



## LEARN MORE: THE CURRENT THREAT TO THE FLORES SETTLEMENT

**1985:** 12-year-old Jenny Lisette Flores flees El Salvador to live with her aunt in the US. Her aunt is denied custody and Jenny is taken to a converted Pasadena motel where she is strip searched, cavity searched, and kept for weeks without visits from family, doctors, recreation time, or education. She is kept in a room with adults she does not know. The National Center for Youth Law (NYCL) files a class action lawsuit on her and other children's behalf.

**1997:** The US Government finally reaches a settlement with the NCYL ("The Flores Settlement") which requires:

- A limit of 20 days maximum detention of unaccompanied minors
- Suitable living accommodations, food, appropriate clothing, and personal grooming items
- Health care, which includes immunizations and a complete check-up within 48 hours of entering into federal custody
- A full assessment that will identify any special needs and obtain information about family members who could be living in the United States.
- Educational services, mandatory recreation time, counseling services, visits from family members and a "right to privacy"

**2015:** US District Judge Dolly Gee rules that Flores requirements apply to both unaccompanied minors and children apprehended with their parents.

**2016:** US Court of Appeals for the Ninth Circuit upholds these requirements

**2017:** The district court finds that the US government is failing to comply with the Flores settlement, noting inadequate access to food and clean water, unsanitary and unsafe conditions, and freezing temperatures. The court appoints a juvenile coordinator to oversee compliance.

**June 2018:** President Trump signs an executive order claiming to end his administration's "zero tolerance" policy of separating migrant children from their parents and relatives.

**July 2018:** The district court finds "persistent problems" with compliance and appoints an independent monitor who is empowered to conduct unannounced visits and inspections of CBP's detention centers.

**June 2019:** The team of lawyers appointed in the Flores settlement collect sworn declarations from children detained at the border facilities, demonstrating ongoing noncompliance with the 1997 settlement and ongoing family separations despite the 2018 executive order.

**August 2019:** The Trump Administration announces plans to scrap the 1997 Flores Settlement in its entirety. Their proposed regulatory changes include eliminating the 20-day limit for minors in detention and replacing it with an indefinite limit, as well as creating detention centers without court oversight that can be licensed by third party agencies contracted by Immigration and Customs Enforcement.

**August 2019:** A coalition of 20 states sues the administration over this proposal, arguing that the proposed rule will endanger minors by removing state licensing requirements for family detention, will lead to an uncontrolled expansion of for-profit detention that creates incentives for more families to be detained, and that prolonged detention under any circumstances has negative long-term medical consequences for children. It also alleges the rollout of the rule violates the Administrative Procedure Act and the due process clause of the Fifth Amendment to the Constitution.

*The protections for young people detained in government custody are under real threat. Rather than work to thoroughly and justly reform our immigration system, this administration seeks to deregulate it and push youth incarceration further into the private sector. There is no denying that our immigration system is overloaded and needs reform. According to Syracuse University's Transactional Records Access Clearinghouse, the average wait time to have an immigration case heard in 2019 is 713 days. But rather than expand a carceral system that inflicts damage on vulnerable migrants fleeing poverty and violence, we need to invest in legal counsel and buttress our court system to relieve this backlog. [Studies show](#) that 98 percent of immigrant mothers represented by legal counsel attended their court hearings. The [Family Case Management Plan](#), implemented by ICE in 2016 and 2017, provided much needed services and resulted in 99.3% attendance at ICE check-ins and 100% attendance at court hearings.*