IMMIGRANT MINORS TOOLKIT

Bond Hearings for Detained Unaccompanied Minors

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A Note from the Executive Director

The Center for Human Rights and Constitutional Law is a non-profit, public interest legal foundation dedicated to furthering and protecting the civil, constitutional, and human rights of immigrants, refugees, children, prisoners, and the poor. Since its incorporation in 1980, under the leadership of a board of directors comprising civil rights attorneys, community advocates and religious leaders, the Center has provided a range of legal services to vulnerable low-income victims of human and civil rights violations and technical support and training to hundreds of legal aid attorneys and paralegals in the areas of immigration law, constitutional law, and complex and class action litigation.

The Center has achieved major victories in numerous major cases in the courts of the United States and before international bodies that have directly benefited hundreds of thousands of disadvantaged persons**.**

This practice advisory is part of a *Immigrant Minors Tool Kit* produced by the Center for Human Rights and Constitutional Law including several practice advisories addressing deportation defense for minors, developments in the Flores v. Sessions class action litigation, the new policy of separating children from their parents and prosecuting a parent, pending legislation regarding immigrant children, etc. We will continue to develop these and additional practice advisories concerning immigrant children in 2018.

This practice advisory discusses developments and strategies in hearings seeking the release of minors. The Flores v. Sessions certified class action, discussed in detail below, remains pending and active in the US District Court for the Central District of California. We serve as class counsel in that case. The Flores case sets out the standards for the detention of accompanied and unaccompanied minors, and includes a presumption of release to available parents, relatives, friends of parents and non-secure licensed shelters. We are also exploring advocacy and possible litigation regarding the recent policy of criminally prosecuting the parents of apprehended minors.

Manuals and practice advisories prepared by the Center are routinely reviewed for improvements and updates to reflect current policies and practices. Please feel free to email me at pschey@centerforhumanrights.org to suggest corrections, updates or edits to this practice advisory.

Peter Schey
President and Executive Director
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I. The Flores Settlement and Flores v. Sessions

After years of litigation on behalf of children detained by immigration authorities, in 1996, Plaintiff counsel and the federal government entered into the *Flores Settlement Agreement*, which established a "nationwide policy for the detention, release, and treatment of minors in the custody of the [former Immigration and Nationality Service] INS." Stipulated Settlement Agreement, *Flores v. Reno*, Case No. CV85-4544-RJK (C.D. Cal. 1996) [hereinafter, "*Flores Settlement"*] at ¶ 9. The full text of the *Flores Agreement* is available at https://www.aclu.org/legal-document/flores-v-meese-stipulated-settlement-agreement-plus-extension-settlement .

The *Flores Settlement* sets minimum standards for the detention, housing, and release of non-citizen juveniles who are detained by the government and obliges the government to pursue a "general policy favoring release:"

> **VI. GENERAL POLICY FAVORING RELEASE**
>
> 14. Where the INS determines that the detention of the minor is not required either to secure his or her timely appearance before the INS or the immigration court, or to ensure the minor's safety or that of others, the INS shall release a minor from its custody without unnecessary delay, in the following order of preference, to:
>
> A. a parent;
> B. a legal guardian;
> C. an adult relative (brother, sister, aunt, uncle, or grandparent);
> D. an adult individual or entity designated by the parent or legal guardian as capable and willing to care for the minor's well-being in (i) a declaration signed under penalty of perjury before an immigration or consular officer or (ii) such other document(s) that establish(es) to the satisfaction of the INS, in its discretion, the affiant's paternity or guardianship;
> E. a licensed program willing to accept legal custody; or
> F. an adult individual or entity seeking custody, in the discretion of the INS, when it appears that there is no other likely alternative to long term detention and family reunification does not appear to be a reasonable possibility.

Flores Agreement at ¶ 14. Paragraph 18 states that the efforts to release the unaccompanied minor pursuant to ¶ 14 shall be "prompt and continuous:"

> 18. Upon taking a minor into custody, the INS, or the licensed program in which the minor is placed, shall make and record the prompt and continuous efforts on its part toward family reunification and the release of the minor pursuant to Paragraph 14 above. Such efforts at family reunification shall continue so long as the minor is in INS custody.

Id. at ¶ 18. Additionally, ¶ 24A provides for hearings to secure release:

> 24.A. A minor in deportation proceedings shall be afforded a bond redetermination hearing before an immigration judge in every case, unless the minor indicates on the Notice of Custody Determination form that he or she refuses such a hearing.

Id. at ¶ 24A.

Since the federal government entered into the *Flores Agreement*, Congress has passed two statutes addressing the care and custody of unaccompanied, non-citizen minors

In 2002, Congress enacted the Homeland Security Act ("HSA"), which transferred authority over the care and placement of unaccompanied minors from the (now defunct) INA to the ORR. *See* 6 USC § 279. In 2008, Congress enacted the Trafficking Victims Protection Reauthorization Act ("TVPRA"), which affirmed ORR's responsibility for the care and custody of unaccompanied minors. WILLIAM WILBERFORCE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2008, 110 P.L. 457, 122 Stat. 5044 *, 110 P.L. 457, 2008 Enacted H.R. 7311, 110 Enacted H.R. 7311.

Over the past few years, ORR began to routinely deny bond hearings, asserting that the HSA and TVPRA superseded the bond-hearing requirement under ¶ 24A with respect to unaccompanied minors.

Plaintiff counsel challenged ORR's position in federal court.

On January 20, 2017, the United States District Court for the Central District of California held that the *Flores Settlement* still guarantees unaccompanied juveniles

in ORR custody a bond redetermination hearing before an immigration judge, holding:

> [T]he bond hearing provision of the *Flores* Agreement was not superseded by operation of law because both the TVPRA and the Homeland Security Act are silent on the subject of bond hearings. Moreover, the *Flores* Agreement remains consistent with federal immigration laws requiring bond hearings for immigrant detainees, and poses no irreconcilable conflict with the TVPRA's safety and placement provisions….
>
> [T]he Court finds that Defendants are in breach of the *Flores* Agreement by denying unaccompanied immigrant children the right to a bond hearing. Plaintiffs' motion to enforce Paragraph 24A of the *Flores* Agreement is GRANTED. Defendant Office of Refugee Resettlement of the Department of Health and Human Services shall forthwith comply with Paragraph 24A of the *Flores* Agreement.

Flores v. Lynch, No. CV 85-4544 DMG (AGRx), 2017 U.S. Dist. LEXIS 144827, at *12-15 (C.D. Cal. Jan. 20, 2017).

On July 5, 2017, in a strongly worded opinion, a unanimous panel of the Ninth Circuit upheld the District Court decision in full, rejecting the government's arguments: "Not a single word in either statute indicates that Congress intended to supersede, terminate, or take away any right enjoyed by unaccompanied minors at the time of the acts' passage." Flores v. Sessions, 862 F.3d 863, 881 (9th Cir. 2017).

The Ninth Circuit also found that Immigration Judges ("IJs") play an important role in the framework of the TVPRA:

> [T]he TVPRA allows children to be placed in secure detention facilities only if they pose a safety risk to themselves or others, or have committed a criminal offense. These are precisely the determinations made by an immigration judge at a bond hearing.

Id. at 868. Further, the opinion explains in the strongest terms the importance of bond hearings to unaccompanied children in immigration detention:

> The bond hearing under Paragraph 24A is a fundamental protection guaranteed to unaccompanied minors under the *Flores Settlement*….The hearing is a forum in which a child has the right to be represented by counsel, and to have the merits of his or her detention assessed by an independent immigration judge. The hearing is also an opportunity for counsel to bring forth the reasons for the minor's detention, examine and rebut the government's evidence, and build a record regarding the child's custody. Without such hearings, these children have no meaningful forum in which to challenge ORR's decisions regarding their detention or even to discover why those decisions have been made. There are no procedures available to them that afford them the right to a hearing with counsel, an opportunity to examine adverse evidence, or a forum in which to refute the government's claims regarding the need for their custody.
>
> In the absence of such hearings, these children are held in bureaucratic limbo, left to rely upon the agency's alleged benevolence and opaque decision making. A hearing under Paragraph 24A provides meaningful protections against such perfunctory and ad hoc determinations. For all children in ORR custody, these hearings compel the agency to provide its justifications and specific legal grounds for holding a given minor. The record shows that, in the absence of such hearings, unaccompanied minors, their parents, and their counsel are often given conflicting or confusing information about why a child is being detained. Bond hearings provide the concrete information needed to advocate for a minor's release….
>
> Providing unaccompanied minors with the right to a hearing under Paragraph 24A therefore ensures that they are not held in secure detention without cause. Finally, bond hearings help to guide ORR in making its placement determinations for unaccompanied minors. By allowing an immigration judge to assess the merits of a child's ongoing detention, bond hearings provide ORR with valuable information that helps the agency determine the appropriate custody of unaccompanied minors in a fairer and less arbitrary manner.

Flores v. Sessions, 862 F.3d 863, 867-68 (9th Cir. 2017).

II. The importance of the Flores v. Sessions opinion to children in immigration detention

Though, as the Flores opinion notes, bond hearings for UCs "do not afford unaccompanied minors the same rights that may be gained through an ordinary bond hearing….a hearing does provide minors with meaningful rights and practical benefits." Flores v. Sessions, 862 F.3d at 867.

Among these rights and benefits are:

- the right to be represented by counsel;
- the right to have detention assessed by an independent immigration judge, outside of the ORR system;
- the right to present evidence;
- the right to examine and rebut the government's evidence;
- the right to build a record regarding their custody.

For children in secure detention (the highest level of security for UC detention), the bond hearing also provides an opportunity to contest the basis for their level of confinement – their alleged risk to themselves or others or commission of a criminal offense. Bond hearings may entitle a child to release if ORR has already approved the child's sponsor, but has not released the child due to a determination that the child is a danger to self or others.

A favorable finding in a bond hearing for a UC does not necessarily entitle the minor to release. Even if an IJ finds that a child does not pose a flight risk and is not a danger to the community, the child still might not be released unless or until ORR determines it has a safe and suitable placement (e.g., a parent, relative, or adult friend who has been vetted to serve as the child's "sponsor").

III. ORR's Response to Flores v. Sessions

ORR has adopted procedures for complying with the court's order. In too many respects, these procedures reflect a pinched view of the Government's duty under the Settlement to place unaccompanied children in the least restrictive setting practicable and to treat them "with dignity, respect and special concern for their particular vulnerability as minors." *Flores Settlement* ¶ 11.

A. What are ORR's and EOIR's Current Procedures?

In the aftermath of the Ninth Circuit's opinion, both ORR and the Executive

Office for Immigration Review ("EOIR") issued directives and forms purporting to bring themselves into compliance with ¶ 24A of the Settlement. Several of these documents—*e.g.*, ORR's form advising detained minors of their right to a bond hearing—appear on ORR's web site. *See*, *e.g*, www.acf.hhs.gov/sites/default/files/orr/notice_of_right_to_a_bond_hearing.pdf ; www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-section-2#2.7.

However, nothing prevents ORR or EOIR from changing these procedures without notice. Practitioners should check ORR's and EOIR's websites for updates, though neither agency deems itself obliged to make such changes public. To the extent *Flores* counsel obtain updated documents, they will be available here: http://centerforhumanrights.org/Unaccompanied%20Immigrant%20Minors/Flores%20Case.html .

On July 19, 2017, ORR published § 2.9 to its UC Policy Guide (ORR Policy Guide: Alien Children Entering the United States Unaccompanied), relating to bond hearings pursuant to Flores v Sessions at https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-section-2#2.9. Also of note are ORR's interim guidance on implementing the district court's bond hearing order, and a memorandum from the Chief Immigration Judge instructing immigration judges on scheduling and conducting hearings for youth in ORR custody.

In summary, these documents describe the following procedure:

- ORR will automatically advise juveniles placed in secure or staff-secure facilities of their right to a bond hearing.[1] Children in licensed placements will be provided hearings upon request, but will not automatically be provided notice of their right to do so.
- When a juvenile indicates that s/he wishes a hearing, ORR will file a

[1] ORR's form notice, in English and Spanish, is available here: www.acf.hhs.gov/sites/default/files/orr/notice_of_right_to_a_bond_hearing.pdf ; www.acf.hhs.gov/sites/default/files/orr/notice_of_right_to_a_bond_hearing_07_07_2017sf.pdf

motion with the local immigration court asking that it calendar a hearing.[2]

- ORR, and not DHS, will represent the Government during bond hearings for children in ORR custody. Upon receiving a motion to set a bond hearing, immigration judges are supposed to grant ORR counsel leave to appear telephonically in all but exceptional cases.

- IJs are supposed to allow ORR "wide latitude" in setting deadlines to submit evidence or briefs.

- IJs are to review whether a detained juvenile is too dangerous or too much of a flight- risk to release, but not whether a proposed custodian is qualified to care for him or her.

- According to ORR and EOIR's Office of General Counsel, detained children have the burden of proving in bond hearings that they are not dangerous.

- IJs are supposed to use "standard bond orders," but should not require the posting of a money bond for a minor's release.

- An IJ's finding that a juvenile in ORR custody is neither too dangerous nor too likely to flee to release does not automatically result in release, but remains contingent on ORR's locating a suitable custodian.

- Both the detained juvenile and ORR may appeal an IJ's order to the Board of Immigration Appeals.

- A juvenile who is unsuccessful in a bond hearing may request a new hearing only upon a showing of changed circumstances.

- An IJ's finding that a juvenile in ORR custody may not be continued in detention on grounds of dangerousness or flight-risk is not controlling with respect to placement in a secure or staff-secure facility. Rather, it is

[2] ORR's form motions for a bond hearing are available here: www.acf.hhs.gov/sites/default/files/orr/motion_requesting_bond_hearing_for_unaccompanied_children_in_secure_0.pdf (for secure and staff-secure detainees); www.acf.hhs.gov/sites/default/files/orr/motion_requesting_bond_hearing_for_unaccompanied_children_in_non_0.pdf (for juveniles in licensed placements).

"one factor" that ORR will take into account in deciding whether to continue a juvenile in secure or staff-secure placement.

IV. When should advocates consider requesting bond hearings?

A. Juveniles in licensed (non-secure) placement

ORR's counsel, the Office of Immigration Litigation ("OIL"), has said that ORR does not consider juveniles in licensed placements either flight-risks or dangerous, and it will therefore release them as soon as a suitable custodian is located. OIL argues that a bond hearing for such juveniles would be superfluous because IJs are not empowered to pass on the suitability of proposed custodians.

OIL has repeatedly stated, including during oral argument before the Ninth Circuit, that ORR will not deny a juvenile's release on grounds of flight-risk, though likelihood to abscond does figure into ORR's placement decisions. *Flores* counsel have urged ORR to notify all class members promptly if it contends they may be continued in custody on grounds of dangerousness or flight-risk. *See* Letter to OIL re: ORR implementation of bond hearings, July 24, 2017. OIL has not said whether ORR will comply with the request.

CHRCL recommends that attorneys for children in licensed placements request ORR to notify them promptly if it contends their clients may be denied release as dangerous or flight-risks.

We also recommend requesting prompt access to clients' complete ORR files, which should reveal whether ORR thinks a juvenile too dangerous or likely to abscond to release. ORR's form and instructions for requesting a UC's file are available via this page: www.acf.hhs.gov/orr/resource/unaccompanied-childrens-services .

As a last resort, advocates may wish to consider requesting a bond hearing as a discovery device: that is, as a way of compelling ORR to divulge its reasons for not having released a client to an available qualified custodian. The downsides of doing so are discussed below.

B. Juveniles in secure or staff-secure facilities

As has been seen, ORR's nominal policy is to notify all juveniles in secure or staff-secure placement that they are entitled to bond hearings. However, initial reports from advocates regarding this approach have been decidedly unfavorable.

i. ORR's Form Notice

First, ORR's form notice is woefully inadequate. *Flores* counsel have urged ORR to stop giving this notice to detained juveniles because it has only confused them, and facility staffers' efforts to answer children's questions have been both uneven and often just as confusing as ORR's notice. At OIL's invitation, *Flores* counsel drastically revised the notice, but we have not yet heard whether ORR will revise its notice accordingly, if at all.

ii. ORR is filing motions without attorney notice

Second, we have received reports that ORR has filed motions for bond hearings on behalf of represented juveniles without prior notice to their lawyers. In these cases, counsel should consider filing a notice with the immigration court advising that s/he represents the respondent, that ORR does not, and that ORR's motion is accordingly unauthorized.

Counsel should also consider advising ORR that filing the motion, particularly without advising counsel, is unlawful interference with the attorney-client relationship. If ORR's motion was not presented by a lawyer, counsel might also advise ORR and the court that the motion amounts to the unauthorized practice of law.

Counsel should then consider formally withdrawing the motion on behalf of her or his client, indicating that it is subject to re-noticing at a later date.

iii. Access to counsel

Third, juveniles who undergo bond hearings without the counsel have poor chances of success. *Flores* counsel have urged ORR to explicitly authorize Vera-funded legal services providers to represent detainees during bond

hearings, but as of this writing Vera-funded legal services providers were instead advised as follows:

> ORR has informed us that it considers representation in bond hearings to be outside the scope of our contract as written and that in order to provide representation to a child solely for purposes of a bond hearing, a modification to the contract would have to be done. As ORR continues to develop the infrastructure and process for bond hearings, it will consider making such changes in the future. For now, however, ***you may not initiate representation with a child solely for purposes of a bond hearing using Vera/ORR funding***. If you are representing a child in immigration proceedings using Vera funding, and determine that a bond hearing is also necessary as part of that representation, you may represent the child in the bond hearing (as an ancillary, related matter).

Email from Anne Marie Mulcahy, July 31, 2017.

ORR's "advising" unrepresented juveniles of their right to a bond hearing guarantees that some children will ill-advisedly request one. Counsel who later undertake representation of such juveniles should consider arguing that the initial hearing was not voluntary, knowing, and intelligent and should not, therefore, prejudice the client's right to a meaningful hearing in which s/he is represented by counsel.

iv. Whether to request bond hearing: case-by-case considerations

Fourth, advocates should consider the potential prejudice to a client's placement and affirmative defenses to removal from going forward with a bond hearing. Evidence produced in the hearing might be placed in a client's A file and thus available to CIS adjudicators.[3]

Advocates should be prepared to vigorously object to the introduction into evidence of psychological assessments on the grounds of patient-client privilege. ORR's psychologists sometimes obtain waivers from children authorizing them to disclose reports to third parties. Counsel should carefully review psychologists'

[3] Advocates regularly report CIS's having access to clients' ORR files despite ORR's having stated that it does not share its files with CIS.

assessments to see if the child signed any such waiver; if so, counsel should consider arguing against the admission of psychological reports on the grounds any waiver was not knowing, voluntary, and intelligent. Counsel should still assess the risks of disclosure in the event the IJ permits unfavorable reports into the record.

This is inherently a case-by-case decision, in which relevant factors include the availability of a vetted custodian, the juvenile's history of behavioral problems in his or her country of origin and in the United States, and conduct during immigration-related custody. Counsel's reviewing a client's complete ORR should normally precede any decision to go forward with a bond hearing.

C. "Accompanied" juveniles

Technically, the district court's order protecting detained juveniles' right to bond hearings covers only those *Flores* class members who are in ORR custody. This is largely because IJs had never refused to re-determine the custody of accompanied minors, primarily those in family detention centers.

Nonetheless, the Settlement, standing alone, has the force and effect of an injunction, and inasmuch as the Settlement clearly protects "accompanied" minors, *Flores v. Lynch*, 828 F.3d 898 (9th Cir. 2016), it is binding insofar as accompanied juveniles are concerned regardless.

An amicus brief to the immigration court arguing that IJs must afford accompanied youth hearings is available here: http://www.centerforhumanrights.org/PDFs/IJ_Brief080417.pdf.

D. Relationship of bond hearings to secure and staff-secure placement

As noted, ORR's and, by all appearances, EOIR's, current position is that an IJ's finding that a juvenile is not too dangerous to release is a factor ORR will consider in deciding whether to "step down" the minor from secure or staff-secure to a less secure placement.

The Ninth Circuit's decision affirming the right of children in ORR custody to bond hearings suggests ORR would have a difficult time defending its keeping a juvenile in a secure placement despite an IJ's finding that s/he is not dangerous:

> For those minors in secure detention, bond hearings additionally provide an opportunity to contest the basis of such confinement. For example, the TVPRA allows children to be placed in secure detention facilities only if they pose a safety risk to themselves or others, or have committed a criminal offense. These are precisely the determinations made by an immigration judge at a bond hearing. Providing unaccompanied minors with the right to a hearing under Paragraph 24A therefore ensures that they are not held in secure detention without cause.

Flores v. Sessions, 862 F.3d 863, 868 (9th Cir. 2017)

Flores counsel have argued that an IJ's finding a juvenile not dangerous should, at a minimum, place the burden to ORR to demonstrate that he or she is properly continued in a secure or staff-secure setting. We have also argued that in such cases ORR should promptly provide the juvenile and his or her counsel with a complete, written explanation of why the juvenile is being continued in a secure or staff-secure setting contrary to an immigration judge's findings, as well as disclose any new evidence of dangerousness or flight-risk unavailable to ORR at the time of the bond hearing.

We encourage counsel representing juveniles in secure or staff-secure facilities to consider arguing similarly.

E. Strategic considerations when representing juveniles in bond hearings

i. Preparation

As stated, practitioners should press ORR to disclose promptly whether it intends to continue a client in detention on account of dangerousness or flight-risk. If ORR indicates it does believe a client dangerous or a flight-risk, it should be pressed to disclose the evidence supporting its position. We also recommend seeking expedited access to a client's complete ORR file.

There are two methods for requesting the ORR file:

(1) Request a child's file through ORR's internal process at https://www.acf.hhs.gov/orr/resource/requests-for-uac-case-file-information. Note: this process is not subject to the statutory protections

the Freedom of Information Act (FOIA) affords, such as the 20 day time limit for response outlined in 5 USCS § 552 (6)(A).

(2) Request the child's file through FOIA. The agency's response to a FOIA request should indicate if ORR is withholding documents or information, and a FOIA request receives more robust procedural protections should ORR delay or withhold access to a client's file.

ii. Scheduling

Contrary to EOIR OGC's position, practitioners should normally argue that ORR's lack of resources or representation are not valid grounds for delaying a detained juvenile's bond hearing. Such hearing should be scheduled as the Immigration Court Practice Manual prescribes: that is, upon being notified that a respondent wishes to be heard on the matter of his or her detention, "the Immigration Court schedules the hearing for the earliest possible date." *Id*. § 9.3(d).

iii. Burden and standard of proof

The government has stated it believes the children's bond procedures should be governed by INA 236(a) and its interpreting regulations. Under the framework of INA § 236(a), the detainee has the burden to prove by clear and convincing evidence that s/he is not a danger or flight risk. 8 C.F.R . § 1236.1(c)(3).

Flores counsel disagree with ORR's position, set out both on its web page and in its hearing request form, that a child placed in a secure setting or denied release on grounds of dangerousness must carry the burden of proving he or she is not dangerous.

First, *Flores'* bond hearing provision does not explicitly reference INA § 236(a)—the primary detention authorizing statute for noncitizens. Both the Ninth Circuit's decision in *Flores v. Sessions* and the *Flores Settlement* suggest the government should have the burden of production and burden of proof. The Ninth Circuit found that at a bond hearing ORR would be compelled "to provide its justifications and specific legal grounds for holding a given minor." Flores v. Sessions, 862 F.3d 863, 868 (9th Cir. 2017). Further, the *Flores Settlement* and TVPRA § 235(c)(2)(A) require the government to place detained children in the "least restrictive setting appropriate to the minor's age and special

needs," and therefore to pursue a "general policy favoring release." *Flores Settlement* at ¶¶ 11, 14; § VI. Furthermore, most juvenile detention standards follow this basic principle. Thus, strong arguments exist to place the burden of production and proof on the government, and not the child.

iv. Re-hearing and reconsideration

The Government's position is that a detained juvenile is entitled to only one bond hearing unless he or she is able to show changed circumstances. This is the general rule applicable to adult detainees who have lost initial bond redeterminations. *See* 8 C.F.R. § 1003.19(e); *Matter of Uluochoa*, 20 I. & N. Dec. 133 (BIA 1989).

However, TVPRA § 235(c)(2) requires "The placement of a child in a secure facility shall be reviewed, at a minimum, on a monthly basis" to determine if such placement remains warranted. This requirement reflects Congress's view expressed in TVPRA § 235(c)(1) that "an unaccompanied alien child in the custody of the Secretary of Health and Human Services shall be promptly placed in the least restrictive setting that is in the best interest of the child."

We accordingly encourage practitioners to press ORR and EOIR to afford juveniles placed in secure or staff- secure facilities additional bond hearings after each additional month they remain in federal custody.

V. The Need for Political Mobilization

On Oct. 8, 2017, the White House released a memo titled "Immigration Principles & Policies," outlining the Trump Administration's position on immigration (available at https://www.politico.com/f/?id=0000015e-fe3d-dc15-a3fe-ff3d27fb0000). Among the Trump administration's objectives is to:

> Terminate the Flores Settlement Agreement (FSA) by passing legislation stipulating care standards for minors in custody and clarify corresponding provisions of the TVPRA that supersede the FSA.

Now, more than ever, it is important for advocates to speak loudly for the voiceless. If the administration and anti-immigration politicians have their way, they will eliminate protections won in the *Flores Agreement*, including ¶ 24A's guarantee of a bond hearing.