

# IMMIGRANT FAMILY DETENTION UPDATE – JULY 2019

## South Texas Family Detention Centers - Karnes and Dilley



### FAMILY DETENTION STATISTICAL REALITIES

❖ FY 2019 Congressional budget allocates \$2.8 billion for 52,000 detention beds—49,500 adult beds at an average rate of \$133.99 per day and 2,500 family beds at an average rate of \$319.37 per day. The budget provides \$511.1 million for transportation costs associated with the transfer and removal of immigrants. (*Homeland Security Budget in Brief Fiscal Year 2019 & U.S. Immigration and Customs Enforcement Budget Overview Fiscal Year 2018*)

❖ According to the U.S. Customs and Border Protection (CBP), so far in Fiscal Year 2019 (from October to April), the Department apprehended 531,711 individuals nationwide. The U.S. Border Patrol (USBP) also reported that between October and April, 47,629 unaccompanied children were apprehended, while a total of 277,803 family units were apprehended. (*U.S. Customs and Border Protection Southwest Border Migration FY 2019, May 8, 2019*)

❖ As of July 9, 2019, 511 individuals were placed in the Karnes Detention Center. It is also estimated that 216 individuals were detained in the Dilley Detention Center.

### U.S GOVERNMENT RATIONALE FOR DETENTION OF MOTHERS/CHILDREN

- ❖ Deterrent for future immigrant crossings
- ❖ Ensure appearances at immigration court proceedings
- ❖ Protect legal resident community from security threats

### COURT RULINGS AND LATEST IMMIGRATION NEWS

#### 1997 FLORES SETTLEMENT / CHILDREN IN DETENTION

❖ In 1985, Jenny Lisette Flores was arrested at the border and placed in a juvenile detention center. The Immigration and Naturalization Service refused to allow custody to her aunt because they would not release minors to “third-party adults.” The American Civil Liberties Union succeeded in its class-action lawsuit on behalf of her, and the Flores Agreement requiring timely release of minors was born. In January 1997, following an appeal to the U.S. Supreme Court, the Flores Settlement was signed into law. Restrictions include release from detention without unnecessary delay (not more than 20 days).

❖ July 24, 2015. Judge Dolly Gee, Central District of California ruled current U.S. family detention policies violate 1997 Flores Settlement, which set standards for detention, release, treatment of all immigrant children in detention.

❖ August 21, 2015 ... Judge Gee ordered the swift release of immigrant children held in detention centers, giving the Administration until October 23, 2015 to comply.

❖ September 7, 2018 ... Homeland Security and Health and Human Services published a document on the Federal Register, outlining proposed regulations that, if approved, would replace the Flores settlement agreement, which was designed to protect immigrant children in government custody.

❖ June 28, 2019 ... US District Judge Dolly Gee ruled that the administration violated the 1997 Flores Settlement Agreement that sets standards for how quickly detained children should be processed and also cited documentation on how "deplorable" detention centers are. Also, doctors will now be allowed to assess the situation at detention centers following Judge Gee's ruling.

❖ June 29, 2019 ... Judge Dolly M. Gee of the Central District of California has ordered that an independent monitor move swiftly to improve health and sanitation at Border Patrol facilities in Texas, where observers reported migrant children were subject to filthy conditions that imperiled their health.

## ZERO-TOLERANCE POLICY / FAMILY SEPARATIONS

❖ May 7, 2018 ... Attorney General Jeff Sessions announced a “zero-tolerance” policy that would prosecute parents who crossed the U.S. border illegally with their children.

❖ May 28, 2018 ... Steven Wagner, a top official with the Department of Health and Human Services, told a Senate panel that the agency had lost track of 1,475 children it placed with sponsors between October and December 2017. He testified at the hearing on April 26 that ORR tried to reach 7,635 children and their sponsors during that time frame. The agency found 6,075 children were still with their sponsors, 28 had run away, five had been deported and 52 were living with someone else.

❖ May 29, 2018 ... US Department of Health and Human Services Deputy Secretary Eric Hargan called reports that the agency has lost nearly 1,500 immigrant children false/misleading.

❖ June 29, 2018 ... U.S. District Court Judge Dana M. Sabraw in San Diego issued a preliminary injunction ordering the government to quickly reunite migrant children with their parents, saying that children separated from their families must be returned within 30 days, and allowing just 14 days for the return of children under age 5.

❖ July 8, 2018 ... The American Civil Liberties Union (ACLU) said the administration provided it with a list of 102 children under 5 years old who must be reunited by Tuesday, July 10, 2018 under an order by U.S. District Judge Dana Sabraw in San Diego.

❖ July 9, 2018 ... Judge Dolly Gee rejected the administration's efforts to detain families for long terms. The judge held that there was no basis to amend the 1997 Flores agreement that requires children to be released to licensed care programs within 20 days.

❖ July 16, 2018 ... Federal judge Dana Sabraw, who is overseeing the U.S. government's efforts to reunify more than 2,500 migrant children it separated from their parents ordered a temporary hold on deportations for reunified families. Government officials told Sabraw that 2,480 of the older children have been matched to a parent; 918 of those children's parents have been cleared by government agencies and are expected to be reunified by the July 26 deadline.

❖ July 31, 2018 ... Judge Dolly Gee ordered the administration to obtain consent or a court order before administering any psychotropic medications to migrant children, except in cases of dire emergencies.

❖ August 3, 2018 ... Justice Department lawyers wrote in a court filing, that the American Civil Liberties Union should use its “considerable resources,” and its network of advocacy groups to locate parents separated from their children.

❖ August 30, 2018 ... There are still 497 separated children from their parents. So far, 2,157 children have been released/reunited.

❖ October 1, 2018 ... More than 1,600 migrant children have been sent with little notice on late-night voyages to their new home: a barren tent city to the City of Tornillo, located in West Texas.

❖ March 9, 2019 ... Federal Judge Dana Sabraw, who ordered that more than 2,700 children be reunited with their parents, ruled that his authority applies to any parents who were separated at the border on or after July 1, 2017.

❖ April 5, 2019 ... The Justice Department said in a court filing that it will take up to two years to review about 47,000 cases of unaccompanied children taken into government custody between July 1, 2017 and June 25, 2018.

❖ April 25, 2019 ... U.S. District Judge Dana Sabraw, gave administration officials six months to identify every single immigrant child they separated as part of the zero-tolerance policy.



## DETENTION CENTERS

❖ December 6, 2016 ... Judge Karin Crump ruled that the Texas Department of Family and Protective Services could not license the facilities in Dilley and Karnes City (operated by CoreCivic and Geo Group) as child care centers.

❖ October 17, 2018 ... The city of Dilley has signed a deal with the federal government that will provide the city more than \$600,000 a year to keep open the largest family immigrant detention center in the country. ICE will pay Dilley, which has a population of about 4,000, roughly \$13 million a month for the cost of detaining immigrants at the facility. Dilley already collects annual revenue-sharing payments from CoreCivic, with \$200,000 due in December.

❖ November 28, 2018 ... the Texas 3rd Court of Appeals dismissed a lawsuit by Grassroot Leadership that sought to block the licensing of immigrant detention sites holding women and children as daycare centers. The 3rd Court of Appeals decision represents a reversal of a 2016 court judgment by Judge Karin Crump that ordered the state to refrain from licensing such facilities.

❖ June 21, 2019 ... Judge Jesus Bernal in Riverside, California, says authorities can't transfer immigrants from two Southern California detention centers to far-flung facilities if they have lawyers in the area.



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## DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

❖ September 5, 2017 ... President Donald Trump scrapped Deferred Action for Childhood Arrivals (DACA).

❖ January 10, 2018 ... U.S. District Judge William Alsup's decision to block the Trump's administration plan to phase out protections for "dreamers", states that safeguards against deportation must remain in place for the nearly 690,000 DACA recipients.

❖ March 5, 2018 ... Attorney General Jeff Sessions declared DACA unconstitutional, Homeland Security Department officials in September announced that anyone whose DACA permit expired before March 5 had one month to apply for a renewal.

❖ April 24, 2018 ... Federal judge John D. Bates ruled that DACA protections must stay in place and that the government must resume accepting new applications.

❖ August 31, 2018 ... U.S. District Judge Andrew Hanen, declined to halt DACA program.

❖ November 5, 2018 ... The Justice Department asked the U.S. Supreme Court to allow the President to terminate DACA.

❖ June 28, 2019 ... The Supreme Court announced that in its next term the justices plan to examine the legality of DACA and the President's decision to terminate the program, which imperiled the legal status of 700,000 young immigrants who came to the U.S. illegally as children.

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## STATE OF TEXAS SANCTUARY CITIES / SENATE BILL 4 (SB4)

❖ May 7, 2017 ... Texas Gov. Greg Abbott signed a ban on sanctuary cities into law.

❖ June 1, 2017 ... San Antonio, Austin and Bexar County joined with Mexican American Legal Defense and Educational Fund in a federal lawsuit to stop SB4 from being implemented. Federal Judge Orlando Garcia ordered the consolidation of SB4 lawsuits into one federal case.

❖ August 10, 2017 ... District Judge Sam Sparks in Austin rejected an effort by Texas to have a law that would punish so-called sanctuary cities be declared constitutional.

❖ August 30, 2017 ... U.S. District Judge Orlando Garcia halted most of Texas' ban on sanctuary cities.

❖ November 30, 2018 ... Attorney General Ken Paxton filed a lawsuit in Travis County against San Antonio, its police department, chief of police and city manager, to require their compliance with Senate Bill 4, which prohibits sanctuary cities in Texas.

❖ November 30, 2018 ... U.S. District Judge Edgardo Ramos of the Southern District of New York ruled that that the executive order signed by the President last January, which withheld funding from sanctuary cities, was both illegal and unconstitutional.

## ASYLUM SEEKERS

❖ June 11, 2018 ... Attorney General Jeff Sessions announced that individuals who are victims of private crime, including domestic and gang violence, in their home country will no longer automatically qualify for asylum in the U.S.

❖ October 2, 2018 ... U.S. District Court Judge Edward Chen blocked the Trump administration's move to end Temporary Protected Status (TPS) for more than 300,000 nationals from El Salvador, Haiti, Nicaragua and Sudan.

❖ October 27, 2018 ... Mexican President Enrique Peña Nieto launched the program "You are home," which promises shelter, medical attention, schooling and jobs to Central Americans who agree to stay in the southern Mexico states of Chiapas or Oaxaca.

❖ December 19, 2018 ... Judge Emmet Sullivan of the U.S. District Court in Washington, dismissed Justice Department policies that made it harder for immigrants to claim asylum because of domestic violence or gang violence.

❖ April 9, 2019 ... Federal Judge Richard Seeborg of the Northern District of California blocked the administration's policy of returning some asylum seekers to Mexico to await their immigration court hearing.

## FOREIGN AID FOR CENTRAL AMERICAN COUNTRIES

❖ October 22, 2018 ... President Trump said the U.S. would cut off or "substantially reduce" foreign aid to El Salvador, Guatemala and Honduras, as a caravan of thousands of Central American migrants continued its journey toward the U.S.

## DEPLOYMENT OF ACTIVE DUTY TROOPS TO THE U.S. / MEXICO BORDER

❖ October 29, 2018 ... The Pentagon will deploy up 5,000 active-duty troops to the border in an effort to prevent members of a migrant caravan from illegally entering the country, a U.S.

❖ November 5, 2018 ... More than 5,000 troops were deployed to three states. Roughly 2,700 were in Texas, 1,200 in Arizona and another 1,100 were in California. Another 2,000-plus troops were deployed within days, bringing the final tally closer to 8,000.

## GOVERNMENT SHUTDOWN

❖ January 25, 2019 ... the nation was in the midst of the longest government shutdown in American history with 35 days. The government shutdown started on December 22, 2018 and officially ended on January 25, 2019.

## BORDER WALL

❖ June 28, 2019 ... Judge Haywood S. Gilliam Jr. of the United States District Court for the Northern District of California, permanently blocked the administration from using \$2.5 billion in contested funding to build barriers along the United States' southwestern border.



*Photos from San Antonio Express-News & Sr. Susan Mika — Prayer Gathering in the rain in ditch outside the Dilley Detention Facility 04-22-15, Bus station ministry, Diapers in Detention 08-30-16.*