



# ASYLUM SEEKER ADVOCACY PROJECT

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## **Federal Judge Rejects Biden Administration Plea to Dismiss Family Separation Lawsuit**

*Father and daughter's case against U.S. Government and Private Prison will move forward*

LAS CRUCES, NM – On Friday, Senior U.S. District Judge Robert C. Brack denied the government's request to dismiss *A.E.S.E. v. United States*, a lawsuit brought by Daniel Paz and his daughter seeking financial compensation for the harms they suffered when they were forcibly separated and abused in detention under the Trump Administration's Family Separation Policy. Judge Brack also denied the government's request to move the case to Texas. In the same ruling, the court rejected the petition of a private prison — the Management and Training Corporation (MTC) — to be removed from the case.

"I am happy our case will go forward and that we will be able to get justice for my daughter," said **Daniel Paz**, who was separated from his daughter at the border in 2018. "My family and I have won asylum in the U.S., but we are still living with the trauma from the separation of our family and the abuses my daughter and I suffered after being separated. I will do whatever it takes so that what happened to my daughter and me will never happen again. We hope other separated families will have the opportunity to get justice as well and that this decision will help give them a voice."

The decision opens a new legal pathway for the family, and others like them, to seek justice for their injuries from the United States. Notably it is also the first case of its kind where claims for monetary damages are being allowed to proceed against a private prison for its role in family separation.

"This is a major victory for this family and for victims of family separation in general," said **Zachary Manfredi**, Litigation and Advocacy Director at the Asylum Seeker Advocacy Project (ASAP). "Daniel and his daughter are incredibly brave for fighting to hold the government accountable for the abuses of family separation and the trauma that they and many others have suffered. We will continue to work alongside this family and other separated families as they fight to hold the government and its contractors accountable for the harms they inflicted as part of the unlawful practice of family separation."

"Daniel and his young daughter were victims of unconscionable abuse and neglect, including here in New Mexico, at the hands of the U.S. government and the Management & Training

Corporation (MTC),” said **Rebecca Sheff**, Senior Staff Attorney at the ACLU of New Mexico. “Nothing can erase the harm they suffered but this decision is an important step toward bringing a measure of justice for their family and for others harmed by this policy and inhumane conditions and neglect at the Otero County Processing Center. We’ll continue working hard to pursue accountability from the government and MTC for the mistreatment of immigrants and asylum-seekers in their custody.”

Daniel fled Honduras with his daughter after receiving threats for his political activism. In 2018, they crossed the Mexico-U.S. border where federal officials held them in an ice-cold, crowded, and dirty cell with dozens of other families. Federal agents forcibly took Daniel’s daughter from him, separating the pair for nearly two months. After federal agents forcibly separated her from her father and transferred her to a detention facility for children, an immigration officer sexually abused the seven-year-old girl. After being separated, Daniel was detained at the Otero County Processing Center in southern New Mexico, a facility operated by MTC, where he suffered abuses at the hands of private contractors and government officials. Daniel and his daughter were reunited after 50 days of separation.

Daniel and his daughter are represented by the Asylum Seeker Advocacy Project (ASAP), the American Civil Liberties Union (ACLU) of New Mexico, and Proskauer Rose LLP. This lawsuit was filed in the District of New Mexico.

The court’s ruling is available [here](#).

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***The Asylum Seeker Advocacy Project (ASAP)*** believes that asylum seekers can make great change by joining together. We provide our membership of asylum seekers with legal and community support. We work with our members - more than 400,000 asylum seekers from over 175 countries who now live across every U.S. state and territory - to amplify their voices and build a more welcoming United States. For more information please visit [www.asylumadvocacy.org](http://www.asylumadvocacy.org).

***The American Civil Liberties Union (ACLU) of New Mexico*** is the state affiliate of the ACLU, the nation’s premier civil rights and civil liberties organization. The purpose of ACLU-NM is to protect and advance justice, liberty and equity as guaranteed by the constitutions of New Mexico and the United States. We work to make justice, liberty and equity realities for all people in New Mexico, with particular attention to the rights of people and groups who have historically been disenfranchised. For more information please visit [www.aclu-nm.org](http://www.aclu-nm.org).