

California judge bars Obama administration's policy of detaining immigrant children

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On Friday, Judge Dolly M. Gee of the Federal District Court for the Central District of California issued a ruling against the Obama administration's policy of locking up immigrant youth crossing the US border with their parents. She found that this policy violated an earlier federal agreement that required authorities to release children to a parent or relative when it was determined that they posed neither a risk of flight nor danger to themselves or others.

"It is astonishing that defendants have enacted a policy requiring such expensive infrastructure without more evidence to show that it would be compliant with an agreement that has been in effect for nearly 20 years" the judge wrote, giving federal authorities until August 3 to present arguments stating why over 1,700 individuals currently being held in "family-units" at detention centers in Texas and Pennsylvania should not be released within 90 days.

The ruling was a response to a lawsuit brought against the DHS in February by attorneys Peter Schey and Carlos Holguin of the Los Angeles-based Center for Human Rights and Constitutional Law. In April the judge announced that she had reached a decision against the DHS, and gave the federal government 30 days to arrive at an agreement with the plaintiffs on how to house the minors. Gee's official ruling came after federal authorities were granted an additional amount of time in which they failed to come to an agreement that addressed the plaintiffs' concerns.

Judge Gee based her ruling on the 1997 *Flores v. Meese* court agreement, which required that federal immigration services should only "hold minors in facilities that are safe and sanitary" and are suited to address "concern for the particular vulnerability of

minors."

In contrast to the 1997 agreement, Gee found that the Department of Homeland Security (DHS) was housing thousands of youth in "widespread deplorable conditions" at three privately-run detention centers that "failed to meet even the minimal standard" of requirements for housing child detainees.

Gee's ruling effectively finds that the Obama administration's policy of warehousing immigrant youth in detention centers and rapidly deporting them, often without legal representation, is illegal. The DHS took these actions in response to a wave of immigration that began last July as youth, fleeing from deplorable conditions created by years of imperialist domination by the US, mainly in Central America, attempted to cross into the United States.

The DHS released a press statement in response to the ruling that declared "we are disappointed with the court's decision and are reviewing it in consultation with the Department of Justice."

The US government had initially claimed that the 1997 agreement did not cover the conditions of children who were housed *with* a parent, thus making them not entitled to the protections of youth found alone. This assertion was accompanied by arguments alleging that the privately-run facilities where the federal government was detaining the families did not fall under provisions requiring them to allow free movement to the children and to be licensed operators equipped to provide child care services.

In describing the holding facility in Karnes City, Texas, a statement from the plaintiffs, included in the final decision, notes that the facility "is constructed of concrete block. A staff member stated the facility had

been designed to house adult male prisoners ... In the central open area I saw neither a direct view nor access to the outside: it was effectively surrounded by the high block walls of the facility itself, denying those inside any means of ingress or egress except via the secure entrance.”

Through 2014, Obama has overseen the deportation of over 3 million undocumented workers and youth, more than any other president in US history. In 2013, more than 450,000 undocumented individuals were deported by his administration, the greatest amount in any single year attributed to a US administration.



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