

Houston Federal Judge Enjoins Removal of Haynes and Boone Client Seeking Asylum

July 16, 2018 Leslie Thorne, Jennifer Littlefield, Carla Green, Brent Beckert, Taryn McDonald

PRACTICES Immigration

A Haynes Boone legal team led by Partners [Leslie Thorne](#) and Emily Westridge Black won a major victory July 13 for a Honduran client seeking asylum when Chief United States District Judge Lee H. Rosenthal, of the Southern District of Texas, exercised jurisdiction over immigration proceedings and granted a temporary restraining order enjoining the client's removal from the United States.

The client fled Honduras with her minor daughter to escape brutal, life-threatening violence by persons affiliated with her local government. In early June, the client and her daughter surrendered themselves to border enforcement near the U.S.-Mexico border with the intent to seek asylum. The client was forcibly separated from her daughter, who was sent to a children's home in another state.

While still separated from her child, the client had a credible fear interview with an asylum officer. After a cursory telephonic interview, during which the client was unrepresented and was not allowed a meaningful opportunity to explain the basis of her claim, the officer found that she had no "credible fear" and was not entitled to asylum.

The client requested, in writing, that an immigration judge review the negative finding—relief to which she was entitled under the applicable laws and regulations. However, immigration officials refused to grant the review and instead told her and her daughter would be removed from the U.S.

Haynes Boone lawyers and staff filed a complaint alleging that the client's constitutional due process rights had been violated and an application for protective order, temporarily preventing her removal. Judge Rosenthal's order stays removal of the woman pending (1) reunification with her daughter, (2) review of her asylum claim by an immigration judge, and (3) any additional process to which she is entitled after that review. The case sets important precedent in the Fifth Circuit by recognizing that district courts have jurisdiction to ensure that due process is afforded in immigration proceedings.

"The temporary restraining order will allow our client to vindicate her legal rights and explain the persistent persecution she suffered in Honduras," Thorne said. "She is now entitled to a hearing before an immigration judge, and we look forward to presenting her valid claim for asylum."

"The TRO underscores that federal courts have jurisdiction to review immigration cases and ensure that refugees facing deportation have been able to exercise their constitutional rights," Westridge Black added.

Thorne and Westridge Black were assisted by Counsel Luis Campos, Pierre Grosdidier, and [Jennifer Littlefield](#); Associates Wesley Lewis, [Carla Green](#), [Brent Beckert](#), Duncan Delano, Nicole Johnson, and [Taryn McDonald](#); and staff Michelle Meuhlen.

The case has garnered media coverage, including in [Bloomberg](#), [Law360](#), [The Houston Chronicle](#) and [Texas Lawbook](#).

“After entering the country, our client was forcibly separated from her child — a 12-year-old with whom our client has had virtually no contact for more than a month — and has faced a rushed and bewildering removal process in which we believe she has not been afforded the basic level of procedural due process enshrined in federal law,” Thorne said to *Texas Lawbook*.