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20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA**
22 **WESTERN DIVISION**
23

24 IMMIGRANT DEFENDERS LAW
CENTER; *et al.*,

25 Plaintiffs,

26 v.

27 U.S. DEPARTMENT OF HOMELAND
SECURITY; *et al.*,

28 Defendants.

Case No. 2:21-cv-00395-FMO-RAO

**[PROPOSED] ORDER
GRANTING PLAINTIFFS'
MOTION FOR A PRELIMINARY
INJUNCTION**

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1 Upon consideration of Plaintiffs’ Motion for Preliminary Injunction, all
2 papers filed in support of and in opposition to the Motion, the arguments of counsel,
3 and the entire record in this case, and for good cause shown, Plaintiffs’ Motion for
4 Preliminary Injunction is GRANTED.

5 Accordingly, IT IS HEREBY ORDERED:

6 1. Defendant Department of Homeland Security (“DHS”) and its sub-agencies
7 are hereby preliminarily enjoined and restrained from continuing to subject
8 unaccompanied children previously processed through the Migrant Protection
9 Protocols (MPP) (“MPP-unaccompanied children”) to MPP proceedings and
10 are hereby ordered to take all steps necessary to cease subjecting MPP-
11 unaccompanied children to MPP.

12 2. Defendants DHS and Department of Health and Human Services (“HHS”)
13 and their sub-agencies are hereby preliminarily enjoined and restrained from
14 continuing to deny MPP-unaccompanied children rights and benefits
15 conferred under the Trafficking Victims Protection Reauthorization Act
16 (“TVPRA”) and the Due Process Clause of the Fifth Amendment of the
17 United States Constitution. Defendants are hereby ordered to restore the
18 status quo and immediately take all steps necessary to ensure the full panoply
19 of rights and protections under the TVPRA are made available and accessible
20 to all MPP-unaccompanied children, including:

- 21 a. issue and properly serve a legally sufficient Notice to Appear (“NTA”)
22 to all MPP-unaccompanied children that reflects their most recent entry
23 and status as “unaccompanied;”
- 24 b. ensure prompt placement of all MPP-unaccompanied children in the
25 least restrictive setting without regard to the procedural posture of the
26 child’s previous MPP case;

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- c. take all procedural steps necessary to ensure compliance with DHS’s own policy that unaccompanied children will not be subject to MPP and ensure no unaccompanied child is removed on an MPP order of removal; and,
- d. ensure safe return of MPP-unaccompanied children removed to their home countries pursuant to MPP removal orders who elect to return to the United States to access their TVPRA rights.

3. To effectuate this order, Defendants must notify all relevant executive agencies, sub-agencies, officers, agents, servants, employees, attorneys, and all those who are in active concert or participation with them consistent with this order.

IT IS SO ORDERED.

DATED this _____ day of _____ 2021.

HON. FERNANDO M. OLGUIN
United States District Judge