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A Judge's Rebuke of Immigration Detention

By THE EDITORIAL BOARD AUG. 5, 2015

Children do not belong in prison. The mass detention of families offends American values, a lesson this country learned long ago at Manzanar, Tule Lake, Heart Mountain and the other Japanese-American internment camps of World War II.

Learned, but apparently forgotten by the Obama administration, which has just been ordered by a federal judge to release several hundred women and children locked up in its immigration detention centers in southern Texas. The centers, in Dilley and Karnes City, were thrown up hastily last year to contain a surge of families and unaccompanied children from Central America, many desperately seeking refuge from gang and drug and political violence at home.

In a sharply critical ruling on July 24, Judge Dolly Gee of the Federal District Court in Los Angeles found that the administration was violating a 1997 court settlement of a lawsuit involving the care and treatment of children in immigration detention. That settlement, *Flores v. Reno*, requires the government to hold children in the least-restrictive settings appropriate to their ages and needs, in places licensed to care for children, and to release them without needless delay to their parents or other adult relatives whenever possible.

The judge found it starkly evident that the filthy, freezing holding cells of the Border Patrol, and the unlicensed lockups in Texas where families languished for weeks and months, distraught and anxious, did not meet those legal obligations.

The administration says it has made great progress in improving conditions at the Karnes and Dilley centers. But clean, tidy prisons are still prisons. The judge gave the administration until Thursday to respond to her order. The Homeland Security Department should accept the opportunity to do the right thing: Close the detention centers and open the courtrooms. Find adequate shelter and care, and lawyers and community support, for the children and mothers. Release them on their own recognizance or on affordable bond, using ankle bracelets only as an extreme step.

The country has more than enough money for catching, imprisoning and deporting immigrants. Private prison companies like the ones that run Karnes and Dilley are profiting richly from the enforcement regime. But there never seems to be enough money for justice and values.

The administration worries about detainees absconding — even though a majority of families do show up again in court, and families who have lawyers overwhelmingly honor their obligations. Immigration courts, meanwhile, are underfunded and overwhelmed, and asylum seekers wait many months or years to have their cases resolved. These deficiencies make a mockery of America's claims to be a haven for refugees.

Through all this, the immigrant tide at the border has sharply receded from last year. The administration's fears about the embarrassment of another border surge have not. But political anxieties have to be weighed against real human suffering, and the United States' obligations under the Flores case and to asylum seekers under international law.

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