



NATIONAL

Immigration Advocate Weighs In On Trump Administration's Move To End Flores Agreement

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Heard on All Things Considered

NPR's Audie Cornish speaks with Wendy Young, president of the child advocacy organization KIND, about President Trump's moves to change requirements for the detention of migrant children.

AUDIE CORNISH, HOST:

The Trump administration is moving to allow the government to detain migrant families with children indefinitely. The Department of Homeland Security announced today that they plan to publish a new regulation that would eliminate the current 20-day limit on the detention of minors. That 20-day limit stems from a 1997 court settlement called the Flores Agreement that governs conditions for migrant children in federal care.

Acting DHS Secretary Kevin McAleenan blamed the Flores Settlement for the influx of hundreds of thousands of migrants at the southern border.

(SOUNDBITE OF ARCHIVED RECORDING)

KEVIN MCALEENAN: The driving factor for this crisis is weakness in our legal framework for immigration. Human smugglers advertise, and intending migrants know well that even if they cross the border illegally, arriving at our border with a child has meant that they will be released into the United States to wait for court proceedings that could take five years or more.

CORNISH: The government is set to publish the final rule on Friday. It will require approval from a federal judge before can go into effect. We're joined now by Wendy Young. She's the president of KIND, an immigration advocacy group that focuses on migrant children. Welcome to the program.

WENDY YOUNG: Thank you.

CORNISH: First, just your reaction to this change in regulation.

YOUNG: Well, these are kids that are placed into deportation proceedings, facing a very complex legal proceeding to determine whether they should stay or be returned to their home countries. And it's critical that we provide them with appropriate care pending the conclusion of that case. So for the government to be attempting to strip children and families of these protections leaves the door wide open for abuses and poor treatment during the pendency of their case.

CORNISH: Now, Acting DHS Secretary Kevin McAleenan has said that this new rule does have high standards. And he describes a facility with separate living areas for every family, with appropriate furniture, hot meals, classroom learning, medical facilities. Does this sound like a better option?

YOUNG: Well, certainly we don't see anything in place currently that meets that description. We have worked for many years to improve the treatment of children who arrive alone in the United States - unaccompanied children - to ensure that they're provided appropriate shelter care.

CORNISH: Now, I'm under the impression there are three such residential facilities. Is that not true?

YOUNG: That's correct. There are three family detention facilities, but they have proven to provide really inappropriate care to families even for the 20-day period in which the court has said that children can be detained with their parents.

CORNISH: In what way?

YOUNG: Well, for example, there have been very serious reports of very young children being held in these facilities who are actually losing weight because of the conditions in which they're being held.

CORNISH: Can you talk about this other argument that McAleenan is making about how he thinks this regulation is actually contributing to the number of people coming to the border?

YOUNG: The notion that the Flores Agreement is serving as some kind of pull factor, drawing people to the United States, is simply without basis. This agreement's been in place for more than two decades. The increase in migration is primarily coming from the so-called Northern Triangle countries of Central America - El Salvador, Guatemala and Honduras.

The reason for that flow of people to the U.S. border is very simple. It's violence in Central America that's driving people - children and families - out of their home countries because they cannot obtain safety in their own country.

CORNISH: You know, our reporters have also spoken to families in Central American countries who have said, we know if we arrive there with a child, we have a chance to stick around while we wait for our case to move through the courts. I mean, this isn't just coming from DHS.

YOUNG: But the idea that that's the motivating factor for these families is really - it's not accurate because why would you, if you were a family, make this extraordinarily difficult, arduous, dangerous trip to the United States simply because you think that's what's going to let you through the door? You have to look at what's motivating that family to move in the first place, which truly is largely violence in Central America.

CORNISH: What's your main critique of what they're doing? I mean, what would you tell the White House about this that just raises legal questions for you?

YOUNG: This regulation needs to be understood in the context of a series of actions that this administration has taken over the past couple of years to systematically gut protections that have been in place for very vulnerable children, for families and for asylum-seekers generally.

They're finding ways through regulation, through policy to basically shut the doors of the United States to refugees who need our protection. You've seen them do this in the context of the Flores Agreement currently. You've seen them do this to refugee resettlement. You've seen them do this through their increased emphasis on detention as a deterrent. They are finding whatever way they can to effect effectively bring about

the immigration policies that they've sought to bring about ever since they ran for office.

CORNISH: That's Wendy Young, president of Kids in Need of Defense, an immigration advocacy group for migrant children.

Thank you for speaking with us.

YOUNG: Thank you.

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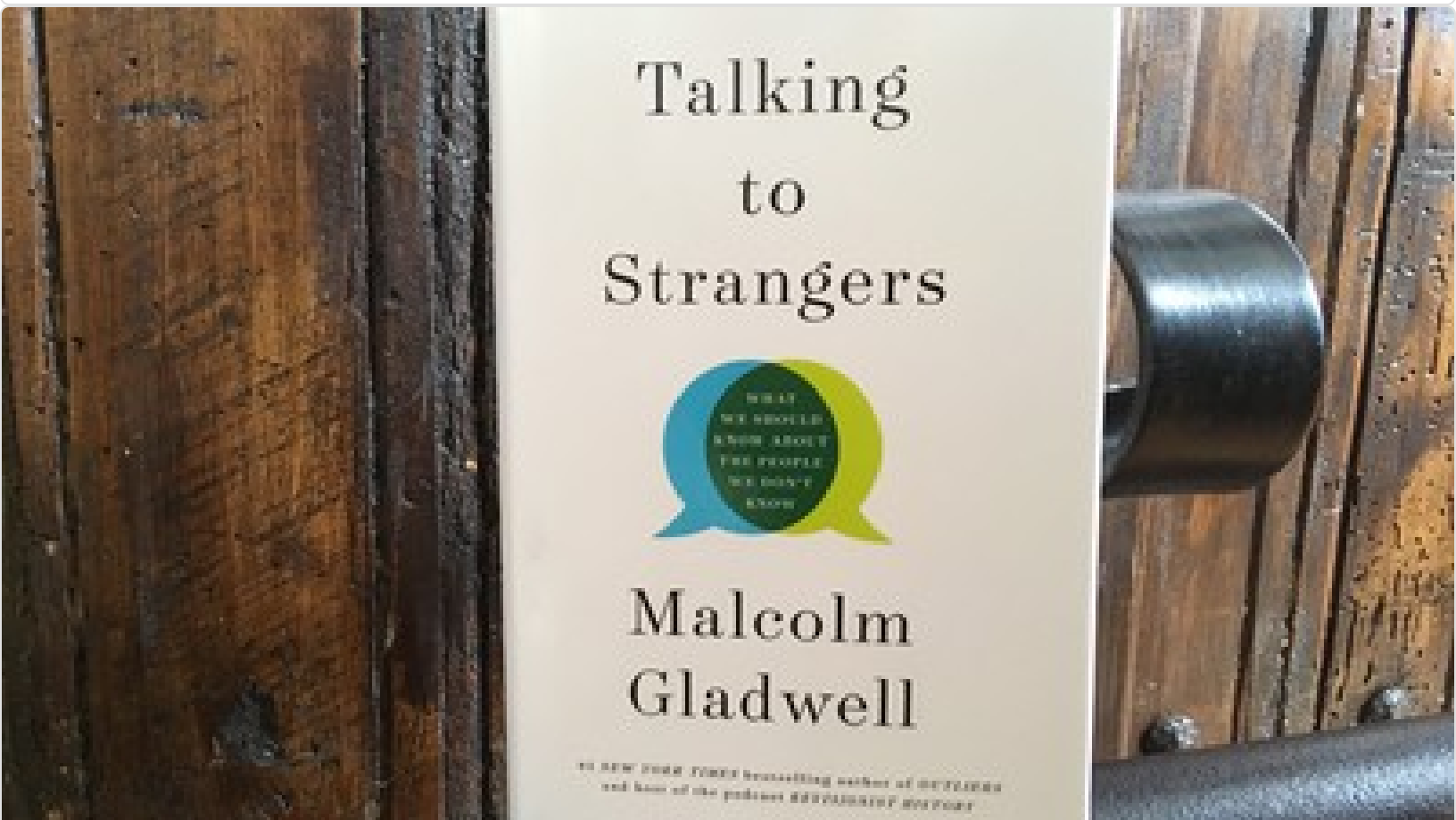
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