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Second UA: 28/25 Index: AMR 51/9208/2025 USA of April 1, 2025

USA STOP CRIMINALIZING ASYLUM SEEKERS

On February 27, 2025, a Texas judge filed criminal charges against the parents of a Venezuelan family of five for “illegal entry.” Cesar and Norelia came to the U.S. in 2022 to seek asylum. Even though they had valid Temporary Protected Status (TPS) and pending asylum applications, they were detained twice.

After their most recent arrest, they were released on March 28 and are now back home. But Texas authorities are still prosecuting them, even though punishing asylum seekers for how they enter the country violates international law.

Write to the Acting U.S. Attorney, Western District of Texas urging her to:

- Drop the charges against Cesar and Norelia.
- End the practice of criminalizing migration.

Write to:

Margaret Leachman
Acting U.S. Attorney, Western District of Texas
601 NW Loop 410, Suite 600
San Antonio, Texas 78216, USA
Email: usatx-ecfepduty@usdoj.gov
Salutation: Dear Ms Leachman,

And copy:

Mrs. Marybeth Krumm Turner
Minister-Counsellor & Chargé d'affaires, a.i.
Embassy of the United States of America
490 Sussex Drive
Ottawa, ON K1N 1G8
Tel: (613) 238-5335 / 688-5335 (24h) Fax: (613) 688-3082

ADDITIONAL INFORMATION

Since taking office on January 20, 2025, President Trump has launched policies that punish people seeking safety. His administration has used fear, detention, and family separation to target migrants and their supporters. Across the country, communities face harsh new tactics that criminalize migration and tear families apart.

On February 27, 2025, U.S. Attorneys in Texas charged Cesar and Norelia with “illegal entry,” even though they had been in the country for more than two years with active Temporary Protected Status (TPS) and pending asylum claims. The couple and their three young children fled Venezuela after facing

persecution for supporting the opposition party. When they arrived in the U.S. in 2022, they sought asylum, a right protected under international law.

Despite their legal protections, Cesar and Norelia were arrested twice in March 2025. They were first detained on March 10 and released by a judge on March 12. But the next day, Immigration and Customs Enforcement (ICE) detained them again, only to release them later that day. On March 21, they were arrested a second time and held in detention centers until a judge ordered their release on March 28.

The Trump administration is now using 8 U.S.C. 1325, the same law that fueled the family separation policy in 2018, to prosecute people who have lived in the U.S. for years—not just recent border arrivals. Cesar and Norelia’s case could set a dangerous precedent, affecting thousands of migrants who entered the U.S. irregularly but were later granted legal protection.

Under international law, asylum seekers cannot be punished for how they enter a country. The principle of non-refoulement—a key protection in human rights law—prohibits governments from sending people back to places where they face persecution or harm. The United Nations High Commissioner for Refugees (UNHCR) has urged countries not to deport Venezuelans due to the human rights crisis in their homeland.

Separating families has devastating, long-term effects, especially on children. Amnesty International has found that such policies can amount to torture due to the severe mental suffering they cause. Keeping Cesar and Norelia from their children violates their basic human rights.

The Trump administration must drop the charges, reunite this family, and end the cruel policies of family separation and mass detention.

Please take action as soon as possible until June 1, 2025. The UA will be duly updated should there be the need for further action.