

Securing the Release of Child Unlawfully Detained by ICE in Adult Detention Facility

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Foster Garvey Newsroom

Contact

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When he fled the Democratic Republic of Congo (“DRC”), Robert*, a 16-year-old boy, was with his mother. Unfortunately, before arriving in the United States, Robert and his mother were separated, and he has not seen or heard from her since. Upon arriving in the United States, Robert pleaded for asylum, was taken into the custody of the Office of Refugee Resettlement (“ORR”) and was sent to a youth shelter for unaccompanied children.

Citing unreliable information and ignoring Robert’s birth certificate and other attestations to his age, Immigration and Customs Enforcement (“ICE”) and ORR “re-determined” Robert’s age. When Robert arrived at the youth shelter, ICE and ORR alleged that he was in his 20s, and, with minimal notice, transferred him from the youth shelter to an adult immigration detention center. Robert spent his 17th birthday in adult detention.

Foster Garvey attorney Benjamin Hodges and Bianca Chamusco worked with staff attorneys at the nonprofit organization Kids in Need of Defense (“KIND”) to submit a joint letter to ICE and ORR demanding Robert’s release. In addition, the team also prepared a writ of habeas corpus to be filed immediately if ICE failed to release Robert back to the youth shelter. Within just two days of Foster Garvey and KIND’s joint letter, Robert was transferred back to the youth shelter, where he is now safe and in child-appropriate conditions. Bianca Chamusco represented Robert in his immigration proceedings until he was transferred to a long-term foster care facility out of state.

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**Names have been changed to protect identities.*