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MICHAEL B. SHEEDY
EXECUTIVE DIRECTOR



November 6, 2018

Ms. Debbie Seguin
Assistant Director
Office of Policy, U.S. Immigration and Customs Enforcement
Department of Homeland Security
500 12th Street, SW
Washington, DC 20536

Re: DHS Docket No. ICEB-2018-0002, Comments on proposed rule – Apprehension, Processing, Care, and Custody of Alien Minors and Unaccompanied Alien Children

Dear Director Seguin:

The long-established Flores Settlement Agreement (FSA) of 1997 sets solid, appropriate standards for the treatment of detained immigrant children. The settlement aims to ensure children are treated with “dignity, respect and special concern for their particular vulnerability as minors.” The proposed rule could undermine the Flores agreement. The newly proposed rule is unnecessary, as reasonable and effective standards are already in place. It could also undermine that settlement in several ways outlined below.

Proposal retains inhumane detention

A “zero tolerance policy” enacted in April rightly prompted global public outcry for separating immigrant children from their parents. While this proposed rule is an attempt at an improved policy, it would likely circumvent the court decision grounding the Flores Settlement Agreement and expand family detention, which is inhumane and costly. The indefinite detention of children (with or without their families) is not a sufficiently superior solution. Detention, even for a short period of time, is damaging to a child’s development, health, and well-being.

Proposed licensing scheme for family detention centers prompts concerns

ICE family detention standards which would be utilized in the proposal are typically not as stringent as state standards currently utilized. In Texas, for example, there are specific regulations that limit the use of “mechanical restraints” on children. Licensed facilities can never use certain types of restraints on children. ICE standards, however, do not similarly protect children, and specifically allow their use for children over a certain age.

Proposed revised definition of “emergency” expands current FSA exceptions

The current limited exception to timely placement of children in licensed state facilities in emergencies (natural disasters, fires, civil disturbances, medical emergencies) could be undermined by the current proposal. It expands the definition of “emergency” in such a way that staffing shortages could be used to justify “emergency” placement.

In closing, the dignity of persons is not determined by immigration status and we should retain strong protections. Comprehensive immigration reform is needed today. Until it is achieved, our nation must not abandon our own humanity by mistreating innocent immigrant children. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Michael B. Sheedy". The signature is written in a cursive style.

Michael B. Sheedy