

***Lopez-Venegas v. Johnson* Timeline**

June 4, 2013: The ACLU Foundation of San Diego & Imperial Counties, the ACLU Foundation of Southern California, and Cooley LLP file a class-action lawsuit on behalf of Mexican nationals who were eligible to reside in the United States lawfully, but instead were misinformed, deceived or threatened into signing their own expulsion orders through misuse of a process known as “voluntary departure” by immigration enforcement agencies operating in Southern California. The lawsuit is also on behalf of organizations that work with immigrants and have been harmed by these unfair voluntary departure practices.

October 30, 2013: Attorneys for the U.S. Department of Homeland Security file a motion to dismiss the lawsuit arguing that there is no problem with their voluntary departure practices, and challenging the inclusion of organizational plaintiffs in the lawsuit.

November 5, 2013: The ACLU and Cooley LLP file a motion for preliminary injunction on behalf of certain clients with small children. The ACLU and Cooley LLP ask the court to allow those plaintiffs with U.S.-born citizen children to be allowed to return to the United States to aid in their children’s development.

December 27, 2013: U.S. District Court Judge John A. Kronstadt largely denies the government’s motion to dismiss the lawsuit, and while he finds that the plaintiffs are likely to succeed on the merits of their claims, he denies the request for a preliminary injunction.

February 6, 2014: The court enters a protective order in the case that prevents the government from using information obtained from the witnesses in the case to engage in immigration enforcement against those witnesses. The order ensures that witnesses are not discouraged from stepping forward.

April 10, 2014: The parties begin to engage in a settlement process that results in the execution of a settlement agreement on August 18, 2014.

August 18, 2014: The ACLU and Cooley LLP file a motion for preliminary approval of the class portions of the settlement agreement.

Settlement Summary

Settlement Agreement’s Two Main Components

1. Key changes in Border Patrol’s and ICE’s voluntary departure procedures in most of Southern California.
 - a. The government will not use misinformation or other pressure to attempt to convince someone to sign for voluntary departure.
 - b. The government will provide additional information, in writing and orally, about the consequences of taking voluntary departure to all individuals choosing between that and immigration judge proceedings.
 - c. The government will establish a 1-800 hotline with an agreed-upon pre-recorded message providing such individuals additional information about their rights and the consequences of taking voluntary departure.
 - d. The government will not “pre-check” the box selecting for voluntary departure on the form used for processing.
 - e. The government will provide all individuals choosing between voluntary departure and immigration judge proceedings contact information for legal service providers and the appropriate consulate, and will allow them to use a working phone if they choose.
 - f. If a person chooses to use the phone, the government must provide them two hours to try to reach someone in the outside world before again initiating processing for voluntary departure.

