Proskauer

Proskauer Files FOIA Complaint Seeking Information on Deported Mothers and Newborn Children

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News sources have widely reported that beginning in 2019, U.S. Customs and Border Protection (CBP) began expelling from the United States immigrant women who recently gave birth, as well as their U.S. citizen infants. These actions were part of the former administration's "zero tolerance" policy, which, among other things, intentionally separated thousands of families at the border. Regardless of any right to asylum, these women were expelled from the country days after giving birth. Even though their U.S-born children would have been U.S. citizens, many mothers were not even given birth certificates for their children. Making matters worse, these women were often forced into dangerous conditions, having to sleep in shelters or on the streets in Mexico with their newborns.

In response, several non-profit organizations – the National Immigration Litigation Alliance (NILA), Al Otro Lado (AOL), and the Haitian Bridge Alliance (HBA) – served CBP a Freedom of Information Act (FOIA) request seeking information regarding these practices and the women and children who were affected. CBP did not provide any documentation so Proskauer joined NILA, AOL, and HBA in filing a federal complaint in the District of Massachusetts. The lawsuit demands that CBP produce all responsive records.

The information sought here is designed to assist attorneys, immigrants, and the general public in understanding why families were removed from the United States without consideration for their health and safety or the opportunity to explain why they were entitled to remain. According to the Complaint, some women reported that they were misled by the CBP officers and were told they would be able to enter the United States after leaving the hospital. Proskauer is committed to supporting the NILA, AOL, and the HBA in their mission to protect the rights of immigrants and uphold the rule of law.

The Proskauer team was led by partner Michael T. Mervis and included senior counsel Julia D. Alonzo, associates David M. Hanna and Reut N. Samuels, and senior paralegal Stacey L. Evans.

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