

Federal Court Grants Class-Action Status in Challenge to Obama Administration

Thousands of Children Now Covered in Lawsuit Over Lack of Legal Representation in Immigration Proceedings

Released on Mon, Jun 27, 2016

Washington D.C.— A federal court has granted class-action status to a lawsuit challenging the federal government's failure to provide children in immigration court with lawyers in their deportation hearings. Several thousand children are estimated to be members of the class.

The ruling stems from a lawsuit filed by the American Immigration Council, American Civil Liberties Union, Northwest Immigrant Rights Project, Public Counsel, and K&L Gates LLP.

“This ruling means that thousands of children will now have a fighting chance at getting a fair day in immigration court,” said Ahilan Arulanantham of the ACLU’s Immigrants’ Rights Project and the ACLU Foundation of Southern California. “The Obama administration should stop defending its draconian practice of conducting deportation hearings against unrepresented children.”

The class covers all children under 18 who are in immigration proceedings in the Ninth Circuit on or after June 24, 2016; lack counsel; are unable to afford legal representation; and are potentially eligible for asylum or are potentially able to make colorable claims to U.S. citizenship.

“The government will not be able to simply delay the case in hoping that a few individual cases may resolve themselves without court intervention. Instead, the government must now defend a system that pits unrepresented children against trained federal prosecutors in an adversarial court hearing that literally may carry life and death consequences for the children involved,” said Matt Adams, legal director of the Northwest Immigrant Rights Project.

The lawsuit, [J.E.F.M. v. Lynch](#) [1], was filed in U.S. District Court in Seattle. It charges the Departments of Justice, Homeland Security, and Health and Human Services with violating the Constitution’s Fifth Amendment Due Process Clause and the Immigration and Nationality Act’s provisions requiring a “full and fair hearing” before an immigration judge.

“This is great news for thousands of children who can now join our lawsuit against a government forcing them to go to immigration court alone,” according to Melissa Crow, legal director of the American Immigration Council. “Under no circumstances should children be forced to represent themselves against trained prosecutors seeking their deportation.” “Years of experience representing children in immigration court has taught us a simple fact: Children, no matter their circumstances, cannot have a fair hearing without a lawyer,” said Kristen Jackson, senior staff attorney at Public Counsel. “The court’s order recognizes the challenges that immigrant children share and it puts us closer to a day when no child will have to face an immigration judge alone.”

The ruling is [here](#) [2].

More information is [here](#) [3].

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For press inquiries, contact:

Wendy Feliz, American Immigration Council, 202-507-7524, wfeliz@immcouncil.org [4]

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Published on American Immigration Council (<http://www.americanimmigrationcouncil.org>)

Inga Sarda-Sorensen, ACLU, 212-284-7347, isarda-sorensen@aclu.org [5]

Matt Adams, Northwest Immigrant Rights Project, 206-501-6249, matt@nwirp.org [6]

Marie Condron, Public Counsel, 213-925-9605, mcondron@publiccounsel.org [7]

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[4] <mailto:wfeliz@immcouncil.org>

[5] <mailto:isarda-sorensen@aclu.org>

[6] <mailto:matt@nwirp.org>

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