



## **Groups Sue U.S. Government over Life-Threatening Deportation Process Against Mothers and Children Escaping Extreme Violence in Central America**

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WASHINGTON — The American Civil Liberties Union, American Immigration Council, National Immigration Project of the National Lawyers Guild, and National Immigration Law Center today sued the federal government to challenge its policies denying a fair deportation process to mothers and children who have fled extreme violence, death threats, rape, and persecution in Central America and come to the United States seeking safety.

The groups filed the case on behalf of mothers and children locked up at an isolated detention center in Artesia, New Mexico — hours from the nearest major metropolitan area. The complaint charges the Obama administration with enacting a new strong-arm policy to ensure rapid deportations by holding these mothers and their children to a nearly insurmountable and erroneous standard to prove their asylum claims, and by placing countless hurdles in front of them.

"These mothers and their children have sought refuge in the United States after fleeing for their lives from threats of death and violence in their home countries," said Cecilia Wang, director of the ACLU's Immigrants' Rights Project. "U.S. law guarantees them a fair opportunity to seek asylum. Yet, the government's policy violates that basic law and core American values — we do not send people who are seeking asylum back into harm's way. We should not sacrifice fairness for speed in life-or-death situations."

According to the complaint, the Obama administration is violating long-established constitutional and statutory law by enacting policies that have:

- Categorically prejudged asylum cases with a "detain-and-deport" policy, regardless of individual circumstances.
- Drastically restricted communication with the outside world for the women and children held at the remote detention center, including communication with attorneys. If women got to make phone calls at all, they were cut off after three minutes when consulting with their attorneys. This makes it impossible to prepare for a hearing or get legal help.

- Given virtually no notice to detainees of critically important interviews used to determine the outcome of asylum requests. Mothers have no time to prepare, are rushed through their interviews, are cut off by officials throughout the process, and are forced to answer traumatic questions, including detailing instances of rape, while their children are listening.
- Led to the intimidation and coercion of the women and children by immigration officers, including being screamed at for wanting to see a lawyer.

"Fast-tracking the deportations of women and children from immigration detention is an assault on due process. There is no way that justice can be served when so many people are being rushed through the system without any real opportunity to assert claims for relief. What we are seeing in Artesia is nothing less than a sham process that values expediency over justice," said Melissa Crow, legal director of the American Immigration Council.

The plaintiffs include:

- A Honduran mother who fled repeated death threats in her home country to seek asylum in the United States with her two young children. The children's father was killed by a violent gang that then sent the mother and her children continuous death threats. When she went to the police they told her that they could not do anything to help her. It is common knowledge where she lived that the police are afraid of the gang and will do nothing to stop it.
- A mother who fled El Salvador with her two children because of threats by the gang that controls the area where they lived. The gang stalked her 12-year-old child every time he left the house and threatened kidnapping. She fears that if the family returns to El Salvador, the gang will kill her son. Some police officers are known to be corrupt and influenced by gangs. The mother says she knows of people who have been killed by gang members after reporting them to police.
- A mother who fled El Salvador with her 10-month old son after rival gangs threatened to kill her and her baby. One gang tried to force the mother to become an informant on the activities of another gang, and when she refused, told her she had 48 hours to leave or be killed.

"The women and children detained in Artesia have endured brutal murders of loved ones, rapes, death threats, and similar atrocities that no mother or child ever should have to endure, and our government is herding them through the asylum process like cattle," said Trina Realmuto, an attorney at the National Immigration Project of the



National Lawyers Guild. "The deportation-mill in Artesia lacks even the most basic protections, like notice and the opportunity to be heard, that form the cornerstone of due process in this country."

The lawsuit, *M.S.P.C. v. Johnson*, was filed in the U.S. District Court for the District of Columbia. Co-counsel in this case includes the law firms of Jenner & Block, and Van Der Hout, Brigagliano & Nightingale, LLP; and the ACLU of New Mexico, ACLU of San Diego & Imperial Counties, and ACLU of the Nation's Capital.

"Any mother will do whatever it takes to make sure her children are safe from harm's way," said Karen Tumlin, managing attorney for the National Immigration Law Center. "Our plaintiffs are no different: they have fled their homes to protect their children, only to find that the U.S. deportation system is intent upon placing them back in the dangerous situations they left. We are filing this lawsuit today to ensure that each mother is able to have her fair day in court, and that we are not sending children and their mothers back to violence or their deaths."

The complaint is available at:

[https://www.nipnlg/legalresources/MSPC\\_v\\_Johnson.pdf](https://www.nipnlg/legalresources/MSPC_v_Johnson.pdf)

The declarations are available at:

<http://www.legalactioncenter.org/litigation/artesia-resource-page>

More information about this case is available at:

<https://www.aclu.org/immigrants-rights/mspc-v-johnson>

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