

# Center for Constitutional Rights

## Discrimination, Detention, and Deportation: Immigration & Refugees

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

### Policy Issue Resources

On October 24, 2018, CCR filed a complaint and motion for preliminary injunction on behalf of Ms. Q. and her four-year old son, J., and the case is pending.

[Gibson, Dunn & Crutcher LLP](#)

[National Immigrant Justice Center](#)

Ms. Q. and her four-year old son, J., asylum seekers from El Salvador.

*Ms. Q. v. U.S. Immigration and Customs Enforcement (ICE)* is a lawsuit on behalf of an asylum seeker from El Salvador and her four-year old child, J. They have been unlawfully separated from each other for seven months with minimal contact. They have filed this case anonymously using their initials because of J.'s young age, and because they face serious harm or death at the hands of gang members.

After a harrowing journey from El Salvador, Ms. Q. and J. arrived at the U.S.-Mexico border on March 22, 2018, seeking asylum and other immigration protections under U.S. and international law. They were transported to a processing center known as the ice box, where they were held in an overcrowded, unsanitary cell and later a wire cage like a dog kennel. J. became very ill and suffered from vomiting and diarrhea, but U.S. immigration officials refused to provide him clean clothes or medical care. Instead, the authorities tried to threaten and coerce Ms. Q. to agree to their deportation to El Salvador, which she refused for fear of death in her home country. A few days later, on March 25, 2018, Ms. Q. and J., who was still sick and throwing up, 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 were transported to different detention facilities across the United States from one another, and have had minimal contact by telephone in the last seven months. They filed this action to end their unlawful separation and reunify their family.

On October 24, 2018, CCR and co-counsel filed a complaint and motion for preliminary injunction on behalf of Ms. Q. and J. with the U.S. District Court for the District of Columbia, against various senior U.S. government officials and agencies, to obtain relief from their separation, which continues to cause them severe physical and mental harm. The lawsuit alleges several violations of the Constitution and laws of the United States, and international law.

Central to the case is a novel claim on which CCR recently prevailed in another family separation case, [D.J.C.V. v. ICE](#), alleging that the Trump Administration's zero tolerance and family separation policy constitutes torture and cruel, inhuman and degrading treatment. It is knowingly causing Ms. Q. and J. 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 J., who turned four years old in detention, and who will remain in detention, alone without any access to his mother, in a foreign country, with little or no ability to communicate, absent immediate judicial intervention. His situation is extremely precarious as his condition rapidly deteriorates, both physically and emotionally, each day he remains separated from his mother, causing him to suffer psychological regressions and developmental delays, including major speech difficulties and constant crying.

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