

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ILSA SARA VIA, et al.,
Petitioners/Plaintiffs,

v.

JEFFERSON B. SESSIONS, et al.,
Respondents/Defendants.

Case No. 17-cv-03615-VC

**ORDER GRANTING IN PART
PLAINTIFFS' EMERGENCY
APPLICATION FOR RELIEF**

Re: Dkt. No. 103

Having reviewed the plaintiffs' request for emergency relief relating to implementation of the Court's November 20, 2017 Order, and after holding two telephonic conferences with the parties, the Court grants the request in part and denies it in part, as set forth below.

1. Defendants must use best efforts to provide notice, for any hearings required by the November 20, 2017 Order for which notice has not previously been given, to all Class Members, their sponsors, individual attorneys of record, and Class Counsel, by 7:00 a.m. (PST) on Tuesday, November 28, 2017, setting forth in detail the time and place of the hearing.
2. Defendants will support any Class Member who requests a brief extension of time for the commencement of the hearing, or following the conclusion of the Government's presentation of its evidence, to secure legal representation, prepare for the hearing, and/or respond to previously undisclosed allegations or evidence. Where the Class Member is unrepresented, the Government will request that the Immigration Judge continue the hearing to allow the Class Member to obtain counsel.

3. Defendants will provide facility staff contact information for all facilities where Class Members are held to allow Class Counsel and attorneys representing Class Members in their hearings access to currently detained Class Members. This information shall be used only for the purpose of representing currently detained Class Members in hearings required by the Court's November 20, 2017 Order. Defendants have agreed to instruct all facilities where Class Members are being held to immediately allow their attorneys and Class Counsel to have access to them in person, by video conference and/or by telephone.
4. Because a further hearing pursuant to the Court's November 20, 2017 Order would be largely or entirely duplicative, Defendants must immediately release from detention any currently detained Class Member who has already had a *Flores* hearing after being rearrested, at which the Immigration Judge ruled that the Class Member has not been shown to be a danger or a flight risk, including three Class Members, O.C., J.G.R. and L.V.
5. Defendants must hold all hearings required by the November 20, 2017 Order in the jurisdiction in which the Class Member was living or was arrested when requested by the Class Member or his counsel. Where a Class Member is unrepresented, the Immigration Judge must inform the Class Member that the Class Member can request a transfer of the hearing to the jurisdiction of his home or arrest. The hearing must take place within two weeks of any request with respect to any Class Member who requests transfer under this paragraph. Plaintiffs agree to meet and confer with the Government in the event the Government notifies Class Counsel or a Class Member's counsel that two weeks is impracticable and the Government believes additional time is required.

IT IS SO ORDERED.

Dated: November 27, 2017



VINCE CHHABRIA
United States District Judge