

n a t i o n a l
IMMIGRATION
p r o j e c t
of the National Lawyers Guild

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August 1, 2019

Jerry Hartman
President
Barbara McDowell Foundation

Re: Barbara McDowell and Gerald S. Hartman Foundation Final Report 2019

Dear Mr. Hartman:

The National Immigration Project of the National Lawyers Guild (NIPNLG) is grateful to the Barbara McDowell and Gerald S. Hartman Foundation for your support of our pending litigation in support of detained families' right to intervene in a dispute over the licensing of the Berks County Residential Center (BCRC) as a child residential facility.

Case Developments and Anticipated Progress

Since the case was first funded, NIPNLG, along with co-counsel, filed a Petition for Review on behalf of detainees at BCRC, including minors, appealing an order denying their Petition to Intervene in proceedings before the Bureau of Hearings and Appeals (BHA) of the Pennsylvania Department of Human Services (PADHS). The underlying BHA proceedings concern the revocation of BCRC's license as a child care facility by PADHS.

BCRC responded with an opposition brief on March 1, 2019. We filed a reply brief on March 15, 2019. On April 30, 2019, the court assigned an oral argument date set for November 12, 2019 in Philadelphia to address the merits. The next six months will be devoted to preparing for our tentative session in November as well strategizing next steps depending on the outcome.

If the Commonwealth Court rules in our favor, we will be entitled to participate in the licensing dispute before the BHA. That work would entail presenting witnesses and evidence about regulatory violations at BCRC and requesting that the BHA finally revoke BCRC's child residential facility license. Even if the Commonwealth Court denies our petition, we simultaneously plan on pursuing alternative litigation options, including an affirmative civil rights lawsuit in Federal court challenging detention conditions and a state mandamus action to require the closure of BCRC as a child residential facility.

Attorney Contact Information

For additional information about this case, please contact Khaled Alrabe, Staff Attorney, khaled@nipnlg.org, 510.679.3994

As always, please also feel free to contact me if you would like to discuss the grant further.

Thank you.

A handwritten signature in black ink, appearing to read 'Guy Yarden', with a stylized flourish at the end.

Guy Yarden
Interim Executive Director
National Immigration Project of
the National Lawyers Guild
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