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Migrants sue Biden administration over substandard conditions in border camps

Kevin Martinez
13 August 2021

On Monday, lawyers representing migrant youth in US immigration custody argued in federal court for their release from two emergency detention camps in Texas, where they were reported to be suffering from mental distress, substandard housing and prolonged stays.

The attorneys asked the U.S. District Court in Los Angeles for the Biden administration to follow the 1997 Flores Settlement Agreement and its rules concerning the treatment of migrant children. The 31-page complaint accuses the Department of Health and Human Services (HHS) of substandard care at two makeshift camps established this spring at the Fort Bliss U.S. Army base and a camp for oil workers in Pecos, a rural town in west Texas.

The lawsuit is the first time the Biden administration has been taken to court for its failure to comply with the Flores Settlement Agreement. More than a dozen children testified on the makeshift camps, which lack child welfare licenses, as opposed to regular HHS camps.

A 16-year-old Salvadorean girl declared, “My anxiety attacks have been abnormal here—they have gotten worse since I arrived at Pecos,” adding, “I have had about three or four anxiety attacks since I have been here.”

Another girl from Honduras, 17, had been jailed at the Pecos camp with her 15-year-old brother for 60 days and said she was “depressed” because they were not released to a relative.

In her court declaration she said, “I am very concerned that there are so many kids who have been

here for over 60 days. ... Some of these youth are waiting to live with their parents—they should not still be here.”

Two brothers from Honduras said they were held at the Pecos camp for 65 days despite having an uncle in Houston willing to take them. The older brother, 15, testified to the court, “Every day, I wake up and feel very sad. I am frustrated because I see other kids leave before me.”

According to CBS News, the Fort Bliss and Pecos camps held 1,800 and 800 unaccompanied children, respectively. A government contract from July stated that the Biden administration is planning to house “tender age” children under 12 years old at the Pecos camp.

Children at the Pecos camp also reported being served undercooked food and being offered limited education and recreation, in addition to the prolonged stays and limited case management.

Teens held at the Fort Bliss camp were reportedly being monitored for self-harm, escape attempts and panic attacks. Federal officials also described substandard mental health services and a jail-like atmosphere.

A 16-year-old Honduran boy, who was transferred to a more restrictive camp in New York after trying to escape Fort Bliss, described the camp as “hell” and being served bloody chicken. In the court declaration filed Monday he said, “I feel anguished and hopeless. ... I was held hostage, and I couldn’t do anything about it.”

In another declaration, Ryan Matlow, a child

psychologist and Stanford University professor, interviewed children held at Fort Bliss and said that if they remain in the camp for longer than a few days they could suffer “clinically significant psychological harm.”

He stated, “In these circumstances, many children experience extreme boredom, lethargy, low motivation, hopelessness, and helplessness, all of which are symptoms and contributors to depression and psychological stress.”

U.S. Judge Dolly Gee, who is overseeing litigation over the Flores agreement, was asked in court Monday to direct the administration to expedite the release of children at the Pecos and Fort Bliss camps. The attorneys also want the HHS to improve the camps and limit the placement of vulnerable minors in them.

The Biden administration has argued that the creation of emergency camps was necessary to house the influx of immigrants during the spring which overloaded Border Patrol facilities. Most of the 14 sites set up at military bases, convention centers and work camps to hold unaccompanied youths have been shut down by HHS, including a Houston warehouse, which was closed after reports revealed poor conditions.

The administration has so far refused to say when it will close the remaining four emergency camps, which were supposed to be temporary.

Despite vowing to reverse Donald Trump’s anti-immigrant policies, the Biden administration has only offered lip service and cosmetic reforms. Biden campaigned in 2020 only to end “prolonged detention” and the use of private prisons in immigrant detention. Even by these limited measures, the administration has failed to deliver any significant reforms.

The number of migrants being detained has more than doubled from February to nearly 27,000 as of late July, according to U.S. Immigration and Customs Enforcement (ICE). Although this figure is dwarfed by Trump’s August 2019 record of more than 55,000 detainees, it still is more than the roughly 22,000 held in July 2020.

While Biden ended the contracts for two ICE centers in Georgia and Massachusetts, he has refused to close any other private immigrant jails, and moreover, has proposed to keep funding 32,500 immigrant detention beds in his recent budget, as opposed to the 34,000 beds funded by Trump.

The number of asylum seekers in prolonged detention also rose from 1,700 in April to 3,400 in late July, accounting for 13 percent of all detainees, according to ICE data. These are detainees, it should be noted, that by ICE’s own policies should not be held in detention any longer.

In the past six months, the Biden administration has also supported ending certain visas, adding stricter requirements for those seeking green cards, and has backed the denial of permanent residency to thousands of legal immigrants in the US.

Even worse, Biden and his administration have gone from campaigning against Trump’s immigration policies last year to defending them in court today.

When he was campaigning for president, Biden opposed a wage-based allocation for temporary foreign workers, but now he is defending a Trump-era policy in court which prioritizes the highest wage earners for a high-skilled worker visa program, a move that hurts foreign students and others.

Biden also continues to defend the notorious Title 42, a public health order issued by Trump to ostensibly stop the spread of the coronavirus pandemic, but in reality it is a way to expel most immigrants by denying them the right to asylum.



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