



**For Immediate Release**

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## **Federal Court Orders that Asylum Seekers Can Move Forward Challenging Delays**

**SEATTLE, WA – December 13, 2018** - A federal district court in Seattle, Washington issued an order rejecting the government's arguments that recent asylum seekers who enter the United States without immigration status are not entitled to constitutional protections.

U.S. District Court Judge Marsha J. Pechman denied in part the government's attempt to dismiss a case which challenges practices that keep asylum seekers locked up in detention for extended periods of time. The suit, brought by four asylum seekers, challenges delays in both credible fear interviews and bond hearings.

The plaintiffs are seeking to represent a nationwide class of asylum applicants who are subjected to a prolonged stay in detention while waiting for their initial asylum screenings, and then for their bond hearings in front of an immigration judge. All four plaintiffs were detained for six to eight weeks before they were finally given an interview with an asylum officer. They then faced additional delays in detention before they received bond hearings.

The lawsuit also challenges the government's denial of procedural safeguards in the bond hearings, including the practice of placing the burden of providing eligibility for release on the detained asylum seekers in the bond hearings, the failure to provide transcripts or recordings of the bond hearings, and the failure to provide individualized findings in bond decisions.

The lawsuit was brought in response to the Trump administration's family separation and detention policies targeting asylum seekers. Plaintiffs are represented by Northwest Immigrant Rights Project (NWIRP) and the American Immigration Council (the Council).

"The order makes clear that our Plaintiffs have the right to seek this Court's intervention to enforce their constitutional rights as they seek protection in this country," said Matt Adams, legal director for NWIRP. "We can now move forward seeking relief from the government's actions imposing arbitrary and prolonged detention on asylum seekers."

“The government continues to subject asylum seekers to weeks or more of unnecessary detention while they pursue their lawful claims. We are pleased that Judge Pechman rejected the government’s attempt to stop the Court from considering Plaintiffs’ challenges to these unlawful practices,” said Trina Realmuto, directing attorney for the Council.

The order can be found [here](#). Plaintiffs’ motions for class certification and for preliminary injunctive relief with respect to the bond hearings remain pending before the Court.

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*The [American Immigration Council](#) works to strengthen America by shaping how America thinks about and acts towards immigrants and immigration and by working toward a more fair and just immigration system that opens its doors to those in need of protection and unleashes the energy and skills that immigrants bring. The Council brings together problem solvers and employs four coordinated approaches to advance change—litigation, research, legislative and administrative advocacy, and communications. Follow the latest Council news and information on [ImmigrationImpact.com](http://ImmigrationImpact.com) and Twitter [@immcouncil](#).*

*The **Northwest Immigrant Rights Project (NWIRP)** is a nationally-recognized legal services organization founded in 1984. Each year, NWIRP provides direct legal assistance in immigration matters to over 10,000 low-income people from over 130 countries, speaking over 60 languages and dialects. NWIRP also strives to achieve systemic change to policies and practices affecting immigrants through impact litigation, public policy work, and community education. Follow the latest NWIRP news and information at [www.nwirp.org](http://www.nwirp.org) and on Twitter at [@nwirp](#).*