

# Groups Sue Trump Administration for Access to Immigrants Sent from U.S. to Guantánamo Bay

**Affiliate:** [ACLU of Washington, D.C.](#)

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## ACLU Affiliate



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WASHINGTON — Immigrants' rights advocates sued the Trump administration today for access to immigrants transferred from the United States to detention at Guantánamo Bay in Cuba under President Trump's recent order.

The American Civil Liberties Union, Center for Constitutional Rights, International Refugee Assistance Project (IRAP), and ACLU of the District of Columbia filed the lawsuit on behalf of several plaintiffs, including the sister of one of the men being detained at Guantánamo, as well as four legal service providers — Las Americas Immigrant Advocacy Center, Refugee and Immigrant Center for Education and Legal Services (RAICES), American Gateways, and Americans for Immigrant Justice — seeking to meet with the people being detained in order to provide them with legal assistance.

The Trump administration has provided virtually no information about immigrants newly detained at Guantánamo, including how long they will be held there, under

what authority and conditions, subject to what legal processes, or whether they will have any means of communicating with their families and attorneys.

“By hurrying immigrants off to a remote island cut off from lawyers, family, and the rest of the world, the Trump administration is sending its clearest signal yet that the rule of law means nothing to it. It will now be up to the courts to ensure that immigrants cannot be warehoused on offshore islands,” said **Lee Gelernt, deputy director of the ACLU’s Immigrants’ Rights Project.**

The lawsuit notes that Guantánamo is home to one of the most notorious prisons in the world, used when the U.S. government has attempted to operate in secret, without accountability.

“It is appalling but not surprising that the Trump administration is exploiting and expanding the 21st century’s greatest symbol of lawlessness and torture: Guantánamo. The Center for Constitutional Rights has been challenging incommunicado detention and torture at Guantánamo since the early 1990s, and we see Trump’s actions for what they are — performative cruelty mixed with another authoritarian power grab. The courts, once again, must act to ensure the immigrants Trump seeks to detain there have access to lawyers and thus the law, and are free from the cruelty and terror inherent in the project of Guantánamo,” said **Baher Azmy, legal director of the Center for Constitutional Rights.**

“The Trump administration cannot be allowed to build upon Guantánamo’s sordid past with these latest cruel, secretive, and illegal maneuvers,” said **Eunice Cho, senior staff attorney with the ACLU’s National Prison Project.** “Our Constitution does not allow the government to hold people incommunicado, without any ability to speak to counsel or the outside world.”

While the Trump administration has widely publicized images of people it now detains at Guantánamo, it has also cut off any means of communication with them. Plaintiff Eucaris Carolina Gomez Lugo was shocked to see a photograph of her brother being held there, according to the lawsuit, and to learn that the government was alleging that he and other men being detained were Venezuelan Tren de Aragua gang members. She is gravely concerned about his safety and wants to make sure he can communicate with legal counsel regarding his detention at Guantánamo.

“Guantánamo is a breeding ground for violence, abuse, and neglect. Our government is targeting Venezuelans and other people and unnecessarily moving them to a notoriously difficult-to-access offshore site for no reason other than political theater,” said **Jennifer Babaie, director of advocacy and legal services at Las Americas Immigrant Advocacy Center in El Paso, Texas, New Mexico and Ciudad Juárez, Chihuahua.** “Many of these men have already

been subjected to countless human rights abuses and due process violations in Otero and other detention centers in the U.S. Keeping them in Guantánamo without regular access to lawyers and loved ones while at the same time spreading unfounded accusations against them all on the basis of what they look like and where they come from, is dangerous, violent, and completely unacceptable.”

“Secretly transferring people from the United States to Guantánamo without access to legal representation or the outside world is not only illegal, it is a moral crisis for this nation,” said **Deepa Alagesan, senior supervising attorney at the International Refugee Assistance Project (IRAP)**. “IRAP previously represented a refugee family detained at Guantánamo and had to fight for months to receive one confidential phone call with our clients. Now, the Trump administration is escalating its attempts to criminalize, demonize, and harm immigrants with zero regard for their humanity or the law. We will not stand by as the United States government tries to use Guantánamo as a legal black box to deny immigrants their basic rights to counsel and due process.”

The Trump administration has announced its goal of sending tens of thousands of immigrants to Guantánamo. The complaint notes that, without the court’s intervention, even more immigrants will be transferred to this legal black hole without access to counsel or any means of vindicating their rights.

“Immigration detention at Guantánamo threatens to create a dangerous precedent where the U.S. government can systematically transfer people seeking asylum to offshore facilities, isolating them from legal service providers and placing them in a void where they cannot meaningfully assert their rights,” said **Javier Hidalgo, legal director at RAICES**. “At RAICES, we are deeply troubled by the Trump administration’s opacity and lack of procedural safeguards, which effectively nullify our ability to challenge unlawful detention, ensure due process, and advocate for the rights of immigrants, and we will leverage every legal tool available to hold this administration accountable to fundamental humanitarian protections that should never be up for debate.”

“Detaining immigrants at Guantánamo Bay without access to legal counsel or basic due process protections is a grave violation of their rights and an alarming abuse of government power,” said **Rebecca Lightsey, co-executive director of American Gateways**. “Our country must not create a shadow system of indefinite detention, stripping noncitizens of their legal protections simply by transferring them offshore.”

“The dramatic expansion of immigrant detention at Guantánamo and act of transferring immigrants from detention within the borders of the United States to Guantánamo will cause irreparable harm to our immigrant community and create barriers that conflict with Americans for Immigrant Justice’s core organizational objectives,” said **Paul Chavez, litigation director at Americans for Immigrant**

**Justice.** “It will not only limit our ability to serve as a watchdog on immigration detention practices and policies but will also deny our attorneys access to those held at Guantánamo — many of whom AI Justice would likely have represented had they been detained in Florida. We believe immigrants should not be forced to navigate our complex immigration system alone and demand that our attorneys be granted access to communicate with detained immigrants at Guantánamo, so that we may continue to fulfill our mission of safeguarding the rights of detained immigrants in Florida.”

A coalition of immigrants’ rights and legal groups sent a [letter](#) to the Secretaries of Defense, State, and Homeland Security last week expressing their serious concern about the transfer and detention of immigrants from the United States to Guantánamo and requesting immediate access to them. The government failed to respond, prompting today’s legal action.

“If the Trump administration thinks they can strip immigrant detainees of their rights by shipping them to Guantánamo, they’re wrong,” said **Arthur Spitzer, senior counsel at the ACLU of the District of Columbia**. “The Bush administration also tried to deny detainees their rights at Guantánamo, and the courts stepped in to remind the president that the Constitution applies to people imprisoned there.”

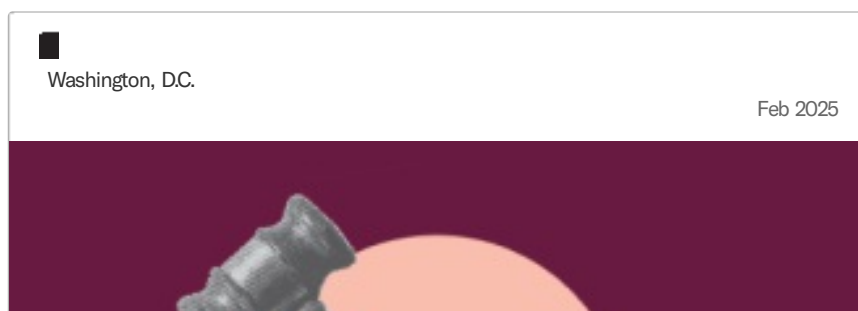
Complaint: <https://www.aclu.org/documents/gitmo-lawsuit-filing>

Memorandum: <https://www.aclu.org/documents/memorandum-of-law-in-support-of-motion-for-temporary-restraining-order-in-las-americas-immigrant-advocacy-center-et-al-v-kristi-noem-department-of-homeland-security>

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### Immigrants' Rights

## Related Content





## Immigrants' Rights National Security

### Las Americas Immigrant Advocacy Center v. Noem

Immigrants' rights advocates sued the Trump administration on Feb. 12, 2025, for access to immigrants transferred from the United States to detention at Guantánamo Bay in Cuba under President... Trump's recent order.

**Status:** Ongoing

Press Release

Feb 2025



## Immigrants' Rights

### Federal Court Blocks Trump Birthright Citizenship Executive Order

CONCORD, N.H. — A federal court in New Hampshire today blocked President Trump's executive order that seeks to strip certain babies born in the United States of their U.S. citizenship. The judge issued... the preliminary injunction order from the bench in the lawsuit filed by the American Civil Liberties Union, ACLU of New Hampshire, ACLU of Maine, ACLU of Massachusetts, Asian Law Caucus, State Democracy Defenders Fund, and Legal Defense Fund on behalf of New Hampshire Indonesian Community Support, League of United Latin American Citizens (LULAC), and Make the Road New York. This is the latest in a series of court rulings rejecting Trump's executive order since it was signed January 20. "Today's ruling is the latest rebuke of President Trump's wildly unconstitutional bid to end birthright citizenship," said Obed McFarlane, deputy director of the

birthright citizenship,” said Cody Worsy, deputy director of the ACLU’s Immigrants’ Rights Project, who argued the case. “This attempt to deny babies their citizenship is as illegal as it is inhumane, and we will keep fighting until we stop this order for good.” The groups made their case today before U.S. District Judge Joseph N. Laplante, arguing that the Trump administration was flouting the Constitution’s dictates, congressional intent, and longstanding Supreme Court precedent. “The U.S. Constitution ensures that no politician can decide who among those born in this country is worthy of citizenship — a principle that the federal court in New Hampshire reinforced yet again today. President Trump’s executive order, now preliminarily enjoined in multiple lawsuits across the country, stands in flagrant opposition to our constitutional rights, values, and history. We are glad that the court agreed today that it is a blatant violation of our Constitution,” said SangYeob Kim, senior staff attorney at the ACLU of New Hampshire. “Today’s injunction reaffirms what we already know: that birthright citizenship is a pillar of our democracy, and no president can simply erase it from our Constitution. Our members come from all over the world with courage and resilience to make better lives for their families. We are grateful that this injunction means that their children will be treated equally to anyone else born in this country. It is what we all deserve, and we will keep fighting to make sure it is a reality,” said Jose Lopez, co-executive director of Make the Road New York. “Trump’s unconstitutional executive order is blocked for now, affirming the rights of thousands of Asian immigrants — working parents, asylum seekers, students — who came here to find opportunity and safety,” said Aarti Kohli, executive director of the Asian Law Caucus. “Instead of improving living conditions for all, this administration is creating chaos and fear to further a divisive agenda. Just as Wong Kim Ark and his community came together over a century ago, we will continue to fight for the freedom to create a better life for our loved ones.” “Today’s ruling further confirms that American citizens are indeed American citizens and that no one, not even a president, can take that away,” said Juan Proaño, chief executive officer of LULAC. “While this is just the first of many similar challenges we will face over the coming years, it is an important one because it again reaffirms the fundamental civil rights of American citizens and their immigrant family members.” “Today’s decision is a victory for all who would have been adversely impacted by this effort to undermine these fundamental constitutional rights,” said Tianna Mays, legal director for State Democracy Defenders Fund. “We are pleased the court upheld this critical right that for over a century has been a clear principle of U.S. law.” “Today’s decision is a reaffirmation of the 14th Amendment’s original intent: that all children born in this country are entitled to the full rights and protections of citizenship. We are pleased to see the court uphold the proper interpretation of the Citizenship Clause, and the message to those who would be impacted by the president’s executive order is clear: citizenship is a right afforded to us by birth, not by privilege or politics,” said Karla McKanders, director of LDF’s Thurgood Marshall Institute. Order: <https://www.aclu.org/documents/nh-indonesian-community-support-preliminary-injunction>

**Court Case:** New Hampshire Indonesian Community Support v. Donald J. Trump

**Affiliates:** New Hampshire, Massachusetts, Maine



## Immigrants' Rights

### Immigrants' Rights Advocates Demand Trump Administration Provide Information, Access to Immigrants Transferred to Guantánamo Bay

WASHINGTON – Immigrants' rights advocates signed a letter today urging the Department of Homeland Security (DHS), Department of Defense (DOD), and State Department to provide immediate access... to the noncitizens transferred from immigration detention facilities in the United States and currently detained at Guantánamo Bay, Cuba. Their letter comes ahead of DHS Secretary Kristi Noem's planned visit to Guantánamo on Friday. "Sending immigrants from the U.S. to Guantánamo and holding them incommunicado without access to counsel or the outside world opens a new shameful chapter in the history of this notorious prison," said Lee Gelernt, Deputy Director of the Immigrants' Rights Project at the American Civil Liberties Union. "It is unlawful for our government to use Guantánamo as a legal black hole, yet that is exactly what the Trump administration is doing." The letter was signed by more than a dozen organizations, including the American Civil Liberties Union, Americans for Immigrant Justice, American Gateways, Amica Center, Center for Constitutional Rights, Haitian Bridge Alliance, Human Rights First, International Refugee Assistance Project, Las Americas Immigrant Advocacy Center, Lawyers' Committee for Civil Rights of the SF Bay Area, National Immigrant Justice Center, National Immigration Law Center, Refugee and Immigrant Center for Education and Legal Services, Robert F. Kennedy Human Rights, and Texas Civil Rights Project. "Questions abound regarding the authority for these transfers, which agency will have custody of the noncitizens, where they would be housed, and how the government will carry out the complicated and expensive logistics of this operation while respecting its legal obligations and the rights of noncitizens in the government's custody," the letter states. Despite these unknowns, the government has already transferred ten Venezuelan noncitizens to Guantánamo, with reports of additional deportation flights en route. In addition to access to the noncitizens recently transferred and currently detained at the naval base, the immigrants' rights groups are demanding information regarding: The immigration status of the ten noncitizens detained there Who the government intends to transfer to and detain at Guantánamo, including what criteria, legal or otherwise, the administration is or will be using to decide who to transfer and detain at Guantánamo Which government agency has custody of the transferred noncitizens at Guantánamo What authority is the

transferred noncitizens at Guantanamo what authority is the government invoking to transfer noncitizens from the United States to Guantánamo and what authority the government is invoking to hold them at Guantánamo The length of time that the government will be holding these noncitizens at Guantánamo and plans for them after “The government cannot attempt to subvert the statutory and constitutional rights afforded to these noncitizens in the United States by transferring them to an offshore prison and holding them incommunicado without access to counsel or any means of contact with the outside world,” the letter continues. The letter is available here: <https://www.aclu.org/documents/urgent-request-for-access-to-and-information-regarding-immigrants-transferred-from-the-united-states-and-detained-at-guantanamo-bay>

Court Case

Feb 2025



#### Immigrants' Rights

### ACLU FOIA Suit for ICE's Updated Solitary Confinement Policy

ICE's use of special management units, or solitary confinement, has prompted active concern and attention from Congress, the media, and advocates. On Dec. 6, 2024, ICE announced that it had issued... policy updates for the use of special management units (SMU), or solitary confinement cells, for detained immigrants. ICE, however, has not made a copy of the updated policy publicly available. We've sued to obtain a copy of this policy to better defend immigrants subject to solitary confinement in detention.

**Status:** Ongoing