

Immigrants' Rights Groups Sue Trump Administration for Violating Rights of Unaccompanied Minors

ImmDef v. DHS demands reinstatement of fair asylum process for children

LOS ANGELES – Late yesterday, immigrants' rights groups representing unaccompanied migrant children sued the Trump administration for violating the fundamental statutory and constitutional rights of their child clients. The organizational plaintiffs are the Immigrant Defenders Law Center (ImmDef, based in California) and RAICES (based in Texas). Represented by litigators from ImmDef and Justice Action Center (JAC), with pro bono support from Simpson Thacher & Bartlett LLP, the plaintiffs filed ImmDef v. DHS in the United States District Court in the Central District of California.

Over the past two years, the Trump Administration's Migrant Protection Protocols (MPP) program, also known as "Remain in Mexico," has sent **more than 69,000 asylum seekers** – including many babies and children – to some of the most dangerous places in Mexico. Many face violence and trauma while awaiting immigration proceedings in these cities, including rape and abduction according to **a report published last week from Human Rights Watch**. Out of desperation, and often due to circumstances beyond their control, some children cross the border alone, in hopes that they will be safer in U.S. custody.

Once these children are in the United States, the Trafficking Victims Protection Reauthorization Act (TVPRA) is supposed to protect these unaccompanied children by creating a system that enables them to seek asylum in the United States and be given an immigration hearing before they are removed, and by setting out child-specific protections to take into account the special needs of children who are alone. However, the federal government has been denying and violating the protections afforded by TVPRA to these unaccompanied children, if they have ever had any interaction with any part of MPP, even if brief. At least 500 (and maybe even thousands) unaccompanied children who have been detained in government facilities and previously interacted with MPP are at risk of being deported by the Department of Homeland Security without having their day in court – in other words, they don't get a non-adversarial asylum hearing from a child-centered lens, never mind a regular immigration court hearing.

"The heart of the lawsuit is simple: Unaccompanied migrant children are entitled by statute and by the Constitution to due process, an opportunity to seek asylum, and compassion from this country." says **Esther Sung, Senior Counsel with Justice Action Center**. "The Trump administration has refused to afford these protections to children who have been forced to pass through MPP. The Biden administration should remedy this transgression, and build an asylum system worthy of this country's reputation as a beacon of hope and opportunity."

"All unaccompanied children in the U.S. immigration system deserve protection, no matter how they arrived here," says **Munmeeth Soni, Director of Litigation and Advocacy at Immigrant Defenders Law Center**. "What we're demanding from the government is simple: Congress exclusively enshrined unaccompanied immigrant children with safeguards and benefits to protect them from unlawful removal. DHS is now trampling on their rights by removing them under its inhumane and unlawful Migrant Protection Protocols program, making exceptions where no exception exists and defying Congress' mandate to protect vulnerable children from trafficking, exploitation, and danger. It's unconscionable that from the first hour to the last hour of this administration due process rights for children are treated as a loophole rather than a guarantee."

Stephen Blake, Partner at Simpson Thacher & Bartlett LLP, says, "The law requires that unaccompanied immigrant children be afforded certain rights and protections. Kids who are separated from their parents or guardians need protection. The government is failing in its stewardship of children in its custody and care, and we hope this lawsuit can remedy this fundamental failing."

"As a country, we have caused enough trauma and suffering to migrant children. The least we can do, is to follow the current law and provide protection to every child seeking home and safety in the United States, regardless of how they arrived," says **Erika Andiola, Chief Advocacy Officer at RAICES**.

PRESS CONTACTS:

Immigrant Defenders Law Center: Renee Garcia, RGarcia@immdef.org

RAICES: Jessica Ortiz, media@raicestexas.org

Justice Action Center: Adela de la Torre, adela.delatorre@justiceactioncenter.org

Simpson Thacher & Bartlett LLP: Caroline.Fatchett@stblaw.org

#

Immigrant Defenders Law Center (ImmDef) is a next-generation social justice law firm that defends our immigrant communities against injustices in the legal system. We envision a future where no immigrant will be forced to face immigration court alone. Our programs are a first step towards the long-term goal of providing universal representation to all immigrants facing deportation. ImmDef is now the largest non-profit, pro bono provider of deportation defense in California with offices in Los Angeles, Adelanto, Riverside, Santa Ana, and San Diego.

RAICES is a nonprofit agency that promotes justice by providing free and low-cost legal services to underserved immigrant children, families, and refugees. With legal services, social programs, bond assistance, and an advocacy team focused on changing the narrative around immigration in this country, RAICES is operating on the national frontlines of the fight for immigration rights. We defend the rights of immigrants and refugees, empower individuals, families, and communities, and advocate for liberty and justice.

Justice Action Center (JAC) is a nonprofit organization dedicated to fighting for greater justice for immigrant communities by combining litigation and storytelling. There is tremendous unmet need in the litigation landscape for immigrant communities. JAC is committed to bringing additional litigation resources to bear to address unmet needs in currently underserved areas. There is also untapped potential in how litigation can be combined with digital strategies to empower clients and change the corrosive narrative around immigrants.

Simpson Thacher & Bartlett LLP is one of the world's leading international law firms. The Firm was established in 1884 and has more than 1,000 lawyers. Headquartered in New York with offices in Beijing, Hong Kong, Houston, London, Los Angeles, Palo Alto, São Paulo, Tokyo and Washington, D.C., the Firm provides coordinated legal advice and transactional capability to clients around the globe.

Share This Page



FURTHER READING



STAY INVOLVED

YOUR EMAIL

SIGN UP

