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PICTURED: Christopher Sun, Christina Lee, Travis Silva and Brook Dooley
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IMMIGRATION AND CIVIL RIGHTS
Immigrant families secure settlements after 2018 Trump-era separations

WILBUR P.G. V. USA

TRAVIS SILVA, BROOK DOOLEY, SARAH SALOMON, CHRISTOPHER SUN AND CHRISTINA LEE, KEKER VAN NEST & PETERS; BREE BERNWANGER AND NEIL SAWHNEY, ACLU OF NORTHERN CALIFORNIA; JORDAN WELLS AND VICTORIA PETTY, LAWYERS' COMMITTEE FOR CIVIL RIGHTS OF THE SF BAY AREA

In a landmark legal victory, three immigrant families have secured a settlement from the U.S. government for trauma suffered during family separations at the southern border in 2018. The settlement, announced in November 2024, represents the largest payout among dozens of similar cases nationwide stemming from the controversial Trump-era family separation policy.

The legal team behind the case includes Kecker, Van Nest & Peters, the Lawyers' Committee for Civil Rights of the San Francisco Bay Area and the ACLU of Northern California. Their combined efforts have secured substantial compensation for families who endured what advocates describe as state-sanctioned trauma. (N.D. Cal., filed June 10, 2021)

The three families entered the United States from Mexico into Arizona around May 2018, seeking asylum from persecution in their Central American home countries. Upon arrival, they encountered a policy aimed at deterring asylum seekers by separating parents from their children. *Wilbur P.G. v. USA*, 21-cv-04457 (N.D. Cal, filed

The youngest plaintiff, identified as "Yasmin," was just six years old when Border Patrol officers forcibly removed her from her mother's arms. The other children, ages 11 and 13, were similarly taken without explanation or notice. Parents Wilbur, Erendira and Joshua were detained in what their attorneys described as "deplorable conditions" with no information about their children's whereabouts or welfare.

"One plaintiff, a now 12-year-old girl, still clutches her mother every time she sees a police officer, fearing that she's about to lose her mother for a second time," said Christina Lee, part of the Kecker team, adding: "Discovery uncovered that Trump Administration officials -- many of whom are back in government now -- were specifically warned that separating families would cause severe mental anguish, yet they proceeded with this policy anyway."

Attorneys said the case revealed particularly disturbing details: one parent suffered lasting physical injuries after being denied medical attention, while one child endured sexual abuse while in U.S. custody.

Following a court order, the families were reunited in July and August 2018 after weeks of separation. All three families have since settled in the Bay Area and applied for asylum.

Travis Silva, also a member of the Kecker team, said the government waged a war of attrition against his clients, forcing immigrants unfamiliar with the U.S. legal and medical systems -- including children as young as 10 -- to undergo repeated, onerous mental health examinations to "prove" their case.

"I'm proud of the fact that our clients never faltered in the face of those tactics and it is telling that by the end of the case, the government's experts were as helpful to us as they were to the government," Silva said.

The settlement came through claims filed under the Federal Tort Claims Act (FTCA), a law typically used for property damage cases rather than civil rights violations. The legal community mobilized to pursue approximately 50 tort cases seeking emotional distress damages for separated families.

Chris Sun, another member of the Kecker team, said "This was one of about 40 cases nationally. Ours came closest to trial, and our plaintiffs received the largest settlement of any family that sued."

The 2018 family separation policy affected approximately 5,000 families during its two-month implementation. Children were placed in foster care or institutional settings, sometimes in warehouse-like conditions, while parents were detained in privately operated prison facilities.

"For the plaintiffs, they feel heard," said Brook Dooley, also part of the Kecker team. "They know that multiple federal judges have looked at this case and written orders acknowledging that the separations were appalling and brutal. The plaintiffs know that they were a part of a large coalition of plaintiffs who pushed back on government abuse. And while money cannot compensate a child for the loss of a parent's care, or vice versa, the settlement amounts will help these families, all of which were fleeing horrific violence in Central America, restart their lives in the U.S. and put their separations behind them."