Judge reaffirms order to release imprisoned immigrant children

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Last week, Federal District Court Judge Dolly M. Gee of California affirmed her July 24 court order banning the lengthy detention of immigrant children and their mothers in unlicensed secured facilities (i.e., prisons). She gave the US Department of Homeland Security (DHS) 60 days to comply with the ruling and demanded that they release current inmates at family detention centers "as expeditiously as possible."

In the ruling, Judge Gee found DHS in breach of numerous aspects of the 1997 court agreement in *Flores v. Meese*, which mandates that immigrant minors cannot be held in secured facilities—where they are kept in custody and not free to leave—for more than 72 hours. The agreement set up a hierarchy of adults to whom children must be released, with foster care as a last resort. The agreement also required federal immigration services to only "hold minors in facilities that are safe and sanitary" and equipped with medical and other facilities to address "concern for the particular vulnerability of minors."

Each of these mandates has been grossly violated by DHS over the past year, which is detaining nearly 2,000 immigrant children and their mothers, many for over a year, at three privately-run detention centers in Texas and Pennsylvania. This is the largest family detention project in the US since the internment of Japanese-American families during World War II. The influx of immigrants last year, which has slowed dramatically since last summer, stemmed primarily from those fleeing violence and poverty in Central America created by decades of US imperialist intervention in the region.

Last Friday's affirmation comes in response to what Gee describes as a "thinly-veiled motion for reconsideration" issued by Justice Department lawyers representing DHS, which she asserts merely rehashed "many of the same arguments which the Court previously rejected." After criticizing the numerous faults in the Justice Department's response, Gee asserts that they "grossly misconstrue" several of the key issues from her July 24 ruling, and concludes, "Defendants have utterly failed to satisfy the requirements for a motion for reconsideration."

In her ruling, Gee did allow DHS to detain children for up to 20 days during periods of "influx" akin to last summer. In response to this provision, DHS spokeswoman Marsha Catron issued a statement Saturday declaring that Judge Gee's final order will "permit the government to process families apprehended at the border at family residential facilities consistent with congressionally provided authority." In the meantime, Catron said the Justice Department is reviewing the decision and considering an appeal.

Although Judge Gee's decision gives the plaintiffs more oversight capabilities, the DHS will undoubtedly invoke the "influx" provision at its own discretion. Over the past year, DHS and the Justice Department have fought tirelessly to ensure that the brutal and inhumane family detention centers remain open. The initial justification for the reemergence of these facilities, which existed under the Bush administration but were closed during Obama's first term, was that they sent a message to families in Central America to deter them from coming to the United States.

Despite another federal court in Washington, D.C. ruling this deterrence strategy unconstitutional last February, the Justice Department invoked the same argument in its motion for reconsideration against Judge Gee's ruling last month, writing, "Specifically, the proposed remedies could heighten the risk of another surge in illegal migration across our Southwest border by Central American families, including by

incentivizing adults to bring children with them on their dangerous journey as a means to avoid detention and gain access to the interior of the United States."

The Obama administration has bent over backwards to maintain these facilities, both for broader policy reasons, but also as a direct service to the private prison industry. While operating a small but growing number of traditional state and federal prisons in the US, private prison corporations oversee over half of all immigration detention centers in the country.

The three currently operating family detention centers are located in Leesport, Pennsylvania, and Dilley and Karnes City in Texas. The Dilley facility is operated by Corrections Corporation of America (CCA), the largest private prison corporation in the world. It was built with expedited funding last year as the Obama administration initially sought to provide $879 million to construct space for an additional 6,300 beds at the facility, a move ultimately rejected by Congress. Their annual operational costs are estimated to be over $260 million, most of which goes directly to CCA. The Karnes facility is managed by the GEO Group, the second-largest private prison corporation in the world.

Both corporations increase their profits dramatically each year from the privatization of a growing number of state-owned prisons, cutting labor costs and services to a bare minimum. Further, their lobbying groups help write reactionary criminal and immigration laws, to imprison US citizens and immigrants alike for as long as possible, during which time the companies "lease" their inmates' labor to other corporations for as little as 17 cents per hour.

CCA and GEO Group have a lengthy record of abuse, misconduct and neglect at their facilities, which have been the site of numerous prison riots in recent years. Over 100 mothers and children went on a hunger strike at the Karnes City facility earlier this year, against deplorable conditions and constant harassment by the GEO Group-hired guards.

The *Guardian* newspaper recently released documents showing that Serco Inc., the US subsidiary of the notorious British-owned multinational Serco Group, also involved in the private prison industry, held meetings in Washington, D.C. with at least two Democratic congressional staffers. They lobbied to obtain some of the lucrative contracts for family detention centers, while advising the policymakers on how to use Orwellian language to cover up the imprisonment of children.

In the document, Serco directly took up the challenges facing DHS in the federal district court in California. They urged Justice Department lawyers to refer to women and children as "residents" as opposed to "detainees," to call each facility an "open campus" rather than a "closed campus," and to refer to staff members as "Residential Advisors" instead of "Detention Officers."

"Family residential centers" was the preferred euphemism used by Justice Department lawyers in their motion for reconsideration that Judge Gee rejected last week, demonstrating that they have taken Serco's advice to heart.

An overwhelming majority of those held in family detention centers, as well as traditional detention centers, are fleeing violence and poverty, and qualify for asylum protection as refugees. DHS itself revealed earlier this year that an estimated 87.9 percent of women and children held at the family detention centers passed credible-fear screening interviews, the precursor to receiving a full hearing on a claim of asylum before an immigration judge.

At these hearings, however, a mere 20 percent of detainees receive legal counsel, virtually ensuring that they are fast-tracked for deportation. The Obama administration has deported more than two million men, women and children, more than any previous administration and nine times the rate of just 20 years ago.