



November 7, 2018

AG MADIGAN OPPOSES FEDERAL GOVERNMENT'S PROPOSAL FOR IMMIGRANT CHILDREN IN DETENTION***Madigan & Coalition condemn proposed rule to circumvent Flores Agreement, which provides important protections for migrant children in detention***

Chicago — Attorney General Lisa Madigan, along with 17 other attorneys general, submitted comments to the U.S. Department of Homeland Security (DHS) and U.S. Department of Health & Human Services (HHS) expressing significant concerns with their proposed regulations that would roll back protections for children held in immigrant detention facilities.

The protections are the result of a settlement in prior litigation, the Flores Settlement Agreement, which has afforded all immigrant children a right to be released from detention, set standards for their conditions of confinement, and provided meaningful oversight and monitoring of their care while in custody. The federal government is seeking to replace the protections in the settlement agreement with the new, less protective regulations.

Among Madigan's chief concerns is that the proposed regulations would allow for the indefinite detention of immigrant children and their families in federal custody by lifting the requirement that DHS release a child from their custody without unnecessary delay. Additionally, the proposed regulations would undermine states' abilities to ensure the safety of detained children by weakening their authority over licensing of children's residential placements. These proposals have the potential to subject children to prolonged detention in environments that are not equipped to care for children.

"The federal government is tearing children apart from their families and now wants to strip away any protections children have while in detention," Madigan said. "These are horrible acts of abuse that will affect children for the rest of their lives."

In the comment letter, Madigan and the coalition:

- Describe how the proposed rule contradicts important protections guaranteed by the Flores Settlement Agreement, including the presumption that all children are eligible for release into the community;
- Address constitutional concerns with the indefinite detention of children;
- Call attention to the evidence showing that detention is not a deterrent to immigration;
- Highlight how the proposed rule undermines state licensing of children's residential placements, which is a fundamental police power traditionally belonging to the states; and
- Discuss the ample evidence of lasting harm to children from detention.

Joining Madigan in submitting the comments were the attorneys general of California, Delaware, the District of Columbia, Iowa, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia and Washington.

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