

Trump administration to abandon court settlement prohibiting indefinite detention of immigrant children

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On Thursday the Trump administration announced that it was implementing a new regulation governing the detention of immigrant children. The proposed regulation would circumvent the existing settlement of the 1997 lawsuit *Reno v. Flores*, which mandates that children not be kept in detention for a period of more than 20 days. The settlement, which has been in effect for over 20 years, has been consistently criticized by the Trump administration as a “legal loophole” that has paved the way for “illegal aliens” to flood the country.

Under the changes proposed by the Department of Homeland Security (DHS) and the Department of Human and Health Services (HHS), US Immigration and Customs Enforcement (ICE) would be able to expand family detention services in order to keep immigrant parents and children detained for much lengthier periods. ICE currently operates three such centers, with 3,500 beds in total. These centers are at maximum capacity.

The new regulations provide for the construction of more family detention centers, with the promise that the government will ensure that they meet “current standards” as certified by a third party. This is hardly reassuring after widespread reports of malfeasance, sexual abuse, beatings and improper medical care.

Announcing the new plan, DHS Secretary Kirstjen Nielsen declared: “Today, legal loopholes significantly hinder the Department’s ability to appropriately detain and promptly remove family units that have no legal basis to remain in the country. This rule addresses one of the primary pull factors for illegal immigration and allows the federal government to enforce immigration laws as passed by Congress.”

The statement, like almost every declaration about

immigration from the current administration, blames the working-class victims of the US government’s anti-immigrant policies.

Over the past two decades, each administration—whether Republican or Democratic—has made border crossings even more perilous for immigrants and has overseen the creation of a system of immigration laws that have led to large-scale deportations and the growth of a network of detention centers across the country.

The Trump administration has deepened the callous and inhumane treatment of immigrants. Increased militarization of the border, strengthening and expanding the scope of ICE, regularizing workplace raids, and of course the infamous family separations have all been part of the administration’s war on immigrants.

The Obama administration also fought the Flores settlement, but the Trump administration violated the deal by implementing its “family separation” policy last May. When faced with growing public anger about this inhumane policy, the Justice Department began detaining more families together until their immigration cases could be adjudicated, often after months or years of waiting.

In July, US District Court Judge Dolly Gee, who oversees the Flores agreement, sharply rebuked the administration, telling the Justice Department that its request was “a cynical attempt, on an ex-parte basis, to shift responsibility to the judiciary for over 20 years of congressional inaction and ill-considered executive action that have led to the current stalemate.”

The new rule is yet another cynical attempt by the administration to distract attention from the internecine

struggles among the ruling class being waged in Washington, DC. The “pull” factor that forces people to make the perilous border crossing is not the existence of supposedly lax laws, but rather the need to escape brutal violence and poverty and make a better life for oneself and one’s family. To criminalize the working class for this need, and to bring to bear on them the full power of the state, reveals the extent to which the ruling class is prepared to go in attacking the democratic rights of the entire working class, regardless of immigration status.



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