

# KIND

KIDS IN NEED OF DEFENSE

## Protecting Immigrant Rights through Class Actions

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# What is KIND?

## Our Mission & Vision

We envision a world in which children's rights and well-being are protected as they migrate alone in search of safety.

We will achieve our **vision** by:

Ensuring that no child appears in immigration court without high quality **legal representation**;

Advancing laws, policies, and practices that ensure **children's protection** and uphold their right to due process and fundamental fairness; and

Promoting in countries of origin, transit, and destination **durable solutions** to child migration that are **grounded in the best interests** of the child and ensure that no child is forced to involuntarily migrate.



# Why immigration class actions?

1. Nationwide policies
2. State-specific issues
3. Dispersed victims
4. Ongoing monitoring and oversight
5. How you can get involved



# Class Actions: Nationwide Policies

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National policies and regulatory changes affecting very large numbers of applicants

Examples:

- *Vangala v. USCIS* (20-cv-8143, N.D. Cal.): Over 60,000 affected by unlawful “blank spaces” policy, settled July 2021
- *Mendez Rojas v. Wolf* (16-cv-1024, W.D. Wa.): Hundreds of thousands affected by unlawful CBP processing advisals; opt-in remedy for the class

*Of course, not everything is a class action!*

- *AsylumWorks v. Mayorkas* (20-cv-3815, D.D.C.): Vacated two work authorization rules affecting tens of thousands of asylum seekers – individual and institutional plaintiffs but no class allegation (KIND is co-counsel)

# Class Actions: State-specific issues

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A series of successful class actions challenged an unlawful USCIS effort to block eligibility for Special Immigrant Juvenile Status (SIJS) for applicants between the ages of 18 and 21. This policy turned on details of state law and was litigated state by state:

- *J.L. v. Cissna* (18-cv-4914, N.D. Cal.) and *A.O. v. Jaddou* (19-cv-6151, N.D. Cal.)
- *R.F.M. v. Nielsen* (18-cv-5068, S.D.N.Y.)
- *W.A.O. v. Cuccinelli* (19-cv-11696, D.N.J.)
- *Moreno Galvez v. Cuccinell* (19-cv-0321, W.D. Wa.)

# Class Actions: Dispersed victims

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Many cases involve a few hundred or thousands of applicants, usually dispersed nationwide, or abroad:

- *J.O.P. v. DHS* (19-cv-1944, D. Md.) (KIND is co-counsel)
- *Ms. L v. ICE* (18-cv-428, S.D. Cal.) (KIND serves on court-appointed steering committee)
- *Al Otro Lado v. Mayorkas* (17-cv-5111, C.D. Cal.)

# Class Actions: Ongoing oversight

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Some cases involve years or decades of judicial supervision of immigration agencies, most notably:

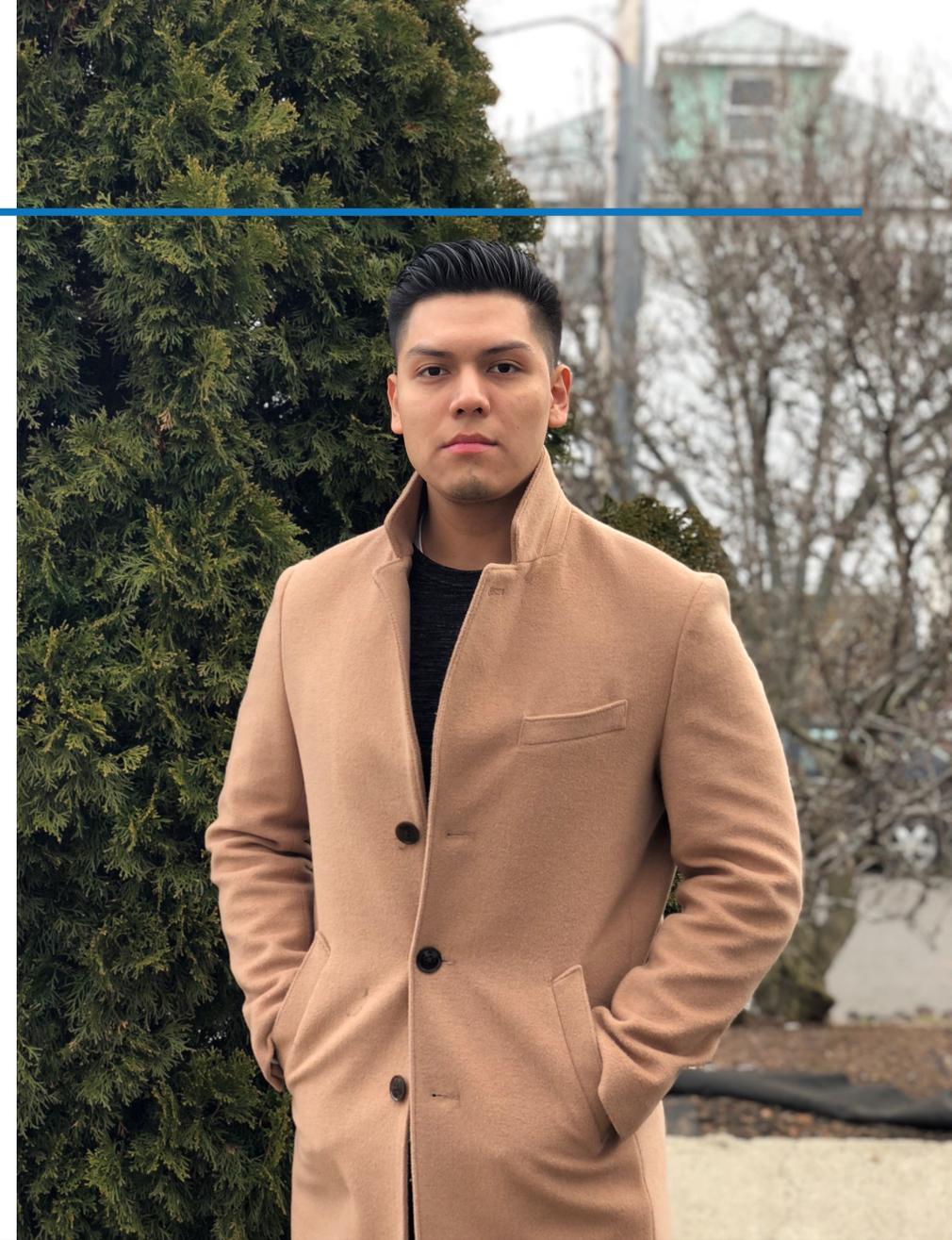
- *Flores v. Meese* (85-cv-4544, C.D. Cal.)

# How can you get involved?

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Since its founding in 2008, KIND has referred over **20,000** children to pro bono counsel at **724** firms and companies. Over 60% of this population lack legal representation. You and your firm can help by taking on even one matter.

Impact litigation in this area is generally in partnership with outside litigation counsel as well. KIND and similar organizations are always on the lookout for experienced counsel able to bring their expertise to aggressive, creative litigation.



# CONNECT WITH KIND

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