

# Federal judge says Trump administration must 'maintain custody' of migrants allegedly sent to South Sudan

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The White House in Washington, DC, US, on Thursday, Feb. 27, 2025. Al Drago/Bloomberg/Getty Images

**(CNN)** — A federal judge in Boston has told the Trump administration it must to maintain custody of migrants whom the US government has allegedly flown to South Sudan or other countries in recent days amid heightened concerns over the administration's aggressive approach to deportations.

Judge Brian Murphy held an emergency hearing on Tuesday afternoon that will continue Wednesday morning.

On Tuesday night, Murphy ordered the Trump administration "to maintain custody and control

of class members currently being removed to South Sudan or to any other third country, to ensure the practical feasibility of return if the Court finds that such removals were unlawful.”

At least a dozen migrants were abruptly removed to South Sudan this week, according to attorneys who argued a court filing that some of them didn’t receive proper notice or the opportunity to contest their deportation to a third country.

The developments arise amid growing concern the Trump administration has failed to adhere to court orders and Constitutional protections for its immigration detainees as it sends them to countries where the detainees would be treated harshly.

Murphy said on Tuesday he would leave “the practicalities of compliance” with his orders to the Trump administration and that lawyers for the government “have ensured, and the Court expects, that class members will be treated humanely.” The administration has argued in court the judge shouldn’t have power over the decisions the Trump administration is making.

It comes after attorneys for Vietnamese and Burmese migrants alleged in a new emergency motion Tuesday that the Trump administration deported their clients to South Sudan in violation of a previous court order.

The motion is part of an ongoing case about the removal of migrants to third countries as the Trump administration pushes forward with its mass deportation plans.



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On a court filing, attorney Jacqueline Brown, described the events leading up to her client, a Burmese national who speaks limited English, being removed. On Monday, her client, referred to as N.M., was notified he’d be removed to South Sudan without an interpreter, raising alarm among attorneys. Brown scheduled a video meeting with her client for Tuesday morning, but when she checked online, he was no longer in the detention system.

“At 8:27 AM PT, a Port Isabel Detention Center Detention Officer responded that N.M. had been removed ‘this mornind.’ I emailed to ask to which countrv N.M. was removed. and the officer



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The lawyers said that a Vietnamese national “appears to have suffered the same fate” and that there were likely at least 10 additional class members on the same flight.

Earlier this year, Murphy blocked the Trump administration from deporting migrants to countries

other than their own without prior written notice and a chance to contest the removal.

Attorneys argue that order was violated with the removal of migrants to South Sudan and are asking the court to order their return, as well as block further deportations to third countries unless they comply with Murphy's preliminary injunction.

The Department of Homeland Security hasn't publicly confirmed deportations to South Sudan, which is on the cusp of another civil war. The US has issued a do not travel advisory to the country given ongoing armed conflict.

CNN has reached out to DHS for comment.

The judge said the Trump administration must be able to explain at the hearing Wednesday when and how the migrants were told they were being sent to South Sudan or another country, how they were able to raise concerns of torture in the foreign country, and where at least one of the migrants who is suing is now, according to a recent court order.

Earlier this month, Murphy said that deporting migrants to Libya or Saudi Arabia, as reported in the media, would violate his previous order if they were not provided written notice and an opportunity to contest ahead of time. At least one of the migrants mentioned in Tuesday's filing had also been slated to be removed to Libya, according to the attorneys.

Immigrant advocacy groups also filed an emergency motion then to block the removal of migrants to Libya after a Trump administration official told CNN that the administration was moving forward with plans to transport a group of undocumented immigrants to the country on a US military plane. That flight didn't occur.

*This story has been updated with additional developments.*

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