

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

LIA DEVITRI, EVA GRASJE, SYANE KALOH, JOHN LONDA, MELDY LUMANGKUN, MARTIN LUMINGKEWAS, MEIVE LUMINGKEWAS, TERRY ROMBOT, AGUS SETIAWAN, FREDDY SOMBAH, POPPY SOMBAH, and all other individuals similarly situated,

Petitioners/Plaintiffs,

v.

CHRIS M. CRONEN
Boston Field Office Director for Enforcement and Removal
Operations, U.S. Immigration and Customs Enforcement

TIMOTHY STEVENS
Manchester Sub-Office Director for Enforcement and Removal
Operations, U.S. Immigration and Customs Enforcement

ELAINE C. DUKE
Acting Secretary of the U.S. Department of Homeland Security

Respondents/Defendants.

Civil Action No. _____

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND STAY OF REMOVAL**

Petitioners/Plaintiffs are Christian Indonesian nationals who have resided in the United States for many years. They have been subject to final orders of removal for years, but the government permitted them to reside in the community under Orders of Supervision through a program called “Operation Indonesian Surrender.” The government appears to have discontinued that program, but instead of allowing the program participants time to seek the immigration relief potentially available to them, the government is ordering them to report immediately to immigration field offices with tickets to Indonesia. Two Petitioners/Plaintiffs, married couple Freddy and Poppy Sombah, whose circumstances were detailed yesterday in the

Manchester Union Leader, are scheduled for removal this Wednesday, September 27, 2017. *See* Shawne K. Wickham, “Somersworth man: ‘DACA saved me, but my parents are facing deportation,’” *Manchester Union Leaders* (Sept. 24, 2017), available at <http://www.unionleader.com/Somersworth-man:-DACA-saved-me,-but-my-parents-are-facing-deportation>. They, and the class of similarly situated individuals they seek to represent in this representative action, now face imminent removal to Indonesia. Under current conditions, which are documented by authoritative sources, Petitioners/Plaintiffs face a significant risk of persecution and torture in Indonesia on account of their Christian faith. The government’s haste in seeking to remove them without affording them an opportunity to reopen their immigration cases deprives them of due process and violates U.S. law, which, *inter alia*, prohibits the removal of individuals to countries where they would face a likelihood of persecution or torture.

1. Pursuant to Fed. R. Civ. P. 65, Petitioners/Plaintiffs seek a Temporary Restraining Order (“TRO”) and Stay of Removal that bars Respondents/Defendants from removing Petitioners/Plaintiffs until an appropriate process has determined whether, in light of current conditions and circumstances, they are entitled to mandatory protection from removal on any valid grounds.

2. For the reasons set forth in the accompanying Memorandum of Law, Petitioners/Plaintiffs seek a TRO and Stay of Removal to maintain the status quo and bar Respondents from removing Petitioners/Plaintiffs—and the putative class of similarly situated individuals that that they seek to represent—before this Court has had an opportunity to consider and rule on the merits of Petitioner/Plaintiffs’ contemporaneously filed Motion for Preliminary Injunction.

3. Counsel for Petitioners/Plaintiffs conferred with the Office of the United States Attorney for the District of Massachusetts, explaining the nature of the relief sought and seeking concurrence, but none was agreed-to.

4. Petitioners/Plaintiffs further request that the TRO and Stay of Removal against Respondents/Defendants be extended to protect the entire putative class of similarly situated individuals that Petitioners/Plaintiffs seek to represent, which Petitioner/Plaintiffs define in their contemporaneously filed Class Petition for Writs of Habeas Corpus and Mandamus and Class Complaint for Declaratory and Injunctive Relief as: “All Indonesian nationals within the jurisdiction of the Boston ICE Field Office with final orders of removal, who have been, or will be, arrested, detained, or removed by ICE after having participated at any time in ‘Operation Indonesian Surrender.’” Upon information and belief, Petitioners/Plaintiffs estimate that approximately 70 individuals fit this description.

5. Petitioners/Plaintiffs also request that Respondents be ordered to turn over the names of all Indonesian nationals within the jurisdiction of the Boston ICE Field Office, with final orders of removal, who have been, or will be, arrested, detained, or removed by ICE after having participated at any time in “Operation Indonesian Surrender.”

6. If the Court requires additional argument beyond the contemporaneously filed Memorandum of Law in Support of this Motion, Petitioners/Plaintiffs also respectfully request the Court schedule a hearing on or before Tuesday, September 26, 2017, as Petitioners/Plaintiffs Freddy and Poppy Sombah are scheduled to be deported to Indonesia on Wednesday, September 27, 2017.

WHEREFORE, Petitioners/Plaintiffs respectfully request that this Honorable Court:

- A. Grant this Emergency Motion for Temporary Restraining Order and Stay of Removal before Wednesday, September 27, 2017;
- B. Enter the Proposed Order Granting Petitioners'/Plaintiffs' Emergency Motion for Temporary Restraining Order and Stay of Removal; and
- C. Grant such other and further relief as justice may require.

Respectfully Submitted,

PETITIONERS/PLAINTIFFS

By Their Attorneys,

/s/ W. Daniel Deane

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Date: September 25, 2017

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on September 25, 2017, and will be transmitted by electronic mail to the Office of the United States Attorney for the District of Massachusetts.

/s/ Ronaldo Rauseo-Ricupero

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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Respondents/Defendants.

[PROPOSED] ORDER GRANTING PETITIONERS’/PLAINTIFFS’ EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND STAY OF REMOVAL

Having considered Petitioners’/Plaintiffs’ Emergency Motion for Temporary Restraining Order and Stay of Removal and Memorandum in Support Thereof, and it appearing that this is a proper case for its issuance to maintain the status quo, this Court **ALLOWS** that Emergency Motion and **ORDERS** this Temporary Restraining Order and Stay of Removal as follows:

1. Respondents/Defendants are hereby enjoined and prohibited from removing or causing the removal from the United States of Petitioners/Plaintiffs or any member of the putative class “All Indonesian nationals within the jurisdiction of the Boston ICE Field Office, with final orders of removal, who have been, or will

be, arrested, detained, or removed by ICE after having participated at any time in ‘Operation Indonesian Surrender.’” All such removals now pending are hereby stayed and shall not proceed.

2. Respondents/Defendants are required to produce to Plaintiffs/Petitioners, within five (5) days, the names of all Indonesian nationals within the jurisdiction of the Boston ICE Field Office, with final orders of removal, who have been, or will be, arrested, detained, or removed by ICE after having participated at any time in “Operation Indonesian Surrender” and program descriptions, criteria, or policy memoranda relating to “Operation Indonesian Surrender”;
3. Respondents/Defendants are hereby enjoined and prohibited from transferring or causing the transfer of Petitioners/Plaintiffs or any member of the putative class, “All Indonesian nationals within the jurisdiction of the Boston ICE Field Office, with final orders of removal, who have been, or will be, arrested, detained, or removed by ICE after having participated at any time in ‘Operation Indonesian Surrender’” outside of the jurisdiction of the Boston ICE Field Office.

This Order shall remain in full force and effect for fourteen (14) days pending further proceedings.

IT IS SO ORDERED.

DATED: _____

United States District Court