

# The Unjust Increase in Family Detention

In the summer of 2014, the United States began to see the results of rising violence in Central America as thousands of mothers and children arrived at the U.S. southern border seeking safety. Rather than offering access to protection, the U.S. government responded by dramatically reviving a nearly abandoned policy of jailing mothers and children in remote detention centers with no or little access to legal services.

1985

## Flores v. Meese

The U.S. detained Jenny Flores, a 15-year old child fleeing the Salvadoran Civil War, for two months in deplorable conditions. She is the named plaintiff in a class action lawsuit challenging the treatment of unaccompanied children in the custody of U.S. Immigration and Naturalization Service (INS), forerunner to the Department of Homeland Security (DHS).

**March 1, 2001:** First family detention center opens at Berks Family Residential Center (85 beds) in Leesport, Pennsylvania. U.S. Immigration and Customs Enforcement (ICE) operates it.

## Hutto Lawsuit

Detention of mothers and children in Hutto is challenged as a violation of *Flores*. ICE enters into a settlement agreement with plaintiffs agreeing to use Hutto detention center only as a last option. Government orders ICE to release detained families in August 2009.

**June 27, 2014:** ICE opens and operates Artesia Family Detention Center in New Mexico (650 beds).

**December 15, 2014:** ICE closes Artesia Family Detention Center and replaces it with Residential Center in Dilley, TX (2,400 beds). CCA operates it.

## Flores Violation Found

The Central District of California rules that *Flores* applies to both unaccompanied and accompanied migrant children, and that family detention violates *Flores*.

## Court Orders Compliance

The government files its opposition to the ruling, but the court affirms that DHS must reform family detention practices to be consistent with *Flores* and adhere to short-term custody standards.

## Family Detention Continues

Federal court requires DHS to comply with *Flores*, under which children must be held in licensed facilities. The state of Pennsylvania advises the Berks facility that its license will not be renewed unless it ceases detaining families by February 2016. A lawsuit is pending in Texas to prevent licensure of Texas facilities.

1997

## Flores Stipulated Settlement Agreement

A California federal court approves the *Flores* agreement, setting national policy regarding the detention, release, and treatment of children in INS custody. It stipulates that children must be held in the least restrictive setting appropriate for their age and needs.

**May 1, 2006:** The T. Don Hutto Correctional Center, a former medium-security prison in Taylor, Texas, begins detaining immigrant families (512 beds). The Corrections Corporation of America (CCA) continues to operate it.

2007

2014

## Detention Skyrockets

In June, ICE detains fewer than 90 families. In August, DHS begins to detain large numbers of families fleeing violence in Central America and seeking safety in the United States.

**August 2, 2014:** Karnes County Detention Center (TX) is converted from an adult immigration detention center to detain mothers and children (532 beds). GEO Group operates it.

Feb. 2015

## Family Detention Challenged

In *R.I.L.-R v. Johnson*, the U.S. District Court for the District of Columbia finds that it is unlawful to use deterrence as a rationale for detaining families or as a factor in custody determinations. Additionally, class counsel in *Flores* seeks to end the practice of family detention by challenging DHS failure to comply with the child welfare standards in the settlement agreement.

Sept. 2015

## Government Pushback

The government files a notice of appeal and announces its intention to continue the practice of family detention, but for shorter periods.

Oct. 2015

