

Feds Must Process Immigrant Kids Under Obama Program

By **Kevin Penton**

Law360 (March 4, 2019, 6:11 PM EST) --

A California federal court on Friday ordered the Trump administration to continue processing hundreds of Central American children conditionally approved for an Obama-era program meant to reunify them with their families in the U.S., but allowed the federal government to otherwise end the program.

The U.S. Department of Homeland Security must use a previous set of policies and procedures to process the 2,714 children who had already been conditionally approved under the Central American Minors parole program, but it may otherwise terminate the program, according to the order in the Northern District of California partially granting a preliminary injunction.

“The plaintiffs have shown a likelihood of success on the merits of their claims that DHS’ decision to mass-rescind conditional approvals of parole violated the [Administrative Procedure Act],” reads the order written by U.S. Magistrate Judge Laurel Beeler. “DHS failed to take into account and address the serious reliance interests of those conditionally approved participants before mass-rescinding their approvals, and its failure to do so was arbitrary and capricious in violation of the APA.”

The CAM parole program was established in 2014 under the Obama administration to allow legal U.S. residents to bring their children facing dangerous conditions in El Salvador, Guatemala and Honduras to the U.S. as refugees or parolees.

Children and young adults under 21 who were not granted refugee status could apply to enter the U.S. under the CAM parole program, which allowed them to stay temporarily in the U.S. and receive temporary work authorization.

The immigrant families sued the administration in **June** after it allegedly stopped scheduling interviews for CAM parole applicants following President Donald Trump's inauguration in January 2017. The administration had also stopped issuing decisions to candidates who had already been interviewed, and stopped scheduling medical exams for applicants who had been conditionally approved, according to the complaint.

The families' suit also said the administration blocked travel for those who had completed the application process and bought plane tickets, all without notifying the public.

In August 2017, the administration formally announced in the Federal Register that U.S. Citizenship and Immigration Services would no longer accept CAM parole applications and that all conditional approvals were rescinded for those who had not yet traveled to the U.S. The administration announced in November 2017 that it would no longer accept applications for the refugee portion of the CAM program either.

Judge Beeler in **December** dismissed the bulk of the case, while allowing to proceed the claim that the administration's revocation of conditional approval for thousands of immigrants was arbitrary and capricious, according to court documents.

The proposed class is represented by Daniel Asimow, John A. Freedman, Gaela K. Gehring Flores, David J. Weiner, Dana O. Campos, Matteo Morris, Phillip A. Geraci and Susan S. Hu of Arnold & Porter and Linda Evarts, Kathryn C. Meyer and Mariko Hirose of the International Refugee Assistance Project.

The federal government is represented by Sara Winslow, Wendy M. Garbers and Alison E. Daw of the U.S. Attorney's Office for the Northern District of California.

The case is S.A. et al. v. Trump et al., case number 3:18-cv-03539, in the U.S. District Court for the Northern District of California.

--Additional reporting by Tiffany Hu. Editing by John Campbell.