



CENTER FOR HUMAN RIGHTS AND CONSTITUTIONAL LAW

256 SOUTH OCCIDENTAL BOULEVARD
LOS ANGELES, CA 90057
Telephone: (213) 388-8693
Facsimile: (213) 386-9484
www.centerforhumanrights.org

May 19, 2016

PRESS STATEMENT

Contacts: Peter Schey 323-251-3223 pschey@centerforhumanrights.org
Carlos Holguin 213-388-8693 x 309 crholguin@centerforhumanrights.org

CHILDREN SEEKING ASYLUM ASK FEDERAL COURT TO END THEIR DETENTION AND APPOINT A MONITOR TO OVERSEE OBAMA'S DETENTION POLICY

Los Angeles - Claiming that the conditions of their detention are "deplorable" and "inhumane," and that they are being illegally held in remote detention centers commingled with hundreds of unrelated adults, children seeking asylum in the United States today asked a federal court in Los Angeles to order their prompt release and the release of their detained mothers.

The request was presented to federal district court Judge Dolly Gee in Los Angeles. Judge Gee is presiding over a class action case dealing with the conditions of detention of immigrant children and the process for releasing them. In a nationwide settlement reached in 1997, the government agreed that children taken in to custody would immediately be held in humane conditions and "without unnecessary delay" would be released in order of first preference to a parent – even if the parent was apprehended with the child. The settlement also requires that if a parent or other relatives or suitable custodians are unavailable, children must be promptly placed in non-secure facilities licensed for the care of dependent children. Lawyers for the children claim that in response to a temporary surge in apprehensions of children along the US-Mexico border in the spring of 2014, the Obama administration stopped complying with the 1997 settlement and started holding children for weeks or months in sometimes dangerous and unhealthy secure detention facilities comingled with hundreds of unrelated adults.

In August 2015 Judge Gee decided that the Department of Homeland Security's policy of detaining children and their mothers violated the 1997 Flores settlement and ordered the government to comply with the settlement within ninety days. Now the plaintiff children are asking Judge Gee to order the Department of Homeland Security to come into compliance with the settlement within thirty days. The children's lawyers argue that because of the government's failure to comply with the court's prior rulings, Judge Gee should appoint an independent Special Monitor to oversee and report on the government's family detention policy and compliance with the 1997 settlement.

Peter Schey, President of the Center for Human Rights and Constitutional Law and a court-appointed class counsel for the detained children, said upon the filing of the federal court request: "The evidence filed today shows that in violation of the court's previous orders, conditions at border patrol detention facilities remain deplorable with children forced to sleep for one to several nights in over-crowded cells on concrete floors with no mattresses or blankets, no change of clothes, no soap, towels or washing facilities, and inadequate food and dirty drinking water. In disregard of the court's prior orders, the Department of Homeland Security is not making efforts to promptly reunite children with family members and children are being illegally held for months in lock-down facilities comingled

Children Seeking Asylum Ask Federal Court To End Their Detention

May 19, 2016

Page 2

with hundreds of unrelated adults. The treatment of these refugee children is appalling. It places children's safety and well-being at risk in pursuit of an irrational, unworkable and indefensible deterrence policy.”

Another inhumane and ineffectual component of the administration's campaign to "deter" Central Americans from seeking refuge in the U.S. is an increase in U.S. support for Mexico's *Plan Frontera Sur*, an iron-fisted campaign under which the government of Mexico is now interdicting and summarily deporting thousands of Central American children asylum seekers yearly. Carlos Holguin, General Counsel of the Center for Human Rights and Constitutional Law, said today: "The Obama administration has repeatedly claimed—and statistics confirm—that unauthorized entries across the U.S.'s southern border are now at historically low levels not seen since the 1970s. The administration's fixation with throwing back impoverished Central Americans is an unnecessary and perverse response to human wretchedness and suffering that is unworthy of a great and compassionate nation."

Victor Nieblas, President of the American Immigration Lawyers Association (AILA) which has been working with CLINIC, the American Immigration Council, and RAICES as part of the CARA Family Detention Pro Bono Project to provide legal representation to detained children and their mothers, said today: "Detaining and re-traumatizing children and their mothers fleeing widespread violence in Central America is a shameful legacy for President Obama to leave behind. This detention and rapid deportation policy is fundamentally inhumane, undermines refugees' access to legal counsel and fair process, and is in violation of federal Court Orders issued in the *Flores* class action case. It has already resulted in the wrongful deportation of children and families back into the very violence from which they fled and must end once and for all."

The children's lawyers have asked the White House to drop what they call a “failed policy to deter defenseless children from fleeing for their lives,” and to “temporarily suspend all deportations of Central American children and grant deserving Central Americans temporary protected status.”

The case is *Flores v. Lynch*, No. CV 85-4544 DMG (C.D. Cal.) Copies of the court motion, proposed court Orders and children’s and mother’s declarations (with family names redacted) may be viewed and downloaded on our website or directly through the links provided below.

Copies of a recent human rights petition filed by the Center for Human Rights and Constitutional Law and other groups with the Organization of American States against the U.S. and Mexico addressing the externalization of the deterrence policy [may be viewed and downloaded here](#).

* * * * *

To access the recently filed court documents in *Flores v. Lynch* please use the following links:

[Motion to Enforce Settlement and for Appointment of Special Master](#)

[Proposed Order Appointing Special Master](#)

[Proposed Order Enforcing Settlement](#)

[Exhibits in Support of Motion to Enforce](#)

[Part 1](#)

[Part 2](#)

[Part 3](#)

[Part 4](#)

[Part 5](#)

[Part 6](#)