

# Immigrant mother sues for \$40 million after child dies following ICE detention

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An immigrant mother from Guatemala who was detained crossing the US-Mexico border in Texas with her 19-month-old daughter alleges that substandard medical care at the immigrant jail they were held in killed her child, who died six weeks after the two were released from detention.

According to her lawyers at the firm Arnold & Porter, Yazmin Juarez, 20, and her infant daughter Mariee, were detained at an Immigration and Customs Enforcement (ICE) family detention center in Dilley, Texas run by the private prison company, CoreCivic.

Last Tuesday, Juarez's lawyers filed a notice of claim, a precursor to a lawsuit, against the city of Eloy, Arizona, the prime contractor operating the Dilley jail for ICE. Juarez is suing for \$40 million, claiming that Eloy had a duty to maintain safe and sanitary conditions for children and provide adequate medical care because the city holds a contract with the federal government to run the facility.

Eloy, a small city located midway between Phoenix and Tucson, receives \$438,000 a year to act as a fiscal agent for ICE, allowing CoreCivic to operate the facility 900 miles away in Texas. The city served as the middleman for \$290 million in pass-through funds transferred from ICE to CoreCivic in 2014 alone.

In a statement, the firm said, "with unsafe conditions, neglectful medical care, and inadequate supervision" Mariee contracted a respiratory infection that "went woefully under-treated for nearly a month" when they arrived at the South Texas Family Residential Center last March.

After Juarez and her daughter Mariee were detained by ICE on March 1 after crossing the Rio Grande to obtain asylum after fleeing for their lives from Guatemala, the two were housed in the Dilley jail for almost three weeks, according to the law firm. Mariee was a healthy girl with no history of significant medical problems and was even cleared by medical personnel upon arrival at the jail.

Mariee became increasingly ill within a week after she and her mother were forced to share a single room with five other mothers with children, several of whom were sick. Over the next few weeks, until they were released, Mariee suffered 104-degree fever, diarrhea, coughing, vomiting, and rapid heart rate, among other symptoms, and lost 8 percent of her body weight.

Juarez sought medical attention multiple times only to be left waiting for hours. The legal claim contends that on at least two occasions, "she was turned away and told to wait for an appointment on a later day." The toddler was later prescribed Tylenol after being diagnosed with acute upper respiratory infection.

According to the claim, "The clinic waiting area, resembling a gymnasium, was filled with dozens of mothers and children waiting in line to be seen. There was no separate area to isolate sick children from healthy ones, nor were protective masks provided to guard against contagion."

Mariee was "medically cleared" by a licensed vocational nurse for release on March 25 even though she was not qualified to make this decision, and no medical personnel ever made sure to see if Mariee was safe enough to travel.

Juarez and her daughter were then put into a van and taken to the airport to board a commercial flight to New Jersey. When they arrived after midnight on March 26, Juarez took Mariee to a pediatrician who sent the girl to an emergency room because she was still very sick.

For the next six weeks, Mariee was transferred to two more hospitals as her condition worsened, requiring increasingly expert care, after which she died from respiratory failure at Children's Hospital of Philadelphia on May 10.

A pediatrician who reviewed Mariee's medical records from her time at Dilley at the request of her mother's lawyers said that medical staff overlooked several signs

that Mariee's condition was getting worse.

Benard Dreyer, director of pediatrics at the Bellevue Hospital Center in New York and a past president of the American Academy of Pediatrics, told National Public Radio, "Nobody at any time decided to actually have a pediatrician or a doctor see the child," adding, "Can we guarantee that if [she] had been sent to the hospital a week earlier, it wouldn't have been too late? I can't guarantee that," but "the child was very sick and should have been sent to a hospital."

The death of Mariee Juarez is one more casualty in the Trump Administration's brutal war on immigrants. The true number of men, women and children, who die in such camps or later because of substandard conditions may never be known. Democratic and Republican administrations alike have separated families from children, terrorize immigrants crossing the border, and covered up the abuse of children in the federal government's custody.

CoreCivic, formerly Correction Corporation of America, is a notorious for-profit company responsible for the deaths of many immigrants in custody. The Dilley facility is the largest immigrant jail in the US, with 2,400 beds. In June, ICE asked for space to cover an additional 15,000 beds to detain more immigrant families.

The deaths of immigrants at ICE detention facilities is not uncommon, with 15 immigrants having died at a private prison in Eloy since 2003 due to illness or suicide.

A report published in July by two doctors contracted by the Department of Homeland Security found widespread and systemic problems related to poor training and detainee mistreatment at family detention centers over the previous four years. Doctors Scott Allen and Pamela McPherson wrote, "In our professional opinion, there is no amount of programming that can ameliorate the harms created by the very act of confining children to detention centers."



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