

## Supreme Court May Decide Fate of Underage Illegal Immigrant Seeking an Abortion



**Summary:** *A teenager who entered the country illegally is now wanting an abortion but the government has stepped in, preventing from the procedure from being done.*

Time is running out for an underage illegal immigrant seeking an abortion in Texas. The pregnant teenager is currently about 16 weeks along so she only has four weeks left since abortion laws in Texas do not allow them to occur after 20 weeks.

The Trump administration has taken a firm stance in prohibiting abortions from being performed in the country, especially for those that are not legally in the country. As one court after another turns down her request to have an abortion, the case is making its way to the U.S. Supreme Court.

Abortion has long been a heavily controversial topic. The issues of who has control over the woman's body and the unborn child and when abortions should or should not be performed are likely something that will never have an irrefutable decision. The 1973 case of *Roe v. Wade* found that women have the constitutional right to terminate a pregnancy. The Supreme Court has chimed in on the issue several times since the ruling to reiterate that the government does not have the right to stop a woman from exercising her right. However, recent events about the manner of how abortions are performed have had an effect on the public and lawmakers.

In this case, *Garza v. Hargan*, a 17-year-old girl ran away from her home in Central America because she claims there was horrible family abuse. She crossed the border into Texas where she ended up in a government-funded shelter for children who have illegally entered the country. When she found out she was pregnant, the shelter appointed a guardian for her. The girl obtained a state court hearing to determine if she was mature enough to decide if she truly wanted to end the pregnancy. The judge found her mature enough so she chose to get an abortion.

This is when the Department of Health and Human Services, who oversees the shelter, stepped in and objected to the girl having an abortion. The HHS officials argue that it is in the girl's best interests to keep the pregnancy and has blocked her from ending it, claiming they do not want to "facilitate" the procedure.

Justice Department lawyers wrote, "The government may legitimately express a preference for childbirth over abortion, even if such a preference may have practical effects or limits on a woman's exercise of her right to abortion." They noted that she entered the country illegally and created the dilemma she finds herself in. The girl could go back to her home country for the procedure because, as the lawyers stressed, the administration is against abortion and should not be forced to be "complicit in" her abortion." They also pointed out that her case and the stance the government takes will shape future cases.

The girl's lawyers from the ACLU state that funds have been raised to cover the cost of the abortion so the government is not actually tied to the event. They are now asking for a full Washington D.C. Circuit after the panel of three judges ruled against them. The panel majority, two conservative judges, ruled that the girl must obtain a government-approved sponsor before being able to receive an abortion. They gave her until October 31 to find a sponsor, otherwise, she will have to return to court to try and win the right to have an abortion on her own.

Abortion generally breaks along the liberal-conservative line so a full DC Circuit, which is predominately Democratic, will likely rule in favor of the illegal immigrant. Even then, the case will likely be appealed and make its way to the Supreme Court. If the case does make it to the highest court, it may come down to one vote, generally Justice Anthony Kennedy, to decide her fate.

This case holds great precedent on future cases. As Judge Patricia Millet, of the DC Circuit panel, said, "Unfortunately, other women and girls desperate to escape abuse, sexual trafficking, and forced prostitution undoubtedly will also find themselves on our shores and pregnant."

Do you think abortions should be performed on minors that are in the country illegally? Do you think allowing this to happen may start a trend? Share your thoughts in the comments below.

**To learn more about where abortions can and cannot be performed, read these articles:**

- [Most Abortions Now Legal in Chile](#)
- [Oklahoma Looks to Make Abortion Illegal](#)
- [Will Kentucky Be the First Abortion Free State?](#)

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