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Judge rules Trump administration's policy for "third-country" deportations is unlawful

By [Melissa Quinn](#), [Jacob Rosen](#)

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Washington — A federal judge ruled Wednesday that a Department of Homeland Security policy that allows immigration authorities to deport migrants to "third countries" that are not their own, without first giving them notice or the opportunity to object, is unlawful.

U.S. District Judge Brian Murphy in Massachusetts sided with a group of noncitizens who filed a class-action lawsuit against the Department of Homeland Security last year. He ruled that the Trump administration's policy regarding third-country removals must be set aside.

Murphy paused his ruling for 15 days to give the Trump administration time to appeal.

"The Supreme Court previously issued two separate emergency stays against Judge Brian Murphy in this case, and we are confident we will be vindicated again," the Department of Homeland Security said in a statement, adding that the Trump administration "has the constitutional authority to remove these criminal illegal aliens and clean up this national security nightmare."

"DHS must be allowed to execute its lawful authority and remove illegal aliens to a [Manage Cookies](#) ng to accept them," the department said.

The White House condemned the decision by Murphy.

"The entire Trump Administration is working to lawfully deliver on President Trump's mandate to enforce federal immigration law and carry out the largest mass deportation campaign of criminal illegal aliens in history," Abigail Jackson, a White House spokeswoman, said. "This unlawful ruling, by a lower court Biden judge, will not stand."

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But Murphy ruled that the Trump administration's third-country removal policy violates federal immigration law and migrants' right to due process.

"This new policy – which purports to stand in for the protections Congress has mandated – fails to satisfy due process for a raft of reasons, not least of which is that

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the removal of one of the plaintiffs, a Guatemalan national identified as G.S.G., and said the Trump administration "repeatedly violated, or attempted to violate, this Court's orders" during earlier stages of the legal proceedings.

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Murphy said O.C.G., who has no known criminal history, was granted a legal status that prevented him from being deported to his home country of Guatemala.

"In response to his being granted that protection, Defendants threw him on a bus to Mexico, where he had just been raped, and where he was quickly sent back to Guatemala, the place an immigration judge had just found he would likely be persecuted," he wrote. "And then Defendants lied about it."

Murphy also accused the Department of Homeland Security of putting an "incendiary gloss" on its policy that ignored migrants who had been granted protection from being sent to their country of origin. This subset of people, he said, were targeted by the administration's third-country removal policy and have personal characteristics that put them at risk of persecution and oppression around the world.

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Then, in May, Murphy ruled that the White House had violated his preliminary injunction after the Trump administration attempted to remove a group of men with

criminal histories to war-torn South Sudan with less than 24 hours' notice and no chance for them to raise fear-based claims.

The men, who were from Cuba, Laos, Mexico, Myanmar, South Sudan and Vietnam, were then held at a U.S. naval base in the small African country of Djibouti after Murphy ruled that the Trump administration's attempt to send the men to South Sudan "unquestionably" violated his order. A U.S. immigration official revealed in a court filing that the migrants were being held in a conference room in a converted shipping container and detailed deplorable and dangerous conditions faced by personnel who were guarding the men.

The Trump administration filed emergency appeals all the way up to the Supreme Court seeking to lift Murphy's order, and the high court said last June that immigration authorities could resume deportations to third countries while legal proceedings continued in the lower courts.

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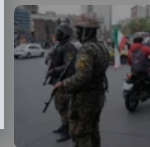
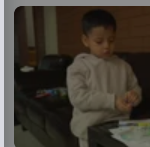
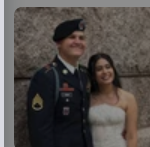
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