

Center for Constitutional Rights

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://ccrjustice.org/home/what-we-do/our-cases/djcv-v-us-immigration-and-customs-enforcement>

Policy Issue Resources

On October 15, 2018, Judge Hellerstein issued an order for the government to release D.J.C.V., returning him to his father, Mr. C.

On March 5, 2021, we argued against the motion to dismiss their complaint seeking damages for torture and crimes against humanity.

Morgan Lewis & Bockius LLP, LatinoJustice

D.J.C.V., a two-year old child, and his father, Mr. C.

D.J.C.V. v. U.S. Immigration and Customs Enforcement ("ICE") is a habeas corpus case on behalf of D.J.C.V., a two-year old child, and his father, Mr. C., who are asylum seekers from Honduras. They were unlawfully detained and separated for nearly six months without any contact. They filed this case anonymously using their initials because of D.J.C.V.'s young age and because they face serious harm or death at the hands of gang members.

D.J.C.V. and his father, Mr. C., arrived at the U.S.-Mexico border on April 30, 2018, seeking asylum and other immigration protections under U.S. and international law. They were forcibly separated pursuant to the Trump administration's cruel "zero tolerance" and family separation policy, which is designed to deter future asylum seekers by inflicting maximum cruelty on thousands of families successfully entering the United States. They filed this action to end their unlawful, indefinite detention and separation without any contact and to reunify their family.

On October 4, 2018, the Center for Constitutional Rights and co-counsel filed a habeas petition and motion for a preliminary injunction on behalf of D.J.C.V. and his father, Mr. C., with the U.S. District Court for the Southern District of New York, where they were detained, separately, without a bond hearing or other opportunity to obtain release and reunification. The lawsuit alleged several violations of the Constitution and laws of the United States, prior court rulings, and international law.

Central to the case is a novel claim that the Trump administration's "zero tolerance" and family separation policy constitutes torture and cruel, inhuman, and degrading treatment. It is knowingly causing D.J.C.V. and Mr. C. to endure wrenching trauma as punishment for seeking asylum and to coerce and deter others from seeking similar relief, causing them severe mental pain or suffering that meets the statutory and international law definitions of torture. The risk of psychological damage is particularly acute and lasting in the case of D.J.C.V., who turned two years old in detention and who remained in detention, alone, without any access to his father, in a foreign country, with little or no ability to communicate in any language with anyone because he is too young. His situation was so precarious that if judicial relief were not granted immediately, there was a strong risk that he might not remember his father or be able to re-establish a familial bond with his father or any other family member because he had already spent a substantial portion of his life in detention in the United States.

After Mr. C. was released from adult detention, the district court issued ordered D.J.C.V. released from immigration custody and reunified with his father immediately. The family was reunified on October 15, 2018. In July 2020, they filed an action under the Federal Tort Claims Act and Alien Tort Statute seeking financial damages for their suffering under the Trump administration's deliberate policy of inflicting emotional distress and torture on families seeking asylum at the southern border.

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