

Human Rights First

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://www.humanrightsfirst.org/press-release/supreme-court-upholds-flawed-ruling-against-asylum-seekers>

Public Facing Advocacy Writing

Work With Asylum Seekers

If you are seeking asylum, we can help

Areas of Focus

Current Initiatives

New York City Human Rights First today expressed serious concern that the Supreme Court declined to hear the case of *Castro v. U.S. Department of Homeland Security*, leaving in place the Third Circuit ruling that denies 28 asylum seekers detained in Berks County, Pennsylvania the ability to challenge in federal court expedited removal orders issued by the Department of Homeland Security (DHS).

It is alarming that the Supreme Court has passed on the opportunity to correct this deeply flawed ruling which denies due process to mothers and children who are seeking this country's protection. These families, who have sadly been held in immigration detention for over a year after requesting this country's protection, face dire risks of danger in their home countries. The United States should not return these families to danger, said Human Rights First's **Eleanor Acer**.

The plaintiffs in the case are 28 women and 33 children from El Salvador, Honduras, and Guatemala who fled to the United States to seek asylum, escaping extreme violence and threats in their home countries. These families were placed in expedited removal proceedings and were sent to the family immigration detention facility in Berks, Pennsylvania where they have been held for over a year. The families were determined to not meet the credible fear screening standard, and as a result, were blocked from even applying for asylum in the United States. The Court of Appeals for the Third Circuit denied the families access to a federal court hearing.

Human Rights First continues to urge DHS to limit its use of expedited removal and to effectively implement measures included in the process in order to identify and properly refer asylum seekers. President Trump however, in his January 25 executive order, has proposed expanding the use of expedited removal even further.

In 2008 the Supreme Court recognized that the Suspension Clause applied to non-citizens being detained at Guantanamo Bay, Cuba, who had been designated by the U.S. government as enemy combatants. The Third Circuit's decision in this case, issued in August of last year, also held that the Suspension Clause of the U.S. Constitution which allows Congress to suspend the writ of habeas corpus only in very limited circumstances not present here does not apply to the women at Berks because they were taken into custody by U.S. immigration authorities soon after entering the United States with their children. This mistaken approach runs contrary to Supreme Court precedent.

This was a missed opportunity for the Court to make clear that the federal courts are essential checks on the executive branch and that U.S. immigration agencies must effectively implement measures to protect asylum seekers. Acer added.

Published on April 17, 2017

Share

Systemic Injustice-Refugee Protection

2017 Pro Bono Stars: Houston

Blog

Systemic Injustice-Refugee Protection

Joint Letter to President Biden, Secretary Mayorkas & AG Garland on Title 42

Letter

Systemic Injustice-Refugee Protection

360 Videos Document Life for Asylum Seekers at U.S. Border

Press

Systemic Injustice-Refugee Protection

5 Ways To Help Migrant Parents And Children At The Border

Blog

Systemic Injustice-Refugee Protection

5th Circuit Amicus Brief in State of Texas, State of Missouri v Biden: HRF Opposes MPP on the Merits

Amicus Briefs

Systemic Injustice-Refugee Protection

A life in safety would not mean anything if my children were not here with me: Joys and Trauma Persist for Refugees Separated from Their Families

Letter

Systemic Injustice-Refugee Protection

A Second Chance for Detained Asylum Seekers in Jennings v. Rodriguez

Blog

Systemic Injustice-Refugee Protection

A Shameful Record: Biden Administrations Use of Trump Policies Endangers People Seeking Asylum

Reports

Systemic Injustice-Refugee Protection

A Sign of Desperation: Syrian Refugees are Selling Their Organs

Blog

Systemic Injustice-Refugee Protection

A Sordid Scheme: The Trump Administrations Illegal Return of Asylum Seekers to Mexico

Reports

Systemic Injustice-Refugee Protection

A Sordid Scheme: The Trump Administrations Illegal Return of Asylum Seekers to Mexico

Reports

Systemic Injustice-Refugee Protection

A Year After Del Rio, Haitian Asylum Seekers Expelled Under Title 42 Are Still Suffering

Letter

Urge Congress to pass the Afghan Adjustment Act

Human Rights First is a nonpartisan, 501(c)(3). We do not favor or oppose any candidate for public office.