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Proskauer Helps Reunite Family Separated at the Border

Proskauer For Good Blog on **August 12, 2021**

On May 7, 2018, the United States implemented the “zero tolerance” family separation policy, directing immigration authorities to systematically separate children from their parents at the border, a practice that had been ongoing as early as November 2017. The stated purpose of this policy was to deter future migrants from attempting to cross the border, including migrants seeking asylum in the United States fleeing violence or persecution in their home countries. Although the government formally ended the policy in June 2018 following widespread public outcry, many hundreds of children remain separated from their parents. To address this problem, on February 2, 2021, President Biden signed an Executive Order in an effort to reunite children separated from their families at the United States-Mexico border. Numerous nonprofit agencies and law firms, including Proskauer, have stepped forward to help victims of family separation obtain humanitarian parole and become reunited with their families.

Proskauer’s client, together with his wife and their two daughters, lived in El Salvador, a part of the “Northern Triangle” of Central America, which is said to be “one of the most dangerous places on earth” by Amnesty International. Their youngest daughter attended school that was approximately 12 kilometers walking distance from home, and had to walk through territories patrolled by gangs. She faced intimidation and violence from gang members threatening to kill her for walking through their “turf.” Shortly after a young man who was similarly threatened in their neighborhood was kidnapped and killed by a local gang for walking through their territory, our client decided to take his chances and seek asylum for himself and his daughter in the United States.

In May 2018, he and his daughter crossed the border from Ojinaga, Mexico into Texas where they were immediately apprehended and taken into custody. An immigration officer processed them, and informed them that they would be separated pursuant to the "zero tolerance" family separation policy. They were placed in a truck for approximately two hours. Upon arriving at a police post shortly after midnight, our client was told to say farewell to his daughter, and the two were separated. Our client remained in custody for several additional days and although he asked the officers about his daughter's whereabouts, he was told that her case was separate from his, and therefore was not relevant to him. Fifteen days after their separation, our client's daughter was able to call our client at the facility where he was being held; that was the first interaction father and daughter had after their separation. Ultimately, our client was deported to El Salvador while his daughter remained in the U.S.

In April 2020, Proskauer assisted preparing and filing a Federal Tort Claims Act (FTCA) administrative complaint. In March 2021, Proskauer agreed to assist the family with filing a request for humanitarian parole to legally enter the United States and reunite with their daughter. Following a number of communications among Proskauer, the Department of Homeland Security and the U.S. Embassy in San Salvador, and after our client and his wife's battle with COVID-19 right before their interview at the U.S. Embassy, they received their visas to legally enter the United States. After three years of separation, they were finally reunited with their youngest daughter on July 29, 2021.

Throughout this effort, the Proskauer team worked closely with the team at the Asylum Seeker Advocacy Project. ASAP was involved in every step along the way—they assisted us with establishing a line of communication with our client, reviewed our draft FTCA complaint and humanitarian parole applications prior to filing, and helped coordinate logistics for our client's trip to the United States. They were instrumental in achieving an excellent outcome for this family.

The Proskauer team assisting the child's parents included Jae Woo Park, Joanna Connelly, Laura Stafford, Ayisha McHugh, and Rachael L. Walker.

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