

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7-17-2018

N.T.C. et al.,

Plaintiffs,

-v-

No. 18 CV 6428 (JMF)

US Immigration and Customs Enforcement et al.,

Defendants.

ORDER

This case, in which the Complaint was filed in Chambers of the undersigned this evening, came before the Court on Plaintiffs' application for an order to show cause as to why injunctive relief ought not to be entered, with an application for a temporary restraining order. The Court reviewed the complaint, Plaintiffs' memorandum of law, declarations and exhibits and proposed order to show cause, and heard representations and arguments from counsel for Plaintiffs and counsel for the government Defendants. The Court having determined that limited injunctive relief is warranted based on Plaintiffs' representations that minor children who have been forcibly separated from their parents, are in New York in the custody of the federal Office of Refugee Resettlement ("ORR") and have been referred for representation by the Legal Aid Society have been, and are expected to be, removed from New York without notice to their counsel and thereby deprived of the ability to receive legal advice and consult with counsel regarding their rights to make applications for asylum and enforce other substantive rights, and prosecute such claims and applications on their own behalf, and that parents are being solicited to consent on behalf of such children to removal without due process, and in order to afford the parties time to make further factual and legal investigations and to afford the judge to whom this case will be assigned tomorrow time to hold necessary proceedings, it is hereby

ORDERED, that Defendants ARE HEREBY RESTRAINED from taking any action to remove minor children clients of the Legal Aid Society from New York State who are in ORR custody without providing forty-eight (48) hours' advance notice of such forthcoming action to children and their counsel (including, without limitation, the location to which the minor child client will be moved, the location where the child's parent or parents currently reside, and whether the movement is for the purpose of release, detention, and/or repatriation), in order to permit consultation among the child, the child's parent or other close family member(s), and counsel to protect the child's ability to make informed decisions about his or her legal rights and potential claims. It is further

ORDERED, that the injunction set forth in the foregoing paragraph is in effect from the time of issuance of this order until 10:00 a.m. on Thursday, July 19, 2018, subject to extension, other modification or vacatur by further order of the assigned judge. It is further

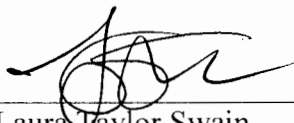
ORDERED, that Plaintiffs' counsel shall deliver to Defendants' counsel a list of the names of the client children by 9:00 a.m. on Tuesday, July 17, 2018, and that, pending such delivery, Defendants shall assume that all minor children in New York in ORR custody who have been forcibly separated from their parents are clients of the Legal Aid Society. It is further

ORDERED, that no bond is required. It is further

ORDERED, that Plaintiffs shall file their Complaint in the office of the Clerk of Court by 9:30 a.m. on Tuesday July 17, 2018, and promptly inform Defendants' counsel of the name of the assigned judge.

SO ORDERED.

Dated: New York, New York  
July 16, 2018  
Issued: 9:15 p.m.

  
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Laura Taylor Swain  
United States District Judge  
Part I