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## International Law in Brief

# U.S. Civil Rights Groups Sue Over Migrant Transfers to Guantánamo

*By: Özge Karsu | March 7, 2025 - 8:15am*

On March 1, 2025, American Civil Liberties Union (ACLU), the Center for Constitutional Rights (CCR), the International Refugee Assistance Project (IRAP), and the ACLU of the District of Columbia filed a lawsuit (<https://assets.aclu.org/live/uploads/2025/03/COMPLAINT-ESCALONA-v.-NOEM.pdf>) against the Trump administration, challenging the decision to transfer immigration detainees to Guantánamo Bay, Cuba. The lawsuit was filed on behalf of ten individuals currently held in immigration detention within the United States.

The plaintiffs argued that the transfer policy violates federal law and the Fifth Amendment of the U.S. Constitution. They asserted that the Immigration and Nationality Act (INA) does not authorize the detention of noncitizens outside the U.S. territory. They further contended that the policy serves no legitimate law enforcement purpose, but is instead designed to punish and intimidate asylum seekers.

According to the complaint, immigrants from detention centers in Texas and other states have already been transferred to Guantánamo in recent weeks. While some detainees were deported after a short period at the base, others remain at imminent risk of relocation. The complaint described the harsh and punitive conditions for those already transferred including solitary confinement, shackling, strip searches, verbal and physical abuse, inadequate access to food and medical care, and restrictions on communication with family and legal counsel.

Top administration officials have publicly defended the transfers, calling the detained immigrants “the worst of the worst” and arguing that holding them at Guantánamo is necessary for national security. However, the plaintiffs’ attorneys disputed these claims, stating that many

detainees have little or no criminal history and were placed in Immigration and Customs Enforcement (ICE) custody solely for civil immigration violations after attempting to seek asylum at the U.S. border.

The lawsuit followed a similar legal action filed last month for detainees previously sent to Guantánamo. That case aimed to secure basic rights for those held at the base, including access to legal counsel and communication with family members. In this case, the plaintiffs are asking the federal court to declare the transfers unconstitutional and to immediately suspend any further relocations.

While no court date has been set, the plaintiffs' attorneys filed an emergency motion, seeking to prevent further transfers to Guantánamo while the lawsuit is under review.

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