

## **FACT SHEET: OVERVIEW OF PROPOSED MS. L SETTLEMENT AGREEMENT**

On October 16, 2023, the United States reached a settlement in *Ms. L., et al. v. ICE, et al.*, a class action litigation filed in 2018 seeking injunctive relief relating to the separation of parents and children at the southwest border. The proposed settlement, subject to court approval, will provide for continued reunification of families, set forth standards to limit future separations, and provide certain non-monetary support to class members. Except where noted, the settlement will remain in effect for six years after the effective date.

### **Who is in the class:**

The class will, in general, consist of parents or legal guardians and their children who were separated at the U.S.-Mexico border between January 20, 2017 and January 20, 2021. It will presumptively exclude parents with specified criminal histories and individuals separated after June 26, 2018 because of a medical condition, concerns about the fitness of the parent, or active warrants for the adult. Those who believe they are class members may submit claims of class membership to the Family Reunification Task Force through the [Together.gov](https://www.together.gov) or Juntos.gov website.

### **What the settlement provides:**

Preventing future family separations – The settlement limits the circumstances under which parents or legal guardians may be separated from their children during an eight-year period following the effective date of the settlement. This section prohibits separations of parents or legal guardians from their minor children, except in specific limited circumstances, including cases of national security, safety of the child, medical emergencies and certain criminal warrants. Should those circumstances occur, it sets forth procedures for keeping track of the whereabouts of separated family members and ensuring that information is shared. The settlement includes the processes by which the government must provide information to the separated family members and establishes a detailed interagency procedure so that a separated parent or legal guardian in federal custody can communicate with their separated child. It further describes the situations under which the government must reunify the family when the circumstances that required separation no longer exist.

Reunification and return – The government agrees to extend ongoing parole processes for class members to reunify with their separated parent or legal guardian or child. The settlement will also establish a process through which qualified additional family members (those whose presence is deemed necessary for successful reunification of the parent or legal guardian and child) can be provided an opportunity to live with the reunified parent or legal guardian and child in the United States.

Support and services for class members inside the United States – The settlement includes four types of support services to be provided to class members already in the United States or who have returned to the United States:

- The government will provide behavioral health services for a period of three years. These services are a continuation of the same child-centered pre-reunification counseling, clinical treatment services, behavioral health case management, and parenting support already being provided under an existing contract.
- The government will provide certain medical assistance by covering the cost of the copayments incurred by class members when receiving medical services at Federally Qualified Health Centers during a 12-month eligibility period.
- The government will provide temporary housing support by making housing assistance available to class members as determined necessary by a third-party administrator during a 12-month eligibility period. This may include assistance in locating housing, paying costs necessary to attain housing (e.g., security deposit and first and last month's rent), and assistance to avoid eviction and meet other emergency housing needs during the 12-month period.
- The government will provide immigration legal services through introductory assistance and tailored legal access services to class members and their families; and programs to place cases with counsel free of charge. These services will be available during the full six-year term of the settlement.
- Immigration processing – The settlement puts in place processes to streamline review of class members' asylum claims, to allow class members to present those claims outside of removal proceedings, and to allow class members to apply for parole and parole-in-place for class members and Qualifying Additional Family members for three years (with the possibility of applying for up to an additional three years of parole) with employment authorization during that time period.

**Ensuring settlement compliance:**

The settlement provides how notice will be provided to class members, and for some reporting to class counsel regarding the government's compliance with the various terms of the settlement. The settlement also provides for dispute resolution procedures that are designed to minimize future litigation on the issues that are covered by the settlement.

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