

## Salvadoran Father Reunited with Family After Months in Detention

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May 9, 2019 Brent Beckert, Michael Scanlon

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PRACTICES Immigration

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Mr. A, a Salvadoran father, fled his home country last year with his two young children, fearing for their lives. He was separated from his children for seven long months but now, thanks to the success of his legal team, he was released from custody on May 7, 2019. On the evening of May 8, he was finally reunited with his children again after their traumatic separation.

When Mr. A. arrived at the U.S. border last year, he turned himself in to border patrol authorities so he could formally request protection under U.S. asylum laws. He explained that he had fled El Salvador because gangs had repeatedly threatened him and his children with violence.

Mr. A was immediately detained, and his 11-year-old daughter and 9-year-old son were taken from him. The government justified its actions by accusing Mr. A. of being a gang member. Mr. A strenuously denied that accusation and, through his counsel, made repeated attempts to provide evidence refuting the allegation, including a “no history of criminal record” statement issued by the government of El Salvador. Yet, Mr. A remained in detention, separated from his children, and suffering from deteriorating physical and mental health as his separation stretched on interminably.

He faced a final order of deportation when the Texas Civil Rights Project (TCRP) intervened last year to try to help reunify him with his children. In February, TCRP released a report, detailing hundreds of asylum-seeking parents and family members, like Mr. A’s, ripped from their children due to the zero-tolerance prosecutions at the United States border – even after the government issued the Executive Order last summer purportedly ending its policy of family separations.

TCRP reached out to Haynes Boone to take the lead in representing Mr. A in administrative and legal proceedings.

Haynes Boone filed a federal complaint in the midst of the government shutdown on Mr. A’s behalf in U.S. District Court in Washington, D.C., alleging (among other claims) that his constitutional due process rights had been violated. He requested a court order reuniting him with his children and enjoining the government from deporting him while he pursues his asylum claim. Haynes Boone attorneys, together with Laura Peña, a former visiting attorney at TCRP and former lawyer with U.S. Immigration and Customs Enforcement, secured a temporary injunction to prevent Mr. A’s removal and the government agreed to provide a new credible fear interview for Mr. A. For the first time, Mr. A was able to participate in an interview with the assistance of counsel; in this interview, he finally had an opportunity to make his case and fully explain his circumstances. The asylum officer agreed that Mr. A had a “credible fear” of torture in his home country and referred the case to an immigration judge to consider Mr. A’s comprehensive claim for protection from the dangers he faced at home.

Haynes Boone represented Mr. A during his bond hearing with the assistance of Ms. Peña. At the hearing an immigration judge agreed to release Mr. A from the detention center.

Mr. A will be permitted to remain in the U.S. with his children while he pursues an asylum claim for himself and his children.

“We are thrilled that our client will get to see his children again,” said Haynes Boone Partner Emily Westridge Black, a member of team that represented Mr. A. on a pro bono basis. “They have suffered significant trauma since they were wrongfully separated last year.”

The Haynes Boone team was led by Associate Paloma Ahmadi and included Counsel Luis Campos and Associates [Brent Beckert](#), Liz Dankers, Nick Nash, Joanna Pearce and [Michael Scanlon](#). Mr. A’s legal team also included John Amaya, a counsel at Harris, Wiltshire & Grannis LLP and a former Deputy Chief of Staff of ICE from 2015-2017.

“I met this father shortly after he was arbitrarily taken from his two young children,” said Laura Peña, an immigrant rights attorney in Brownsville. “The American people need to pay attention to this case because there could be countless other parents just like Mr. A.”

“Our team uncovered this father’s tragic story during our ongoing court monitoring of ‘zero-tolerance’ prosecutions in South Texas,” said Efrén C. Olivares, Racial and Economic Justice Director for the Texas Civil Rights Project. “What happened to this father is shocking, but not unique. Sadly, this is one of hundreds of family separations that we’ve documented in McAllen alone after the federal injunction meant to end the cruel practice. Until ‘zero-tolerance’ truly ends, more families will be put through this unspeakable trauma.”