

MOTION BY SUPERVISOR HILDA L. SOLIS AND  
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October 30, 2018

**Opposing the Detention of Migrant Families**

On September 7, 2018, the U.S. Department of Homeland Security and the U.S. Health and Human Services Department proposed a rule that would terminate the Flores Settlement Agreement (FSA) and allow the federal government to detain migrant families indefinitely during their immigration proceedings. This proposed rule is yet another example of the Trump Administration's complete disregard for human rights, and it would do away with hard-fought protections that have been in place for more than two decades.

The FSA resulted from a 1985 federal class action lawsuit challenging the federal government's policies and practices relating to the detention and release of migrant children. Since 1997, the FSA has required that the government release children from immigration detention without unnecessary delay, i.e., within 20 days, to their parents, adult relatives, or licensed programs willing to accept custody. Furthermore, the FSA requires that children be detained in state-licensed, non-secure facilities.

The Administration's proposed rule would replace the FSA guidelines to extend

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the term of detention beyond the current limit of 20 days and would allow children who have arrived with their parent or legal guardian to be detained together in a family detention center. The proposed regulation would also create an “alternative federal licensing scheme” for family detention centers that would permit children to be held with their families in secure facilities, which function more like jails. The proposed rule would release a child only to a parent or legal guardian, which could result in more children remaining in detention with their parent or legal guardian.

The indefinite detention of children and their families in secure facilities would cause great and irreparable harm. According to the American Academy of Pediatrics, prolonged detention causes permanent damage to children's physical and mental well-being. Many detained children are later resettled in Los Angeles County. Therefore, the County may have to bear the economic and social cost of rehabilitating affected individuals. Moreover, many relatives of detained families are County residents, and witnessing their relatives' prolonged detention will likely also negatively affect their own mental health.

Prolonged detention also greatly reduces individuals' access to legal counsel and, consequently, their ability to succeed in their immigration cases. A 2016 study by the American Immigration Council showed that immigrants represented by an attorney are twenty times more likely to get immigration relief than immigrants without an attorney. However, immigrants in detention are the least likely to obtain representation, with only 14 percent obtaining legal counsel.

The proposed rule is not final, and members of the public have until November 6, 2018 to submit a written comment. The negative impacts of indefinite detention are

contrary to and directly undermine the County's priority and goal to protect the rights and promote the success of all immigrants and their families. Los Angeles County, home to about 3.5 million immigrants, must oppose this proposed rule, urge that the United States uphold the FSA, and help protect immigrant children.

**WE THEREFORE MOVE** that the Board of Supervisors direct County Counsel, in consultation with the Office of Immigrant Affairs, the Department of Health Services, the Los Angeles County Office of Education, and other potentially impacted County Departments and agencies, to join the City of Los Angeles' public comment opposing the proposed rule that seeks to terminate the FSA and create family detention centers, to be submitted during the public comment period on or before November 6, 2018.

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