

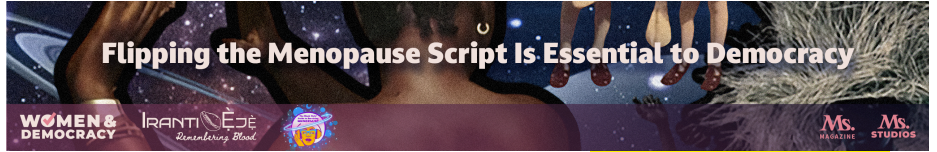
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Nighttime Deportations: When Government Policy Becomes Child Trauma

PUBLISHED 9/8/2025 by **MARY GIOVAGNOLI**

Unaccompanied children seeking asylum were shaken from their beds in the middle of the night as federal authorities attempted to deport them without warning.



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Bertilda Lopez, whose son is being deported from the United States, outside of the Returnee Reception Center while waiting for his arrival, at the Guatemalan Air Force Base in Guatemala City on Aug. 31, 2025. (Johan Ordonez / AFP via Getty Images)

The Trump administration's [disregard](#) for the [well-being of children](#) continues to grow, embracing policies that undermine children's health, safety and well-being. But the Department of Homeland Security, as well as Health and Human Services hit a new low over Labor Day weekend, when government officials ordered the [deportation of over 600 Guatemalan children](#) in the middle of the night. Fortunately, a federal judge quickly acted to [block](#) the removals, at least for now—but the events that unfolded between Aug. 29 and Aug. 31 are a sobering indictment of all that is wrong with Trump's campaign against immigrants.

There had been rumors for weeks that something was happening with unaccompanied Guatemalan children in the government's care. Guatemalan embassy officials and Homeland Security officers had been coming to shelters to interview teenagers, asking questions about their families back home. Guatemalan parents were calling service providers, saying that they had heard their children would be deported.

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But the true nature of the government's plan only became clear on that Thursday, when CNN broke the news that [the government had a list of children it intended to remove to Guatemala](#), allegedly with Guatemala's full cooperation.

While no one knew exactly when the government would put its plans into action, advocates told *Ms.* that they expected there would be some kind of process which would allow them to intervene on behalf of their clients. After all, the [Trafficking Victims Protection Reauthorization Act](#) (TVPRA) of 2008 created rigorous standards for protecting the rights of unaccompanied children, ensuring that they were safe from trafficking and other harms, creating specific legal protections and access to permanent relief from removal and mandating a careful procedure for ensuring that any child who was returned to their country would be safe upon return. Routinely, if a child was granted voluntary departure or ordered removed by an immigration judge, an assessment of the child's needs, an assessment of home conditions and other measures to try to prepare the child for return would be conducted. All those requirements take time.

Nonetheless, legal service providers around the country began contacting their clients, shelters and other care providers to advise them of the children's rights, and to demand that shelters provide 48 hours' notice, as required by regulation, if the government sought to move a child from their current placement.

Despite the holiday weekend, legal services staff worked around the clock to reach clients, to formulate contingency plans, and to draft possible legal complaints for fear that the government might try to move the children in secret, possibly as soon as Labor Day weekend.

Still, no one was prepared for what happened next.



HHS began contacting shelter care providers around 10 p.m. Central time on the night of Aug. 30, ordering them to prepare Guatemalan children for discharge from the facility. Children were shaken from sleep and told to pack their things because the government was returning them to Guatemala in a few hours' time.

Their terror and confusion is captured in the affidavits children and witnesses filed with the court over the next few days. One boy described how shelter staff woke him at 2 in the morning, telling him he would be leaving in a few hours; he had no time to wash his face or brush his teeth but had to gather his things and go. For a minute, he just sat there, staring into space, unable to fathom what going back to Guatemala might mean.

Other children were crying, including young girls who said they couldn't go back to Guatemala because they would be harmed. One child became so scared that she vomited.

Foster parents were ordered to bring children to long-term foster care offices or other sites to meet buses and vans that carried their children away.

Deisy Lee, the managing attorney for the Young Center's Child Advocate program in Houston, Texas, described the scene:

"Confused, exhausted and unaware of what was happening, they looked to staff for answers, but there were none. ORR had given no notice, families had not been contacted and the children were left in shock. We were the first ones to tell them what was happening. Their questions cut deep: "¿Por qué hacen esto? Donde nos van a dejar?" "Why are they doing this? Where are they going to leave us?"

Fear hung heavy in the room. They worried whether their parents or relatives could even answer the phone at such an hour or be ready to receive them. Some asked in trembling

voices, “¿Me van a mandar a otro albergue en Guatemala?” “Are they going to send me to another shelter in Guatemala?”

Meanwhile, litigators from the Florence Project in Arizona and the National Immigration Law Center, based in California, were filing motions to stop the removals. By that point, it was becoming clear that DHS had targeted children in Arizona and Texas, although some were put through the ordeal only to be told that they were not on the list for deportation that day; it appears that at least 76 children were placed on planes.

“Children were shaken from sleep and told to pack their things because the government was returning them to Guatemala in a few hours’ time.”

In Washington D.C., NILC attorneys filed a broad request for a temporary restraining order designed to stop the removals nationwide.

Lynn Damiano Pearson, a senior staff attorney with NILC, told *Ms.* that the law center filed shortly after 1 a.m. Eastern standard time on the morning of Aug. 31; a few hours later, as it became clear that children were being loaded onto planes, they updated the court of the imminent emergency and by 4:30 a.m. the duty judge, District Court Judge Sparkle L. Sooknanan, issued the temporary restraining order. The judge had been trying to reach DHS attorneys throughout that time, but no one responded.

As the hours stretched on and children continued to sit on the tarmac, she clarified that her order applied to the entire class of Guatemalan children and accelerated the scheduled hearing, given DHS’ lack of response.

Still, children were not returned to the shelters. Lauren Fischer Flores, an attorney with ProBAR recounted in an affidavit that

her efforts to stop two planes from taking off from the Harlingen airport were laughed off by government agents who openly jeered at her, refusing to believe that the TRO was in effect. One plane taxied to the runway despite the TRO but eventually returned to the loading area. The children stayed on the planes.

While the hearing took place in Washington, D.C., the children continued sitting on the planes. Even after the judge rejected the government's argument that it should be allowed to remove the children, Flores said the children were only moved from the planes to buses.

Hours later, the government began returning the children to shelter care, but according to several advocates, children did not necessarily return to the same placement. Foster children, for instance, were readmitted to shelters, breaking the bonds they had built with foster families and dashing their plans to start school in their new communities. According to status reports filed by the government, the last of the children were not returned to their care providers until early in the morning on Sept. 1.

“ Many of the children already have applications for asylum or special immigrant juvenile status pending; many others are still waiting for their first hearing.



A mother and her son return to Guatemala on a deportee flight from El Paso, Texas, in Guatemala City, Guatemala. (Josue Decavele / Anadolu via Getty Images)

At a hearing later this month, a different judge will decide whether to permanently enjoin the government from attempting to return the children, all of whom have a right to a full hearing before an immigration judge. Many of the children already have applications for asylum or special immigrant juvenile status pending; many others are still waiting for their first hearing.

What is clear, however, is that the government may have, in a single night, permanently scarred children who were just beginning to feel like they had found a safe place, far away from the danger and threats they had fled.

How does something like this happen?

We can hope that public outrage will force the government to explain itself and that litigation or congressional pressure will reveal the inside story of how such a cruel and abusive plan was hatched, but some things are already clear.

- **The Trump administration has been caught in a lie.** Government attorneys and spokespeople claim this

action was initiated at the request of the Guatemalan government who said that parents had asked for help in the return of their children. But an [investigation](#) conducted by a Guatemalan attorney general's office, found that Guatemalan parents had not asked for the return of their children—and many were completely unaware of the attempts to return their kids. Most did not want them to return out of fear for their safety or well-being. And while Guatemala had approached the government about the return of teenagers who were going to age out of the children's program, to prevent their absorption into adult detention, officials were shocked when DHS provided them with a list of over 600 anticipated returns.

- **These actions violated the TVPRA, due process and notions of common decency.** The government claimed in the initial court hearing that the TVPRA did not apply because these were voluntary repatriations at the request of the parents; saying that notwithstanding the TVPRA, HHS has the right to facilitate repatriations. But this is just an effort to bamboozle the courts and the public, as HHS cannot act independently of the immigration laws. Under the TVPRA, returning children to their home country must be done in a way that ensures their safety. It is individualized and fact specific. And it is vested in basic child welfare protection, which includes recognizing that children have rights and are entitled to immigration proceedings. Even if a parent requested return of their child, the government has an obligation to ensure that return is in the child's best interests, considering the child's wishes, and following the procedures established by law and regulation.
- **The administration was expecting smooth sailing.** Planning the removals for a holiday weekend reduces the likelihood that attorneys and other advocates will be available. Waking children in the middle of the night and trying to shepherd them out of the country in the early

morning further increases the odds that no one is watching. The judge could not reach government attorneys, which suggests that they were not on call in case problems arose. This all points to a kind of arrogance that has been cultivated and championed by the Trump administration, in which law enforcement officials are encouraged to believe that they are unstoppable and can do whatever they want in the name of blocking immigration.

- **The government is angry that they were foiled.** Office of Refugee Resettlement head, Angie Salazar, issued a memorandum to all shelter care providers taking them to task for questioning the authority of ORR and threatening criminal action against people who refused to work with DHS. Stephen Miller was apoplectic, accusing the judge of kidnapping children and keeping them from their parents.

Instead of anger, the government's response should be shame, but it will likely continue to press its mission to deport children at all costs. In light of rumors that the government may attempt to deport another group of children shortly, plaintiffs asked the government to confirm that it would not do so, a request the government rejected.

The mistreatment of children has no place in immigration enforcement, and yet cruelty seems to be central to the administration's approach. As Damiano Pearson notes:


"Unfortunately, it is not the first time we've seen this administration use extremely cruel tactics against immigrant children. Still, for children to be awakened in the night, without knowing what's happening, on a Sunday morning, on Labor Day weekend, despite fearing return to Guatemala—that is shocking, even for the level of cruelty we have seen from this administration in the past."

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ABOUT MARY GIOVAGNOLI

Mary Giovagnoli is an immigration attorney and policy expert who has worked for over 25 years in both the federal government and nonprofit advocacy to improve the immigration system. She is a former executive director of the Refugee Council USA. She served as the DHS deputy assistant secretary for immigration policy from 2015 to 2017.

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