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FEDERAL COURT BLOCKS U.S. FROM DETAINING SOME ASYLUM SEEKERS

By Miriam Jordan
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A federal court Friday temporarily halted the Obama administration's policy of keeping in detention mothers and children seeking asylum in the U.S., which it began implementing amid a surge in illegal crossings last summer.

The lawsuit challenged the new practice by Immigration and Customs Enforcement, a unit of the Department of Homeland Security, of detaining women and children who had shown a credible fear of persecution. The federal court in Washington, D.C., ordered the government to stop the so-called "no release" policy.

The government is likely to appeal the decision, according to analysts. The Department of Homeland Security didn't immediately respond to requests for comment.

The American Civil Liberties Union filed the case last December on behalf of asylum-seeking mothers and children who are being detained at facilities across the country, in Karnes City and Dilley, Texas, and Berks County, Penn. The named plaintiffs in the case had all cleared credible-fear screenings, which entitled them to seek asylum in the U.S.

All told, 66,000 such family units crossed into the U.S., mainly through Texas, in the fiscal year that ended Sept. 30. About as many unaccompanied minors also flocked to the U.S. during that period, usually turning themselves into border patrol agents.

Not all the women and children awaiting asylum hearings are in detention. An unspecified number were released to relatives in the U.S. and are awaiting court dates. Their cases could take a few years to conclude.

The influx caused a political crisis in Washington, with some lawmakers pointing to it as proof that the border wasn't secure. In response to the surge, Homeland Security Secretary Jeh Johnson announced measures to discourage the influx, including information campaigns in Central America about the dangers of making the journey to the U.S. and the opening of detention centers at the border to house many families.

The administration's fast expansion of the centers drew sharp criticism from civil-rights groups, immigrant advocates and clergy, who said detention was unnecessary, and even psychologically harmful, to children and mothers who aren't a security or flight risk. Attorneys who visited the facilities said they were scrambling to ensure a fair judicial process in far-flung facilities, which were difficult to reach and had inadequate infrastructure.

Last December Mr. Johnson presided over the opening of the nation's largest immigration detention facility in Dilley, Tex; designed especially to hold up to 2,400 women and children.

The court rejected the U.S. government's argument that detention of the women and children was necessary to prevent a mass influx that could undermine national security. The

court wrote, the "incantation of the magic word 'national security' without further substantiation is simply not enough to justify significant deprivations of liberty."

Judy Rabinovitz, deputy director of the ACLU's Immigrants' Rights Project, said, "This ruling means that the government cannot continue to lock up families without an individualized determination that they pose a danger or flight risk that requires their detention."

The court decision regarding detentions comes just days after a federal court in Texas temporarily stopped President Barack Obama's executive actions to grant a reprieve from deportation to as many as five million illegal immigrants in the country.

The decision by the court in Brownsville, Texas, was a major blow to the president's efforts to bypass a Congress gridlocked on immigration. Mr. Obama said he expected his administration would prevail in an appeal.

"It's ironic that one court viewed the administration as being too generous and the other found it to be too harsh," said Stephen Yale-Loehr, an immigration professor at Cornell Law School. "The government just can't seem to win, no matter what it does."