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19 **UNITED STATES DISTRICT COURT**  
20 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
21 **WESTERN DIVISION**

22 IMMIGRANT DEFENDERS LAW  
23 CENTER; *et al.*,  
24  
25 Plaintiffs,  
26  
27 v.  
28 U.S. DEPARTMENT OF HOMELAND  
SECURITY; *et al.*,  
Defendants.

Case No. 2:21-cv-00395-FMO-RAO  
**DECLARATION OF ELIZABETH  
SANCHEZ KENNEDY IN  
SUPPORT OF PLAINTIFFS’  
MOTION FOR PRELIMINARY  
INJUNCTION**  
Date: June 17, 2021  
Time: 10:00 a.m.  
Ctrm: 6D  
Judge: Hon. Fernando M. Olguin

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1 I, Elizabeth Sanchez Kennedy, make this declaration based on personal  
2 knowledge and a review of records related to my position as the Founder and  
3 Executive Director of the Galveston-Houston Immigrant Representation Project:

4 1. I am the Founder and Executive Director of the Galveston-Houston  
5 Immigrant Representation Project (“GHIRP”), an organization that I founded in  
6 October of 2020. I am licensed to practice law in the State of Texas.

7 2. The GHIRP is a registered 501(c)(3) organization that ensures  
8 immigrants in the Galveston-Houston area community have equal access to due  
9 process in the United States immigration system. In furtherance of its mission,  
10 GHIRP provides a combination of legal education and representation services to its  
11 clients including direct representation, Know Your Rights presentations, and  
12 engaging in federal litigation. As a legal representative and advocate on behalf of  
13 unaccompanied children, I am familiar with the statutory requirements set forth in  
14 the TVPRA.

15 3. As Founder and Executive Director of GHIRP, I manage day-to-day  
16 operations, oversee my staff, and manage my own caseload. Prior to my role at  
17 GHIRP, I served as Director of Immigration Legal Services at the YMCA in  
18 Houston, Texas, from 2017–20. In my position at the YMCA, I managed the  
19 Immigration Legal Services Department, which provides a broad range of free and  
20 low-cost legal services to immigrants in the community. Throughout my legal  
21 career, starting in 2008, I also served as an advocate and representative for  
22 unaccompanied children in my roles at ProBAR, Kids in Need of Defense (KIND),  
23 Catholic Legal Services of Miami, and Catholic Charities Cabrini Center.

24 4. As a new organization, GHIRP is currently retained by approximately  
25 45 unaccompanied child clients. In my role at the YMCA, I represented  
26 approximately 15 unaccompanied child clients. I base this declaration on my  
27 experience in both my current position and my position at the YMCA. In both roles,  
28

1 I have personally represented three unaccompanied child clients affected by Migrant  
2 Protection Protocol (“MPP”) proceedings since the implementation of MPP in 2019.

3 5. Between March and May of 2020, the YMCA began encountering  
4 unaccompanied child clients who were previously subject to MPP proceedings  
5 (referred to as “MPP-unaccompanied children”). These MPP-unaccompanied  
6 children either had cases pending before MPP courts or were ordered removed *in*  
7 *absentia* or following a hearing through their MPP proceedings.

8 6. Of these cases, I was personally responsible for the representation of  
9 three MPP-unaccompanied children, whose cases I have retained in my transition  
10 from the YMCA to GHIRP. Over the past year, these cases have required me and  
11 my staff to dedicate extraordinary resources and energy toward ensuring the  
12 children were afforded their TVPRA rights as unaccompanied children. While two  
13 of my clients (siblings) remain in the United States, one of my clients was unsafely  
14 repatriated to Honduras on a removal order issued as part of his MPP proceedings  
15 and is currently at risk of imminent harm.

16 **I. Case of Client K.Y.V.C.**

17 7. On April 27, 2020, my client, K.Y.V.C., was unsafely repatriated to  
18 Honduras on an MPP removal order issued before he entered the United States and  
19 was designated an unaccompanied child. At 17 years old, K.Y.V.C., had entered a  
20 shelter in Houston, TX, where he retained the YMCA as counsel in his immigration  
21 case. K.Y.V.C. had an MPP Notice to Appear (“NTA”) and had not been issued a  
22 new NTA upon his reentry into the United States as an unaccompanied child. Using  
23 K.Y.V.C.’s A-number as reflected on the MPP NTA, I discovered that an MPP  
24 Immigration Judge had issued a removal order against K.Y.V.C. as a rider to his  
25 mother’s asylum application. After meeting with K.Y.V.C., he revealed to me that  
26 he identified as gay, and, as a result, was afraid to return to Honduras. On April 24,  
27 2020, I filed an I-589 with USCIS, stating that K.Y.V.C. feared persecution on  
28 account of his sexuality.



1 thirteen years of experience representing unaccompanied children, I had never  
2 before encountered a client whose case required similar resources.

3 12. Sadly, since being removed to Honduras, K.Y.V.C. is currently living  
4 short term with his sister, with no permanent caretaker to provide for him.  
5 Additionally, he is being targeted and threatened because of his sexuality. There is  
6 nothing I can do to protect him from harm in Honduras.

7 **II. Case of Clients P.D. and H.D.**

8 13. A week after K.Y.V.C. was removed to Honduras, our office began  
9 intensively reviewing each of my unaccompanied child cases to ensure that any  
10 outstanding MPP removal orders were accounted for. This took time away from  
11 other duties but was necessary to ensure no other clients were subject to immediate  
12 removal. Soon after, I came across two sibling clients who had an outstanding MPP  
13 removal order as derivatives to their father’s application for asylum through MPP  
14 proceedings. The siblings had been returned to Mexico and left in an apartment by  
15 their father, who disappeared. A neighbor in Mexico then brought them to the  
16 Hidalgo, Texas Port of Entry, where they entered the United States and were  
17 designated unaccompanied children. They were placed in ORR short-term foster  
18 care and began the process of reunification with their mother, who is located in  
19 Houston. During this time, they retained me as counsel.

20 14. On May 6, 2020, the siblings’ ORR case manager approved their  
21 release to their mother, but minutes later emailed our office again saying that ICE  
22 would not allow ORR to release the siblings because ICE intended to deport them  
23 imminently, despite their having no family in El Salvador, their country of origin.

24 15. Between May 1, 2020 and May 22, 2020, I undertook several urgent  
25 actions to prevent the siblings’ removal. Due to my prior experience with K.Y.V.C.,  
26 I immediately sought a Temporary Restraining Order (“TRO”) and filed a Petition  
27 for Writ of Habeas Corpus with the Southern District of Texas District Court.  
28 Concurrently, our office filed a motion to accept the siblings’ appeal by certification

1 with the Board of Immigration Appeals (“BIA”), which was pending at the time of  
2 the District Court litigation. The District Court Judge stayed removal pending a  
3 hearing on the TRO, and, during that period, I negotiated with ICE officials to stay  
4 removal 30 days beyond the adjudication of the BIA appeal. District Court Judge  
5 Hanen dismissed the siblings’ TRO.

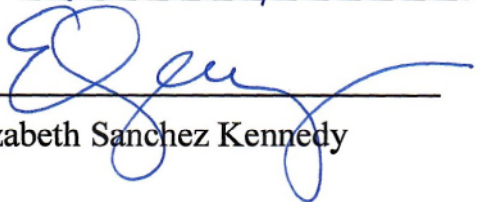
6 16. In February 2021, the BIA remanded the siblings’ case to the  
7 Immigration Court, and both children are currently in section 240 proceedings  
8 pursuant to the TVPRA. USCIS has not indicated whether it will accept jurisdiction  
9 over their cases, despite their clear right to such processing as mandated by the  
10 TVPRA. I continue to monitor their case closely.

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I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 12 th day of May, 2021 in Houston, Texas.

By   
Elizabeth Sanchez Kennedy