

Flores Settlement Agreement Notice of Rights
Pursuant to September 18, 2020 Court Order

THIS NOTICE IS BEING PROVIDED TO YOU PURSUANT TO A SEPTEMBER 18, 2020 ORDER BY THE U.S. DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA IN *FLORES V. BARR*, No. 85-4544 (C.D. Cal. filed July 11, 1985). READ THIS NOTICE CAREFULLY. IF YOU CANNOT READ IT, YOU SHOULD ASK SOMEONE WHO SPEAKS YOUR LANGUAGE OR DIALECT TO READ IT TO YOU. YOU MUST BE GIVEN THIS NOTICE WITHIN 48 HOURS OF COMING INTO U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) CUSTODY, INCLUDING THE BERKS FAMILY RESIDENTIAL CENTER, THE KARNES COUNTY FAMILY RESIDENTIAL CENTER, AND THE SOUTH TEXAS FAMILY RESIDENTIAL CENTER. WHEN THIS NOTICE TALKS ABOUT “PARENTS,” IT ALSO INCLUDES ANY LEGAL GUARDIANS DETAINED WITH A MINOR.

With some exceptions, all minors (ages 0-17) detained in immigration custody have certain rights under an agreement signed by the Federal Government in the “*Flores*” case described above. Detained parents do **not** have rights under the *Flores* Agreement, but are being provided this Notice to explain the rights their children have under the *Flores* Agreement. This Notice explains some of the rights that minors may have under the *Flores* Agreement, including rights related to release from immigration custody. You are also being given a list of free legal services providers who you may contact. If you were not given the list, then ask an immigration officer to give you the list.

You have the right to keep this Notice with you at all times. You may keep this Notice with you even if you cannot read or understand it.

Right To Release Without Unnecessary Delay

You (Minors) have a right to be held in the least restrictive setting appropriate to your age and special needs, considering the need to ensure your timely appearance in immigration court and to protect your well-being and that of others. Under the *Flores* Agreement, you have the right to be released without unnecessary delay pending the results of your immigration proceedings if your detention is not required to secure your appearance in immigration court or to ensure your safety or the safety of others. You have the right to be released to a capable and willing custodian, identified by your parent. The custodian may be your family member (such as a parent, grandparent, uncle, aunt, or brother or sister), or an unrelated family friend, living here in the United States. Because you are a minor, your parent must take the necessary steps to request your release. Your parent may also decide that you will remain in immigration detention together.

Your parent is not required to make any decisions about your separate release. If your parent does not make any decisions, you may continue to be detained together, and your continued detention would not be a basis to assert a violation of the release provisions of the Agreement, though you still maintain all of the other rights under the *Flores* Agreement described in this Notice. You may be released later if your parent decides you should be released to a capable and willing custodian.

If your parent wants you to be released to a relative living in the United States, your parent or your lawyer must advise the Government of that decision and provide information about the persons to

whom your parent may want you released. Your parent, the potential custodian, or your lawyer are responsible for providing all necessary materials and information to the Government as appropriate. This information should include the names and contact information of all your chosen custodians, such as their email addresses, telephone numbers, physical addresses, mailing address, and their relationship to you (for example, another parent, grandparent, brother, sister, uncle, aunt).

Under the *Flores* Agreement, you may also be released to a licensed group home at your parent's request. In addition, in the discretion of the Government, you may be released to a responsible *unrelated adult* that your parent selects. The Government may ask that your parent provide information about this person or a specified group home to make sure that you will be in a safe situation. Your lawyer may help your parent identify licensed group homes.

If you are released without your parents, they must be transferred by ICE to a different detention center. You will still have a removal hearing where you can apply for permission to remain in the United States.

If the Government decides not to release you, it must provide you with (i) a Form I-770, (ii) an explanation of the right of judicial review; and (iii) a list of free legal services providers available in your area unless previously given to you.

Remember that your parents are not required to make a decision about your release and you have the right to stay together. If your parents make no decision, you will remain with them in detention. Any decision your parents make must be voluntary and made with an understanding of your rights under the *Flores* Agreement. No one may coerce your parents into making any particular decision. Your parents may make a decision based on what they believe is in your best interest.

Before your parents make any decision about whether you should be released under the *Flores* Agreement, you and your parents may speak with a lawyer. If you and your parents do not have a lawyer, then you or they can call the lawyers or organizations on the list the immigration officer gave you. You and your parents can also contact family members, friends, a social worker, a Child Advocate, or any other individual of your choice about your decision regarding your rights under the *Flores* Agreement. You and your parents can speak with a lawyer, family member, or other individual as often as needed. You must be provided with opportunities to make free calls to a lawyer and to family members. If you and your parents have any questions about your rights under the *Flores* Agreement, you or your parents may also telephone without charge the attorneys for children in the *Flores* case at 800-xxx-xxxx [phone number to be provided].

Other Basic Rights Under The *Flores* Case

If you are **under the age of 18** in immigration detention, whether you are detained with your parents or are detained alone without family members, you have the right to:

- Be represented by a lawyer at no cost to the Government. If you cannot afford a lawyer, you may call one from the list of free legal services providers given to you with this Notice. At ICE family residential centers, free legal calls are available upon request.
- Be held in facilities that are safe and sanitary.
- Be detained separate and apart from unrelated adults if you are unaccompanied. If that is not immediately possible, you may not be detained with an unrelated adult for more than 24 hours.

- Be detained in a non-secure facility, unless the Government has determined that you have committed certain criminal activity, have threatened yourself or others, are in danger in a non-secure facility, have been disruptive, or may escape from a non-secure facility. If the Government places you in a detention or medium-security facility, it must provide you with a notice of the reasons for doing so.
- With some exceptions, have advance notice given to your lawyer, if any, when there is a change in your placement.
- Have a bond hearing before an Immigration Judge under certain circumstances, upon request.
 - If you would like a bond hearing, request one from an immigration official or you may ask for help from a legal services provider of your choosing or on the attached list of free legal services providers.

You may have additional rights under the *Flores* Agreement not described above, or under other authorities.

IF YOU HAVE QUESTIONS ABOUT YOUR LEGAL RIGHTS OR YOUR IMMIGRATION CASE, YOU MAY SEEK LEGAL COUNSEL TO ASSIST YOU IN YOUR CASE. FREE LEGAL CALLS ARE AVAILABLE UPON REQUEST.

If you or your parents believe any of your *Flores* rights have been violated, you or your parents may contact the attorneys for children in the *Flores* case for free at 800-xxx-xxxx [phone number to be provided].