

O.A. v. Trump: Plaintiffs

This year the Trump Administration has engaged in an unprecedented assault on asylum seekers and refugees seeking protection at the southern border. From criminally prosecuting asylum seekers to orchestrating delays and turn-backs at the ports of entry to family separation, the administration is pursuing an anti-immigrant agenda, including an attempt to send thousands of asylum seekers back to the violence and persecution that they fled.

In response to the administration's latest attack on asylum, Human Rights First, the National Immigrant Justice Center, and Williams & Connolly, has filed a lawsuit to protect the rights of asylum seekers.

Plaintiffs

Maria* is seeking asylum in the United States after fleeing almost a decade of domestic abuse from her former partner and the father of her young children. She has scars on her body from his abuse, including from when he attacked her with a machete while she was pregnant. He admitted to killing her father because he had defended her, and he threatened to kill her, too. Her partner refused to support their children and demanded that she provide everything for them. Days before leaving, he sent a suspected gang associate to her house. This man threatened that if she did not leave the country and send money home, her former partner would kill her. Maria fled for her life. She traveled for almost six weeks to reach the United States with almost no money and often going for days without eating. She was apprehended by CBP for crossing into the country between official ports of entry. She did not know that going to a port of entry was an option, and now, under the administration's illegal policy, she is barred from seeking asylum. She fears for her own safety, as well as the safety of her mother and children, who remain in Honduras, vulnerable to violence from her former partner.

Jesus* is a 17-year-old boy seeking asylum in the United States. He suffered severe abuse from his father, who is a police officer, throughout his life. A few weeks before he fled his home country of Honduras, armed members of MS-13 began harassing him, trying to force him to join their gang. They followed Jesus and violently threatened him six separate times. They threatened to kill him if he did not join. He knew they would kill him if he continued to resist, as they killed his friend **Felix*** for refusing to join. The last time they approached Jesus with guns, trying to force him to join, he begged for one more week to decide. Knowing he would not join, and that they would kill him for resisting their recruitment, Jesus gathered the little money that he had and fled for his life to the United States. While he was making his way to the border in Mexico, he was robbed and gave the robbers the little money that remained. He did not know that it was possible for him to cross into the United States in the "line" at a port of entry.

The new policy not only blocks Jesus from seeking asylum, it also upends special protections for unaccompanied children like Jesus, which are enshrined in the Trafficking Victims Protection Reauthorization Act. Those protections recognize the special vulnerabilities of minor asylum seekers and guarantees them the right to present their asylum claims to asylum officers before going into the adversarial setting in front of an immigration judge.

This new policy violates that right, and forces unaccompanied minors seeking asylum, like Jesus, to go straight to court, where the adversarial setting is more likely to risk retraumatizing them.

Lucy* is a 43-year-old asylum seeker from Honduras. She fled brutal domestic abuse at the hands of her husband, including severe beatings while she was pregnant. He considered her his property, like a worker in his house. He threatened to kill her and her mother if she left him. She lodged a complaint against him with the prosecutor, but he never appeared in court, and the authorities did nothing to protect her. She and her youngest son made the difficult decision to flee from her husband's relentless violence and death threats. She gathered all her savings to make the journey, and she still didn't have enough money to last her through the trip. She and her son often went hungry on their journey. When they arrived in Juarez, she surmised that the border was closed because she saw the military lined up at the border, and other asylum seekers told them that the border was closed. She was afraid of the many men in Juarez armed with large guns—she was afraid they would kidnap her. So, forced to choose between a what she thought was a closed border protected by the military, and the danger of kidnapping in Juarez, she crossed into the United States via the river. She fears her husband will follow through on his threats to kill her and her son if they are forced to return to Honduras. Under the new policy, she and her son are not eligible to apply for asylum.

Fernando* is an asylum seeker from Honduras. He fled to the United States with his mother **Lucy*** after enduring a life of abuse from his father.

Ernesto* is a 23-year-old asylum seeker from Honduras. After members of the 18th street gang killed two of his brothers, he went to the police to try to help them find his younger brother's killers. The gang members found out, and they began threatening Ernesto that they would kill him, his four-year-old daughter, and their entire family because he was helping the police. When Ernesto did not immediately stop talking to the police, the 18th street gang burned down his home while his family was inside. He tried to go into hiding, but the gang found him and again threatened to kill him and his family. His daughter's mother left him because she feared for her life due to her proximity to him. Fearing for his life and his daughter's, he fled Honduras. He did not know how to get to the United States, but he got some help from another Honduran in Mexico. When he arrived near the border, it was covered with police officers. He did not know how to get to a port of entry, nor did he know that to seek asylum in the United States, he would need to go through the port of entry. He saw others crossing the river, so he took his daughter and crossed the river, too. When he entered the United States, he looked for an immigration officer so he could ask for asylum. When he found immigration officers, they told him to go back to Honduras, but he explained that he was fleeing to protect himself and his daughter from certain death. They told him that the U.S. government was no longer helping people. Under the new policy, Ernesto cannot request asylum in the United States, and thus he and his four-year-old daughter are at risk of being deported to the danger from which they fled.

Alma* is a four-year-old girl from Honduras. Her father **Ernesto*** fled with her to seek asylum in the United States. Her life was in danger in Honduras because her father cooperated with the police to investigate the death of his brother.