he had applied to the CAM Program more than a year and a half before the
20 parole program was publicly terminated, and his life is in grave danger. A.B.'s son submitted an
21 RFR in approximately March 2018, but has not received a decision to date.

22 101. The CAM Parole program termination deprived A.B. of the opportunity to reunite
23 with his son, his first child. A.B. has not been able to live with his son since he left El Salvador
24 when his son was a baby, but he has stayed in close touch with him, and was deeply looking
25 forward to having a life together in the United States.

26 102. In addition to the program fees, A.B. spent approximately \$100 for each of four trips
27 his son had to make to San Salvador for CAM-related appointments.

28 //

1 **Plaintiff family R.C., M.C., and J.C.**

2 103. Plaintiffs M.C. and J.C. remain in El Salvador and are at grave risk. In Fall 2017,
3 while playing soccer outside, J.C. was beaten by MS-13 members to the point where he lost
4 consciousness and required emergency surgery. He now requires a cane to walk and he struggles to
5 bathe himself. He is terrified to leave his house, and he dropped out of school to minimize the time
6 he must spend outside.

7 104. M.C. has been stalked by a known gang member and rapist in her community and
8 became so afraid that she dropped out of school just a few months short of graduation. She would
9 have been the first person in her family to graduate from high school. She, too, has become a
10 prisoner in her own home.

11 105. R.C. fears for the safety of M.C., J.C., and his younger son. He submitted CAM
12 applications on behalf of all three children, and they were conditionally approved for parole and
13 completed every step of processing, including payment for plane tickets. The siblings were so far
14 along in the CAM parole process that they had packed all of their belongings, M.C.'s friends threw
15 her a goodbye party, and the children were waiting for IOM to contact them with confirmation
16 details for their flight to the United States. The rescission of the children's conditional approval for
17 parole and the lost opportunity to live together in the United States was very upsetting for R.C.,
18 M.C., and J.C., as well as the rest of their family.

19 106. R.C. spent thousands of dollars on his children's CAM applications and associated
20 expenses, relying on Defendants' representations about the program. R.C. is an agricultural worker
21 who works long days packing celery, and it was no small feat for him to pay these expenses, while
22 also supporting his three children in the United States and his family in El Salvador. Each time
23 R.C.'s children traveled to San Salvador in connection with their CAM application—a total of six
24 trips—R.C. sent them approximately \$300 in order to hire a private driver and reimburse their aunt
25 for chaperoning them, as well as pay for gas and food. He also spent \$450 on their medical
26 examinations, and sent them \$280 to help them buy suitcases for their trip. Finally, R.C. spent
27 \$1,200 to prepare his home for their arrival by purchasing beds and blankets, and spent a further
28 \$1,000 to purchase clothing and shoes for his children to use on arrival.

1 107. After IOM gave R.C. a three-day deadline to pay \$3,875 for his children's flights to
2 the United States, he had to take out a loan from friends, with interest, to pay the fee on time. Even
3 though R.C.'s children never traveled to the United States, IOM did not reimburse him for almost a
4 year.

5 **Plaintiff D.D.**

6 108. Plaintiff D.D. and her eight-year-old U.S. citizen son were heartbroken when D.D.'s
7 daughter's conditional approval for parole was rescinded after the family had completed every step
8 of the application process. D.D. has not lived with her daughter since her daughter was a baby. The
9 family had hoped to celebrate Christmas together for the first time, and D.D. had prepared a room
10 for her daughter and bought winter clothes for her. D.D. also planned to buy a puppy for her
11 daughter and son to take care of together. After learning that his older sister would not be coming
12 to United States through CAM, D.D.'s young son cried for days.

13 109. D.D. had struggled to pay for all the costs associated with the CAM Program on her
14 teacher's aide salary, but did so happily—in reliance on the opportunity to reunite with her
15 daughter. Each of her daughter's approximately six CAM appointments were in San Salvador—
16 about a three-hour drive from D.D.'s daughter's home—and each time, D.D. sent her daughter \$100
17 to cover the cost of gas, food, and to repay her sister for taking the whole day off work to drive her
18 daughter back and forth.

19 110. D.D. paid additional fees in connection with the CAM Program: \$1,551 for her
20 daughter's flight to the United States; \$100 for the required medical examination; and \$800 for
21 DNA testing (which was later reimbursed). D.D. had to take out a loan in order to pay for her
22 daughter's flight by IOM's quick deadline, and while she was ultimately reimbursed for the flight
23 about a year after paying for it, she had to pay interest on the loan.

24 **Plaintiff family G.E. and B.E.**

25 111. Seventeen-year-old Plaintiff B.E. continues to live in the house in El Salvador where
26 he heard the gun shots that killed his uncle. MS-13 gang members murdered B.E.'s uncle in 2014,
27 and his grandfather testified against them at the trial for their crime. Ever since, the gang has
28 sought to make the family, and particularly B.E., pay. MS-13 members have repeatedly pursued

1 B.E., harassed him, and threatened to kill him. Terrified to leave the house, B.E. has become
2 essentially a prisoner in his own home, and avoids leaving without an adult by his side.

3 112. Plaintiff G.E. lives in fear that his son will be attacked or killed by the MS-13. He is
4 particularly fearful because his brother's killers will be released from prison in a year.

5 113. G.E. struggled to pay the fees and expenses associated with his son's CAM
6 application. G.E. sent his son approximately \$100 each time he had to travel to San Salvador for a
7 CAM appointment—a journey B.E. made approximately six times. This money paid for the cost of
8 a private driver, gasoline, and food. It was also intended to reimburse the lost wages of B.E.'s
9 grandfather who accompanied him on his trips. G.E. paid approximately \$223 for his son's medical
10 exam, which was never scheduled. IOM finally refunded this fee more than a year after G.E. paid
11 it. G.E. also spent approximately \$500 to purchase a new bed for his son, among other costs to
12 prepare his home for his son's expected arrival.

13 114. After B.E.'s conditional approval for parole was rescinded, B.E. filed an RFR. To
14 date, he has not received a decision.

15 **Plaintiff family J.F., H.F. and A.F.**

16 115. Plaintiff J.F. felt desperate after processing of the CAM applications for his young
17 daughters, H.F. and A.F., and his wife inexplicably stopped for the first eight months of 2017.
18 Then, soon after his family was interviewed in Fall 2017, they were denied refugee status and not
19 considered for parole. After being filled with hope at the prospect of being reunited with his family,
20 J.F. now feels afraid and uncertain about his future because he believes that President Trump is
21 trying to harm Central Americans like them. He has lived and worked in the United States for two
22 decades and has never had an opportunity to share a home with his wife and daughters.

23 116. J.F.'s eight-year-old daughter, H.F., does not understand why her family cannot join
24 her father in the United States. She became very angry after their CAM applications were denied
25 and blames her father for their situation.

26 117. H.F., A.F., and their mother remain in Honduras, where J.F.'s wife has been
27 threatened by MS-13 gang members at the school where she works as a kindergarten teacher. J.F.'s
28 wife knows of other female heads of household in her area who have been raped and killed, and she

1 fears for her safety and the safety of her daughters

2 118. J.F. lost money in connection with his family's CAM applications. Each time H.F.,
3 A.F., and their mother traveled to Tegucigalpa in connection with CAM—a nearly four-hour trip
4 that required them to leave their house around 3:00 AM—J.F. sent them \$200 to cover the costs of
5 the trip, including tolls, gas, and food.

6 CLASS ACTION ALLEGATIONS

7 119. Plaintiffs D.D., J.F., H.F., A.F., R.C., M.C., J.C., G.E., B.E., S.A., J.A., and A.B.
8 bring this action as a class action pursuant to Federal Rule of Civil Procedure 23(b)(1) and (b)(2),
9 on behalf of themselves and all other similarly situated persons who applied for the CAM Program
10 as applicants or as beneficiaries prior to August 16, 2017, who were denied refugee status under the
11 CAM Refugee program, and who were denied parole under the CAM Parole program as a result of
12 its termination. This class includes but is not limited to all CAM applicants and beneficiaries who
13 were conditionally approved for parole prior to August 16, 2017, and whose conditional approval
14 was rescinded *en masse* by the August 16, 2017 Federal Register notice.

15 120. The Plaintiff Class is so numerous that joinder is impracticable. On information and
16 belief, the Plaintiff Class consists of over 5,000 putative class members. Conditional approval for
17 parole was mass rescinded for approximately 2,714 in-country family members. An estimated
18 several hundred in-country family members were beneficiaries of CAM applications filed before
19 August 16, 2017 and were interviewed by USCIS, but were never considered for the CAM Parole
20 program. Each of these beneficiaries has a family member lawfully present in the United States
21 who applied for CAM on his or her behalf.

22 121. The claims of the Plaintiff Class members share common issues of law, including but
23 not limited to:

- 24 a) Whether the termination of the CAM Parole program violated the
25 Administrative Procedure Act (“APA”) and the Fifth Amendment to the U.S.
26 Constitution;
- 27 b) Whether the mass rescission of conditional approval for parole violated the
28 APA and the Fifth Amendment to the U.S. Constitution;
- c) Whether the decision in January 2017 to secretly terminate the CAM
Program violated the APA and the Fifth Amendment to the U.S. Constitution;

- 1 d) Whether the Defendants' failure to issue travel documentation to individuals
2 who had received parole violated the APA and the Fifth Amendment to the
3 U.S. Constitution; and
- 4 e) Whether the Defendants' ongoing acceptance of payments from CAM
5 applicants following the secret shutdown of the CAM Parole program
6 requires that they be equitably estopped from benefitting from their
7 affirmative misconduct.

8 122. The claims of the Plaintiff Class members share common issues of fact, including
9 but not limited to:

- 10 a) Whether the Defendants secretly shut down the CAM Parole program in
11 January 2017;
- 12 b) Whether, following the secret shutdown of the CAM Parole program, the
13 Defendants continued to accept payments from CAM applicants;
- 14 c) Whether, following the secret shutdown of the CAM Parole program, the
15 Defendants continued to represent to the public that the CAM Parole program
16 was still operational;
- 17 d) Whether, following the secret shutdown of the CAM Parole program, the
18 Defendants failed to issue travel documentation to individuals who had
19 received parole;
- 20 e) Whether, at the time the CAM Parole program was formally terminated, the
21 Defendants rescinded *en masse* all conditional approval for parole without
22 providing individualized process;
- 23 f) Whether the Defendants provided a legally sufficient justification for
24 terminating the CAM Parole program; and
- 25 g) Whether the Defendants' termination of the CAM Parole program was
26 motivated by animus against persons of a certain race or national origin.

27 123. The claims or defenses of the named Plaintiffs are typical of the claims or defenses
28 of the members of the Plaintiff Class.

124. The named Plaintiffs will fairly and adequately protect the interests of the Plaintiff
Class. The named Plaintiffs have no interest that is now or may be potentially antagonistic to the
interests of the Plaintiff Class.

125. The attorneys representing the named Plaintiffs include experienced attorneys who
are considered able practitioners in federal civil litigation, including civil rights litigation. These
attorneys should be appointed as class counsel.

126. Defendants have acted, have threatened to act, and will act on grounds generally

1 applicable to the Plaintiff Class, thereby making final injunctive and declaratory relief appropriate
2 to the class as a whole. The Plaintiff Class may therefore be properly certified under Federal Rule
3 of Civil Procedure 23(b)(2).

4 127. Prosecution of separate actions by individual members of the Plaintiff Class would
5 create the risk of inconsistent or varying adjudications and would establish incompatible standards
6 of conduct for individual members of the Plaintiff Class. The Plaintiff Class may therefore be
7 properly certified under Federal Rule of Civil Procedure 23(b)(1).

8 **CAUSES OF ACTION**

9 **COUNT ONE**
10 **ADMINISTRATIVE PROCEDURE ACT — ARBITRARY & CAPRICIOUS**

11 **On Behalf of All Plaintiffs, Including the Class,**
Against All Defendants Except President Trump

12 128. The shutdown of the CAM Parole program in January 2017 with no notice to
13 applicants and while holding out the program as operational constitutes a final agency action that is
14 “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. §
15 706(2)(A).

16 129. In addition, Defendants’ failure to provide notice of the termination violated 5
17 U.S.C. § 552(a)(1)(E).

18 130. The official termination of the CAM Parole program in August 2017 without any
19 explanation and without identifying any change in circumstances to justify the termination of a
20 policy upon which thousands of people had relied to their detriment constitutes a final agency action
21 that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.”
22 5 U.S.C. § 706(2)(A).

23 131. The mass rescission of conditional approval for parole without any explanation,
24 without any individualized process, and without identifying any change in circumstances to justify
25 the rescission of a status upon which thousands of people relied to their detriment constitutes a final
26 agency action that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance
27 with law.” 5 U.S.C. § 706(2)(A).

28 132. The final agency actions should therefore be set aside pursuant to 5 U.S.C. § 702 and

1 5 U.S.C. § 706(2).

2
3 **COUNT TWO**
4 **ADMINISTRATIVE PROCEDURE ACT — *ACCARDI***

5 **On Behalf of All Plaintiffs, Including the Class,**
6 **Against All Defendants Except President Trump**

7 133. The termination of the CAM Parole program and mass rescission of conditional
8 approval for parole are final agency actions that violate agency procedures, including those
9 identified on USCIS and DOS public webpages directed at CAM applicants and beneficiaries.

10 These agency procedures include:

- 11 a) “Once a DS-7699 form has been filed, . . . IOM *will* contact the applicants in their
12 country of origin, and *will* conduct pre-screening interviews for the qualifying child
13 and family members and support processing as the case proceeds through DNA
14 testing, Department of Homeland Security interview, and all medical and security
15 checks.”
- 16 b) “After form DS-7699 is submitted, . . . DHS officials *will* interview eligible family
17 members to determine who *will* be admitted as a refugee or offered parole to the
18 U.S.”
- 19 c) “A separate application for this parole process is *not required* if the individual
20 already has access to the CAM program.”
- 21 d) “If refugee status is denied, your decision letter *will* state whether you have been
22 conditionally approved for parole into the United States.”
- 23 e) “If you are a conditionally approved CAM applicant, IOM *will* contact your relative
24 in the United States to collect payment for the medical examination.”
- 25 f) “After receiving payment [for the medical examination], IOM *will* contact you to
26 arrange your exam.”
- 27 g) “If the medical exam results clear, IOM *will* contact your relative in the United
28 States to arrange for your flight.”
- h) “After IOM receives payment for your travel, they *will* submit the travel itinerary to
USCIS.”
- i) After receiving the travel itinerary from IOM, USCIS “*will*:
1) [p]erform final security checks,
2) [e]nsure the medical exam results remain valid until date of travel, and
3) [v]erify that your relative still has a qualifying legal presence in the United
States.”
- j) “If [USCIS] decide[s] that you have met all requirements for parole under this
program, [USCIS] *will* issue Form I-512L, Authorization for Parole of an Alien Into
the United States.”

1 k) “IOM *will* give you [Form I-512L] and your plane ticket the day you fly to the
2 United States.”

3 l) With respect to certain CAM derivative beneficiaries eligible only after the 2016
4 program expansion, a DS-7699 form “filed on or before [September 30, 2017] *will*
5 be processed regardless of where the qualifying child is in the process as long as the
6 relationships of the expanded category relatives can be verified through DNA
7 testing.”

8 134. The mass rescission of conditional approval for parole for individuals for whom
9 parole was authorized violated 8 U.S.C. § 212.5(f).

10 135. The termination of the CAM Parole program and the mass rescission of conditional
11 approval for parole should therefore be set aside under the principle articulated in *United States ex.*
12 *rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

13 136. In addition, Defendants’ failure to comply with their own procedures and regulations
14 render the termination of the CAM Parole program and the mass rescission of conditional approval
15 for parole “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5
16 U.S.C. § 706(2)(A). The termination of the CAM Parole program and the mass rescission should
17 therefore be set aside pursuant to 5 U.S.C. §§ 702 and 706(2).

18 **COUNT THREE**
19 **FIFTH AMENDMENT — DUE PROCESS**

20 **On Behalf of All Plaintiffs in the U.S., Including the Class Members in the U.S.,**
21 **Against All Defendants**

22 137. Plaintiff parents, who are lawfully present in the United States, have constitutionally
23 protected liberty interests in the companionship and society of their family members who are
24 stranded in Central America.

25 138. The Due Process Clause protects Plaintiffs against arbitrary or irrational deprivations
26 of their constitutionally protected interests, as well as from deprivations that are outside the normal
27 manner prescribed by law. The government’s burden is greater where, as here, the liberty interests
28 at stake derive from well-established and significant reliance interests.

139. Defendants’ unprecedented, unexplained, and unsupported secret shutdown of the
CAM Parole program, their August 16, 2017 termination of the CAM Parole program, and their
mass rescission of conditional approval for parole violated U.S.-based Plaintiffs’ right to due

1 process because Defendants' actions were arbitrary, irrational, and outside the manner prescribed by
2 law.

3 140. Defendants' failure to provide notice of the secret shutdown violated 5 U.S.C.
4 § 552(a)(1)(E).

5 141. Moreover, Defendants' deprivation of U.S.-based Plaintiffs' liberty interests served
6 no rational purpose other than to "disrespect and subordinate" Latinos. Denying a fundamental
7 right based on such discriminatory intent is "so directly subversive of the principle of equality at the
8 heart of the [Due Process Clause]" that it "deprive[s these persons] of liberty without due process of
9 law." *Loving v. Virginia*, 388 U.S. 1, 12 (1967); see *Obergefell v. Hodges*, — U.S. —, 135 S.
10 Ct. 2584, 2603-05 (2015).

11 142. Defendants' conduct violates the substantive and procedural due process rights
12 protected by the Fifth Amendment of the Constitution.

13 **COUNT FOUR**
14 **FIFTH AMENDMENT — EQUAL PROTECTION**

15 **On Behalf of Plaintiffs in the U.S., Including Class Members in the U.S.,**
16 **Against All Defendants**

17 143. The Due Process Clause of the Fifth Amendment contains a guarantee of equal
18 protection.

19 144. Defendants' decisions to terminate the CAM Parole program and implement mass
20 rescission of conditional approval for parole violate the equal protection guarantee because they
21 were substantially motivated by discriminatory intent on the basis of race, ethnicity, and national
22 origin. The conclusion that the secret shutdown, official termination, and mass rescission were
23 substantially motivated by discriminatory intent is inescapable in light of the Trump
24 Administration's unprecedented departures from normal procedure, the lack of any explanation for
25 the termination and rescission, the continuing nature of the humanitarian crisis that the program was
26 intended to address, President Trump's long history of racial slurs and epithets toward Latinos, and
27 the Trump Administration's targeting of Latinos for disfavored treatment.

28 145. Defendants have thus violated the equal protection guarantee of the Fifth
Amendment by engaging in intentional discrimination based on race, ethnicity, and national origin.

**COUNT FIVE
EQUITABLE ESTOPPEL**

**On Behalf of All Plaintiffs, Including the Class,
Against All Defendants**

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2
3
4 146. Defendants engaged in affirmative misconduct by falsely representing that the CAM
5 Parole program remained in effect between January and August 2017 and by actively soliciting
6 money from CAM applicants during that time period and encouraging CAM applicants to expend
7 resources in connection with their applications. Defendants failed to comply with 5 U.S.C.
8 § 552(a)(1)(E) and failed to notify the public of the secret shutdown of the CAM Parole program.

9 147. In fact, Defendants knew the truth that the CAM Parole program had been secretly
10 shut down in January 2017, and that USCIS had stopped conducting interviews for the CAM
11 Program, IOM had stopped arranging medical exams, and IOM and USCIS had stopped making
12 arrangements for people to travel to the United States through the CAM Parole program. They
13 nevertheless intended through their misconduct to induce CAM applicants and beneficiaries to
14 continue to make payments and expend resources to advance their applications.

15 148. Plaintiffs were ignorant of the truth that the CAM Parole program had been shut
16 down, and they detrimentally relied on Defendants' misconduct.

17 149. Defendants' misconduct caused a serious injustice to U.S.-based parent Plaintiffs,
18 who reasonably relied on Defendants' misrepresentations in paying fees required by the program,
19 paying expenses associated with repeated trips to capital cities required by the program, paying for
20 home remodeling, furniture, clothes, and other supplies for family members they reasonably
21 expected to join them in the United States. Defendants' wrongful acts also caused a serious
22 injustice to in-country children and family member Plaintiffs, who put their lives at risk to travel
23 long distances to participate in CAM processing in capital cities.

24 150. Defendants shall therefore be equitably estopped from terminating the CAM Parole
25 program and mass rescinding conditional approval for parole.

PRAYER FOR RELIEF

26
27 WHEREFORE, Plaintiffs respectfully request that this Court:

28 A. Declare that Defendants' termination of the CAM Parole program and mass

1 rescission of conditional approval for parole were unlawful under the APA, the Fifth Amendment,
2 and principles of equitable estoppel;

3 B. Set aside Defendants’ unlawful termination of the CAM Parole program and
4 unlawful mass rescission of conditional approval for parole;

5 C. Enjoin and restrain all Defendants, and their officers, agents, servants, employees,
6 attorneys, and all persons who are in active concert or participation with any of them, from
7 implementing or enforcing the decisions to terminate the CAM Parole program and mass rescind
8 conditional approval for parole status;

9 D. Direct Defendants to reinstate conditional approval for parole status for all
10 beneficiaries for whom they rescinded it *en masse*, and process those applications to completion in
11 the manner in which Defendants publicly represented they would.

12 E. Direct Defendants to complete processing of all cases conditionally approved for
13 parole and to organize flights to ports of entry in the United States for individuals granted parole
14 within a reasonable time, not to exceed six months, or to provide this Court with case-by-case
15 explanations for delay;

16 F. Certify this case as a class action lawsuit as proposed herein, appoint Individual
17 Plaintiffs D.D., J.F., H.F., A.F., R.C., M.C., J.C., G.E., B.E., S.A., J.A., and A.B. as class
18 representatives of the class and the undersigned counsel as class counsel;

19 G. Award Plaintiffs reasonable attorney’s fees and costs for this action; and

20 H. Grant any other and further relief that this Court may deem just and proper.

21
22 DATED: June 13, 2018.

23 Respectfully submitted,

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6 **Pro Hac Vice* motion forthcoming

7
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9 *Attorneys for Plaintiffs*

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