



Children's Legal Center

On February 11, 2022, the class action of JTM et al vs. Mayorkas et al was filed in the Northern District of Illinois, Case No. 1:2022-cv-0774. Defendants were served with the lawsuit. On March 7, 2022, an attorney for the U.S. Dept. of Justice filed their appearance in the case. Media coverage of the filing:

- https://www.law360.com/illinois/articles/1464632/asylum-seeker-takes-ice-to-court-for-id-confiscations?nl_pk=d01f9ede-c794-4bf6-b3d0-e55f91f26225&utm_source=newsletter&utm_medium=email&utm_campaign=illinois
- <https://topclassactions.com/es/civil-rights/ice-id-document-class-action-alleges-agency-keeps-immigrants-id-documents-unnecessarily/>

The matter was set for a status hearing on April 28, 2022, at 9:00am before the Honorable John Z. Lee. Counsel for the U.S. Dept. of Justice has asked for disclosure as to the full name and A number of JTM, which has been provided to counsel for Defendant. Counsel for the parties met as required by Federal Rule of Civil Procedure 26(f) to discuss the preparation of a proposed case schedule, which must be filed before the Court conference. We are currently preparing the draft of that report.

On April 25, 2022 DHS filed a Motion to Dismiss alleging that the claims against the 2006 ICE Memo are barred by a 6-year Statute of Limitations, that Plaintiffs failed to demonstrate that the seizure is unreasonable, that Plaintiffs lack standing and failure to assert a viable *Bivens* claim. On April 27, 2022 the NDIL struck the April 25, 2022 hearing date and entered a briefing schedule. Plaintiffs must respond to DHS's Motion to Dismiss by May 20, 2022. DHS' reply brief is due June 3, 2022.

In the next 6 months we anticipate responding to DHS' Motion to Dismiss including, likely, Amending the Complaint. We also anticipate entering into settlement discussions with DHS. DHS has indicated that if we have a settlement offer, they would be open to discussing it. We are in the process of drafting a settlement offer which will include limitations on DHS's ability to keep documents of foreign nationals when released from CBP or ICE custody.

Laura J Hoover, Attorney

Laura.Hoover@ChildrensLegalCenterChicago.org

833 W Chicago Ave. Suite 320. Chicago, IL 60642

P: (312) 722-6642 F: (312) 722-6674

www.ChildrensLegalCenterChicago.org