

Lucas R. v Becerra



Background:

- Law suit for violation of: a prior agreement (Flores Settlement Agreement),
- Constitutional Rights
- an Act protecting Trafficking Victims

Today

- The Court has secured rights for detained children
- (takes effect Oct 29 2022)

Before Court
Order Example:
Gabriela

Issues Gabriela faced:

moved to a
restrictive facility

not allowed to go home to
her grandparent

CHILDREN'S PROGRAMS



were created
in response
to the FSA.



**WHAT
WILL THIS
BE LIKE?**



Gabriela spent more than 1.7 years in Office of Refugee's (ORR) custody (shelter and treatment center)

When ORR moved Gabriela to the treatment center, ORR did not tell her she was going to be moved, did not let her challenge that move and did not give her a right to review the decision

ORR refused to release Gabriela to her grandfather

ORR did not tell Gabriela's grandfather why they denied Gabriela going home to him

ORR did not provide Gabriela with legal assistance in helping her go home to her grandfather

Due to ORR's actions and inactions, Gabriela's stayed unnecessarily longer with ORR

After Court Order Example: Gabriela

Officials help ensure every child is treated with...

dignity & respect



Gabriela's move to a treatment center:



Automatic Reviews - If Gabriela is still at the treatment center after 90 days, ORR must review why she is still there



Notice of Placement - Within 48 hours, ORR needs to tell Gabriela and her lawyer that they are moving her to a treatment center



Placement Review Panels - Gabriela can ask for a hearing before a panel to stop her move. The panel must tell her their decision by 7 days



Legal Representation - ORR needs to tell Gabriela to get a lawyer. Gabriela can ask ORR for her file with their evidence and information

*After Court
Order
Example:
Gabriela*

Gabriela's Denial of going home to her grandparent

Application Review – Grandpa's application must be reviewed within 14 days. Must review after 90 days if the application remains undecided

Notify – ORR must tell Gabriela and her grandpa they were denied, and say why

Option to Appeal (Review the decision) - Grandpa can ask to see the evidence in Gabriela's file and can ask for a hearing to review the bad decision

Hearing – Gabriela and Grandpa can have legal representation and use the evidence in Gabriela's file. Grandpa can give new evidence.

Decision – After the hearing, ORR must give a decision within 30 days. If they say no again, they must explain why.

If Denied – ORR must tell Gabriela and Grandpa they have a right to review this decision in a trial court