

IMMIGRATION

U.S. judge bars government from sending Guatemalan children back, for now

The situation is the latest showdown over the Trump administration's immigration crackdown.



BREAKING NEWS JUDGE BLOCKS TRUMP ADMIN. FROM DEPORTING SOME CHILDREN

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By The Associated Press, Didi Martinez and Daniella Silva

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The extraordinary drama played out before dawn on a U.S. holiday weekend and vaulted from tarmacs in Texas to a courtroom in Washington. It was the latest showdown over the Trump administration's crackdown on immigration – and the latest high-stakes clash between the administration's enforcement efforts and legal safeguards that Congress created for vulnerable migrants.

For now, hundreds of Guatemalan children who arrived unaccompanied will stay while the legal fight plays out over coming weeks.

“I do not want there to be any ambiguity,” said U.S. District Judge Sparkle L. Sooknanan, who noted her ruling applies broadly to Guatemalan minors who arrived in the United States without parents or guardians.

In an updated order Sunday afternoon, Sooknanan barred the U.S. government from removing any unaccompanied Guatemalan minors in the custody of the Office of Refugee Resettlement who aren't subject to final orders of removal for 14 days, absent a court order.

Minutes after she concluded a hastily scheduled hearing Sunday afternoon, five charter buses pulled up to a plane parked at the border-area airport in Harlingen, Texas. Hours earlier, authorities had walked dozens of passengers – perhaps 50 – toward the plane in a part of the airport restricted to government planes, including deportation flights. The passengers were wearing colored clothing that is used in government-run shelters for migrant children.

The government insists it's reuniting the Guatemalan children with parents or guardians who sought their return.

In a [statement Sunday](#), the Guatemalan government said it was working to repatriate unaccompanied teens as part of a proposal it made to Homeland Security Secretary Kristi Noem during her visit to the Central American nation in June. The statement released by the Guatemalan government mistakenly said Noem visited the country in July.

“With the passage of executive order, we will ensure federal deportation shelters and deportations”

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It added that it would identify the needs of each child, provide legal representation for the process of family reunification and assume responsibility for the protection and well-being of the kids.

Guatemalan President Bernardo Arevalo said at a news conference Monday the government had “toured detention centers for Guatemalans” and were “very concerned,” especially for children and those who were close to turning 18, when they would be moved into the custody of ICE.

He said the Guatemalan government wanted to prevent those children “from being in a situation that would place them in this type of ICE centers.”

Arevalo said the country is prepared to receive some 150 children per week in order to track down the families and return them safely.

“The decision of the shipment, of the number they are going to send, of the rhythm they are going to send is a decision that is partly in the hands of the American government and as you can see, it is currently in a judicial dispute,” he said.

Lawyers for at least some of the minors say the U.S. government's claim that it's reuniting kids with parents or guardians who sought their return is nonsense, and they argue that in any event, authorities still would have to follow a legal process that they did not.

One girl said her parents, in Guatemala, got a strange phone call a few weeks ago saying the United States was deporting her, said one of the attorneys, Efrén C. Olivares of the National Immigration Law Center. Other children – identified only by their initials – said in court documents that they had been neglected, abandoned, physically threatened or abused in their home country.

Sunday's court hearing came in a case filed in federal court in Washington, but similar legal actions also were filed elsewhere.

In a lawsuit in Arizona, the Florence Immigrant & Refugee Rights Project said one of its clients is a 12-year-old asylum-seeker who has chronic kidney disease, needs dialysis to stay alive and will need a kidney transplant. Two other plaintiffs, a 10-year-old boy and his 3-year-old sister, don't have family in Guatemala and don't want to return, according to the group.

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through the night from his remote town after his 17-year-old nephew called at midnight, saying he was being deported from Texas.

The boy left Guatemala two years ago, at age 15, to work in the United States and was detained about a month ago, López said.

Alarm bells for immigrant advocates

Migrant children who arrive in the United States without their parents or guardians are routinely handed over to the Department of Health and Human Services' Office of Refugee Resettlement. They often live in government-supervised shelters or with foster care families until they can be released to sponsors – usually relatives – living in the country.

Many of those from Guatemala request asylum or pursue other legal avenues to get permission to stay in the United States.

An attorney with the National Center for Youth Law said the organization started hearing a few weeks ago from legal service providers that Homeland Security Investigations agents were interviewing children – particularly Guatemalans – in facilities of the Office of Refugee Resettlement.

The agents asked the children about their relatives in Guatemala, said the attorney, Becky Wolozin.

Then, on Friday, advocates began getting word that their young clients' immigration court hearings were being canceled, Wolozin said.

Shaina Aber of Acacia Center for Justice, an immigrant legal defense group, said it was notified Saturday evening that officials had drafted a list of children to return to Guatemala. Advocates learned that the flights would leave from the Texas cities of Harlingen and El Paso, Aber said.

It's unclear whether any planes actually departed. Government lawyer Drew Ensign told the Washington judge that one plane might have taken off but then returned.

The Department of Homeland Security, Immigration and Customs Enforcement and HHS didn't

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“I have the government attempting to remove unaccompanied minors from the country in the wee hours of the morning on a holiday weekend, which is surprising,” Sooknanan said at the hearing, later adding: “Absent action by the courts, all of those children would have been returned to Guatemala, potentially to very dangerous situations.”


The rapid-fire developments resembled a March weekend showdown over the deportation of hundreds of Venezuelans to a maximum-security prison in El Salvador. Advocates implored a federal judge to halt deportations they believed were imminent, while the Trump administration was mum about its plans.

That judge appeared in civilian clothes for a Saturday night hearing and tried to block the flights, but they went ahead, with the government saying the order came too late.

Trump administration plans to remove nearly 700 Guatemalan children

The Trump administration plans to remove nearly 700 Guatemalan children who came to the United States unaccompanied, according to a letter sent Friday by Sen. Ron Wyden, D-Ore. The Guatemalan government has said it's ready to take them in.

"These reinforcement actions are taken in the best interest of the children, whereby the Government of Guatemala will receive in a safe and orderly manner the girls, boys and adolescents who, due to court orders or voluntarily, return to Guatemala from the United States in accordance with the established protocols," the government said in Sunday's statement.

It is another step in the Trump administration's sweeping immigration enforcement efforts, which include plans to send a surge of officers to Chicago for an immigration crackdown, to ramp up deportations and to end protections for people who have had permission to live and work in the United States. 



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