

What Is Happening With Unaccompanied Children and Border Closures Related to COVID-19?

What is the update in the recent court case, regarding unaccompanied children and border closures related to COVID-19, *P.J.E.S. v. Wolf*?

On November 18, 2020, the United States District Court for the District of Columbia, issued a preliminary injunction, or pause, blocking the application of Title 42 to all unaccompanied children.ⁱ (To learn more about Title 42, read our backgrounder [here](#).ⁱⁱ)

The class-action lawsuit, *P.J.E.S. v. Wolf*, was brought forth by the American Civil Liberties Union (ACLU) and other non-profit organizations to challenge the legality of expulsions based on public health grounds under Title 42, particularly expulsions of unaccompanied children.ⁱⁱⁱ The [lawsuit](#) also cites violations of the Trafficking Victims Protection Reauthorization Act, the Administrative Procedures Act, the Immigration and Nationality Act, and the Convention Against Torture.^{iv}

Who does the preliminary injunction apply to?

The November 18, 2020, order provisionally applies to “all unaccompanied noncitizen children who 1) are or will be detained in U.S. government custody in the United States, and 2) are or will be subjected to expulsion from the United States under the CDC Order Process.”^v

When does the preliminary injunction go into effect?

The preliminary injunction halts the expulsion of unaccompanied children immediately.

Is the preliminary injunction in *P.J.E.S. v. Wolf* appealable?

The U.S. government has the opportunity to appeal. However, the government’s request to stay the Court’s order during the appeals process has been denied.^{vi} This means that while the U.S. government appeals the decision, unaccompanied children are not to be expelled under Title 42, and instead are to be allowed to enter Department of Health and Human Services/Office of Refugee Resettlement custody.

What is next in the *P.J.E.S. v. Wolf* case?

The preliminary injunction order filed by the District Court for the District of Columbia, is not final, and the *P.J.E.S. v. Wolf* case must still be decided on the merits.

ⁱ District Court Blocks Trump Administration’s Illegal Border Expulsions, ACLU (Nov. 18, 2020), <https://www.aclu.org/press-releases/district-court-blocks-trump-administrations-illegal-border-expulsions>.

ⁱⁱ FAQ: On the Partial U.S./Mexico Border Closing Due to COVID-19, JUSTICE FOR IMMIGRANTS, available at <https://justiceforimmigrants.org/wp-content/uploads/2020/05/FAQ-Border-Closure.pdf>.

ⁱⁱⁱ ACLU, *supra* note 1.

^{iv} *P.J.E.S. v. Wolf*, Case No. 1:20-CV-02245 (D.D.C. Aug. 14, 2020), available at <https://www.aclu.org/legal-document/pjes-v-wolf-complaint-class-action-title-42>.

^v *P.J.E.S. v. Wolf*, Case No. 1:20-CV-022450EGS-GMH, Civ. Action No. 20-2245 (D.D.C Nov. 18, 2020), available at <https://www.aclu.org/legal-document/ruling-pjes-v-wolf>.

^{vi} *Id.*