

US federal court rules against White House immigrant detention policy

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In a major setback to the Obama administration's policy of detaining and deporting immigrant families, US District Judge Dolly Gee ruled late last month in a 22-page tentative ruling that the federal government is violating parts of a 1997 court settlement, *Flores vs. Meese*. The government agreed in that settlement not to lock up unaccompanied immigrant children, but to place them in the company of family or others willing to take them in.

According to attorneys representing the immigrant families, the tentative ruling was not officially filed in order to allow both sides 30 days to negotiate a settlement. The ruling states that immigrant mothers and their children cannot be held in detention facilities such as the for-profit jails in Karnes City and Dilley, Texas. The document also rules that it is inappropriate to even detain a child and their parent unless there is a flight or safety risk. Should the immigrants' lawyers and government attorneys fail to reach an agreement within 30 days, Judge Gee could issue a final ruling.

The tentative court ruling could force Immigration and Customs Enforcement (ICE) officials to release immigrant women and children into the community and possibly end the Obama administration's preferred policy of locking up immigrant families and speeding up their deportations. Bryan Johnson, an immigration attorney, told McClatchy news agency, "It's the beginning of the end of family detention as we know it."

More than 2,500 immigrant women and children have been imprisoned in four family detention centers in Texas and Pennsylvania since last July following a wave of immigration from Central America. The vast majority were fleeing violence and poverty in their home countries and in any humane country would be granted political asylum.

Instead the Obama administration responded by detaining 50,000 unaccompanied minors and 52,000 so-called "family units" at for-profit jails in deplorable conditions. More than 7,700 children were then deported without ever appearing in court, according to a recent report by the *Los Angeles Times*. At least 94 percent of those ordered deported had no attorney to represent them.

The Obama administration has deported more than 2 million immigrants, more than any other US administration. The recent wave of immigration from Central America itself is the byproduct of countless US interventions on behalf of right-wing dictatorships throughout the region.

Carlos Holguín, an immigration attorney for the Center for Human Rights and Constitutional Law, wrote in a memo after Judge Gee's tentative ruling that minors should be placed in the least restrictive setting possible, usually in the custody of a family member or legal guardian. He wrote: "The court found it 'astonishing' that immigration authorities had adopted a policy requiring such an expensive infrastructure without more evidence to support a belief that doing so would achieve the desired end."

In February, the Justice Department asked the court to modify the 1997 agreement, arguing that the influx of migrants made it impossible for the Department of Homeland Security (DHS) to comply with the settlement and also protect "public safety." It should be noted that last year DHS Secretary Jeh Johnson admitted that the policy of mass jailing of women and children was meant to punish those who cross the border illegally and deter others from fleeing their native countries.

As for the lie of maintaining public safety, it is worth recalling the horrific plight these immigrant families

are forced to endure. One mother, Kenia Galeano, told the *San Antonio Current* that she and her 11-year-old son surrendered at the US-Mexico border in November after escaping Honduras because gang members were going to kill her after she reported one of them for threatening her family. She and her son were promptly arrested for crossing the border illegally and spent the next five months in the family detention center in Karnes City, Texas, while she fought against deportation.

After posting a \$7,500 bail, a rare opportunity, she told the news outlet, “It was shocking. They can call it what they want, but it’s a prison. It’s bad enough for adults, but how are you going to have babies imprisoned? Kids can’t even run around, they must be within a yard of their mothers at all times.”

Galeano was one of 100 mothers and their children who were detained in Karnes City. Only three were able to post bail. They staged a hunger strike against the jail conditions, which is ongoing. Galeano said they are constantly harassed by the guards who work for GEO Group, a for-profit company that was contracted by the DHS. She said mothers from Guatemala who speak Quiché, a Mayan dialect, and cannot communicate in Spanish are particularly threatened.

ICE has not recognized or discussed the hunger strike.



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