

A One-Week Snapshot: Human Rights First at Dilley Family Detention Facility Post-Flores Ruling

All last week, a Human Rights First attorney and social worker visited the South Texas Family Residential Center in Dilley, Texas, where they provided legal and psychosocial assistance to families. This visit came immediately following a U.S. District Court for the Central District of California ruling that found that the federal government violated the 1997 *Flores* Settlement Agreement (*Flores*) by detaining children in family detention centers with their parents.

Human Rights First staff found that in the wake of this ruling, Immigration and Customs Enforcement (ICE) has begun advocating prohibitively high bonds and “vigorously contesting” release on conditional parole. In addition they noted that many of the children and their mothers experience trauma, sleep deprivation, and depression.

Prohibitively High Bond Amounts

While recent reports indicated that ICE was setting bond at lower amounts or agreeing to release on parole in accordance with the June Department of Homeland Security (DHS) reforms, which called for release of families who had passed a protection (credible fear or reasonable fear) screening, last week ICE appeared to reverse its course.

Human Rights First assisted families in 40 cases where the family had already passed a protection screening. In all cases assisted by Human Rights First where credible fear was found, ICE officers set initial bonds at \$7,000 to \$9,500. These are unduly high levels that indigent asylum-seeking families cannot pay. The majority of these families had family ties within the United States and provided verifiable addresses for where they would live with their family sponsors. While immigration judges may ultimately lower high bonds during a custody

hearing, the extra days in detention and the additional time to conduct an immigration court hearing are a strain on families and often an unnecessary waste of government resources.

Government Vigorously Contests Release of Mothers and Children in the Wake of Court Ruling

At a custody hearing in the Dilley immigration court on Tuesday, July 29, just two business days after the *Flores* ruling came down, an ICE trial attorney stated that he had received instructions to “vigorously contest” release of mothers and children on conditional parole and to “request high bond amounts” instead. Even when mothers had close family ties in the United States and presented no safety risks, ICE argued that the family was a flight risk as justification for denying release, or demanding high bonds or the imposition of intrusive ankle monitors.

In one case involving a family that had passed their credible fear screening, ICE officers had set the initial bond at \$9,000. Later in court, Human Rights First advocated for release on conditional parole in light of the family’s strong ties and positive credible fear result. The ICE trial attorney vigorously opposed the mother and child’s release on conditional parole despite the fact that the mother’s family members were living lawfully in the United States and had provided their address and copies of identification cards. The judge ultimately settled on a \$3,000 bond due to ICE’s strong opposition to anything less. Most families seeking protection in the United States are indigent and have extreme difficulty finding this level of funds to pay bond.

Reasonable Fear Cases Linger the Longest

Human Rights First assisted approximately 20 cases in which families had already passed their reasonable fear screenings and remained in detention due to ICE's refusal to release the family. In many of these cases, since about one month had already passed since the family had received a positive result in the reasonable fear screening, the immigration judge inquired whether the family had made a request for parole. The Human Rights First attorney reported to the judge that ICE did not respond to repeated requests for information in connection with parole requests that had been filed weeks previously with all of the necessary supporting documents. This contradicts the June DHS policy, which calls for the release of families who have passed their reasonable fear screening. Families going through the reasonable fear process are often highly vulnerable; attorneys have identified many instances in which families were wrongfully turned away the first time they presented themselves at the border, forced to return to danger in their home countries.

Detention's Impact on Mental Health of Children and Mothers

A Human Rights First social worker met with 15 mothers at the facility last week. Many of the mothers suffered from post-traumatic stress disorder and major depressive disorder, resulting from the trauma they experienced in their home countries but greatly compounded by the stress and hardship faced in immigration detention. Many mothers also reported depressive and anxiety symptoms in their children, including bed wetting, lack of appetite, weight loss, nightmares, crying nightly, clinginess, headaches and gastrointestinal symptoms such as diarrhea. These symptoms were already present in children who were detained for three or four weeks. The severity of the symptoms increased the longer the mothers and their children were detained.

Length of Stay in Detention

The government says that mothers and children are being released within two weeks, according to *The Washington Post*. However, based on Human Rights First's experience at Dilley last week this is not the case. Most mothers and children that Human Rights First assisted had been in detention for one to two months and some families at the facility had lingered for up to six months in detention. According to the Immigrant Justice Corps, at least 60 families at Dilley have waited two to four weeks simply to have their cases begin or to hear the result of their case, much less be released in that time period. Moreover, the locally-based CARA project reports that ICE is sending newly arriving families to detention at high rates—approximately 350 new arrivals have been sent to Dilley since the California district court decision came down less than two weeks ago.