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Proskauer Files Suit for Immigrant Mother and Daughter Harmed by Family Separation Policy

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Proskauer, with co-counsel Public Counsel and Squire Patton Boggs, has filed a complaint in Arizona Federal Court on behalf of a mother and daughter from Guatemala who were forcibly separated after crossing the U.S.-Mexico border under the Trump Administration's family separation policy. The lawsuit comes after negotiations with the Biden Administration over a potential nationwide settlement for separated families fell apart last fall.

The mother and then-teenage daughter escaped violence in their country of origin only to be detained and separated after entering the United States. Shortly after crossing the border at San Luis, Arizona, Customs and Border Patrol officers apprehended them and transported them to a Border Patrol station in Yuma, Arizona. They were placed in a cold, windowless cell without beds, showers, or private toilets. Approximately four days after arriving in the United States, officers came to forcibly separate the family.

During the forced separation, the daughter fainted, hitting her face on the floor. Her mother, who only speaks a Mayan language called Q'eqchi', was not given any information about her daughter's whereabouts or wellbeing in a language she could understand until almost a month later when Public Counsel began representing her.

During the separation, U.S. officials took the daughter to a shelter in Phoenix, Arizona while the mother was taken to a detention center in Irvine, California, more than 300 miles away. Almost two months after their separation, they were reunited after the mother was released on bond. Neither one was ever charged with a crime. Both suffered severe and lasting emotional harm as a result of the U.S. government's inhumane treatment. The family is now pursuing asylum claims in the United States.

This case is one of several individual lawsuits brought under the Federal Tort Claims Act (FTCA) against the U.S. government for compensatory damages on behalf of separated families. The FTCA was enacted in 1946 and provides a means of compensating individuals who have suffered personal injury, death, or property loss or damage caused by the negligent or wrongful act or omission by an employee of the U.S government.

The Proskauer team is led by partner Manuel Cachán and associates Tim Burroughs, Hena Vora, and William Rose.

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