

# CENTER FOR HUMAN RIGHTS AND CONSTITUTIONAL LAW Foundation

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## PRESS RELEASE

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### **Human rights and children's advocates petition federal court to halt *en masse* detention of refugee women and children**

Los Angeles, CA – Lawyers for detained Central American families filed papers today in the U.S. district court in Los Angeles challenging the Department of Homeland Security's "no-release" policy for Central American women and children, some 1,000 of whom are currently detained in camps in Karnes City, Texas, Dilley, Texas, and Leesport, Pennsylvania. The Texas detention centers are run by for-profit prison companies Corrections Corporation of America and GEO Group under contract with ICE.

Under a class action settlement in *Flores v. Johnson*, children are entitled to safe and appropriate placement during federal immigration custody, as well as a fair opportunity for release on bond or recognizance pending proceedings to determine whether they may remain in the United States. The settlement also obliges the Border Patrol to treat detained children "with dignity, respect and special concern for their particular vulnerability as minors" in the immediate aftermath of arrest.

In June 2014, the Department of Homeland Security implemented a no-release policy for female-headed families. DHS adopted the no-release policy ostensibly to stem the temporary "surge" in the arrival of unaccompanied minors that began in March and ended in October 2014. Lawyers for the detained families contend that DHS's detaining *families* is an expense, misguided over-reaction to the temporary increase in the arrival of *unaccompanied* juveniles during the summer of 2014.

In addition, they argue that DHS improperly confines children in prison-like settings that are not licensed to house children who are neither delinquent nor dangerous, and that children experience unacceptably harsh conditions and treatment during Border Patrol custody.

The children's lawyers ask the court to order DHS to end its no-release policy for mothers and children, to place children in properly licensed settings, and to ensure that children are treated humanely during Border Patrol custody.

"DHS's detaining women and children is a misguided over-reaction," said Carlos Holguin, General Counsel with the Center for Human Rights and Constitutional Law, one of the attorneys the detained families. "The spike in unauthorized arrivals ended last fall, yet DHS continues to

detain women and children in prisons-for-profit such as those at Karnes City, and Dilley, Texas, at exorbitant taxpayer expense.” “Paradoxically, the government continues to release unaccompanied minors, as well as adults apprehended without children, no differently than it did before last summer. Even were the surge ongoing, DHS’s reserving its harshest detention policy for women and children—who account for a small fraction of “surge” arrivals—makes no sense. It also betrays a basic American value: the solicitude we have historically had for the family,” Holguín said.

Wendy Cervantes, Vice President for Immigration & Child Rights with First Focus, a national bipartisan children’s advocacy organization, said, “Research tells us that detention for any amount of time can have long-term detrimental effects to children’s mental health and overall well-being. Detaining a child with his or her parent presents additional risks, as the stressors of confinement and parent’s limited power can also damage the critical parent-child relationship. International and domestic laws governing the best interest of the child clearly state that children should not be held in institutional settings unless absolutely necessary, and only in facilities that are licensed and staffed by trained professionals. To hold a very vulnerable child in an unlicensed facility when alternatives are available unnecessarily exposes him to additional trauma, the full impact of which we may not know for years to come.”

Human rights advocates deplored the treatment women and children experience during Border Patrol detention. “Though Border Patrol detention is relatively short, it can be extremely harmful for families,” said Clara Long, researcher with the U.S. program of Human Rights Watch. “Families with children, including very young children, have told us they were kept for prolonged periods in very cold rooms, given inadequate or inappropriate food, and denied medical care while in Border Patrol custody. Many of these women and children are fleeing violence, persecution and abuse in their home countries. The Department of Homeland Security should ensure they are treated with dignity, in accordance with the law.”

The motion to enforce the *Flores* settlement was filed in the U.S. District Court for the Central District of California.

Counsel for plaintiffs include the Center for Human Rights and Constitutional Law, the law firm of Orrick, Herrington & Sutcliffe LLP, La Raza Centro Legal, Inc., the Youth Law Center, and the University of Texas School of Law Civil Rights Clinic.