

FOR IMMEDIATE RELEASE

September 18, 2025

CONTACT

Juan Gastelum, NILC, media@nilc.org, 213-375-3149

Willis Jacobson, NCYL, wjacobson@youthlaw.org

Allahjah Smith, ICAP, as5573@georgetown.edu

Advocates Win Preliminary Injunction Blocking Unlawful Deportations of Unaccompanied Immigrant Children in U.S. Custody

WASHINGTON – The U.S. District Court for the District of Columbia today blocked the Trump administration’s plans to expel hundreds of unaccompanied Guatemalan children from the U.S. without due process.

Following a hearing last week in a lawsuit by the National Immigration Law Center (NILC), the Institute for Constitutional Advocacy and Protection (ICAP), and the National Center for Youth Law (NCYL), the court granted a preliminary injunction that prohibits the administration from unlawfully expelling the children from the country while the case moves forward. The injunction covers all Guatemalan unaccompanied minors in, or who will be in, the custody of the Office of Refugee Resettlement (ORR) and who have not received a final order of removal or permission to voluntarily depart under applicable law. Although the court extended relief to Guatemalan children, the court was also clear that the government “should not construe this decision as an invitation to take similar action with respect to” unaccompanied children from other countries. “[A]ny such attempt to expel them is likely to be unlawful.”

“Today’s court decision is a significant victory for the hundreds of children who are now safe from the Trump administration’s unlawful attempt to expel them from the United States,” **said Efrén C. Olivares, vice president of litigation & legal strategy at the National Immigration Law Center.** “The court saw through the government’s repeated misrepresentations of critical facts to try to justify the indefensible targeting of vulnerable children who would have faced danger if sent to other countries. This decision should send a clear message to the administration that they have no legal authority to circumvent the law to expel unaccompanied children without due process. As this litigation proceeds, we are determined to continue fighting and advocating for the best interests of all immigrant children.”

“The children we represent, who fled to the U.S. for safety, have suffered tremendously as a result of the callous and unlawful actions of our government. Our clients were terrified—many had tear-soaked faces and some were visibly shaking with fear. Knowing they can remain in the US brings them one step closer to what every child deserves – safety and dignity,” said **Mishan Wroe, Directing Attorney at the National Center for Youth Law.**

Today’s decision comes after an emergency Temporary Restraining Order (TRO) in the same lawsuit prevented the administration from unlawfully deporting at least 76 Guatemalan unaccompanied children in the wee hours of Sunday before Labor Day. With hardly any prior notice, federal officials woke the children up in the middle of the night and boarded them onto planes. The planes were on the tarmac about to take off when the court issued a class-wide TRO preventing the government from expelling all Guatemalan unaccompanied minors in the custody of the Office of Refugee Resettlement (ORR), unless they had a final order of removal.

Under federal law, migrant children who arrive to the U.S. without a parent or legal guardian are placed in the custody of ORR shelters until they can be released to a vetted sponsor or turn 18. Law requires the government to provide the children access to legal counsel and not place them in expedited removal except in limited circumstances not applicable here. Because unaccompanied children are uniquely vulnerable to coercion, an immigration judge must approve their voluntary return to their home countries.

The Trump administration’s unlawful plan to expel the children violates these longstanding protections under the Trafficking Victims Protection Reauthorization Act (TVPRA), federal legislation that passed in 2008 with overwhelming bipartisan support. The plan also violates the children’s Constitutional right to due process.

"The Court's carefully considered opinion concluded that the government had violated the TVPRA with its 'rushed, seemingly error-laden operation' to send unaccompanied children back to their home countries 'in the middle of the night,' and that the harm is irreparable," said **ICAP Executive Director Mary McCord.** "This is a win for Guatemalan unaccompanied children and all similarly situated unaccompanied children, for whom the court also concluded that attempts to expel them without the protections of the law would likely be unlawful."

Most Guatemalan children in U.S. custody are indigenous, and many speak languages other than English or Spanish, for which interpretation services are not always provided. That heightens their vulnerability to being misled by officials looking to deport them.

The lawsuit was filed on behalf of 10 individual plaintiff minors, identified only by their initials and supported by the Young Center for Immigrant Children’s Rights as their “next

friend.” The lead plaintiff in the case, L.G.M.L, is a 10-year-old girl whose mother passed away and who suffered abuse and neglect at the hands of other family members in Guatemala.

The defendants in the lawsuit are U.S. Attorney General Pam Bondi, the U.S. Department of Homeland Security (DHS) and DHS Secretary Kristi Noem, U.S. Immigration and Customs Enforcement (ICE), ICE Acting Director Todd Lyons, the Office of Refugee Resettlement (ORR), ORR Acting Director Angie Salazar, the U.S. Department of Health and Human Services (HHS) and HHS Secretary Robert F. Kennedy, Jr., and the U.S. State Department and Secretary of State Marco Rubio.

Read today’s court decision [here](#).

###
