

Flores Settlement Abandonment Leaves Immigrant Children in Danger

Back in 1997, the case [Flores v. Reno](#) was settled by both parties, leading to agreements that would make large changes in how the United States Immigration and Naturalization Services and now the Department of the Homeland Security and the Office of Refugee Resettlement must treat minors.

Often just termed the Flores Settlement, this news was big for minors who were housed in INS custody, as prior to this settlement there were fewer rules and regulations surrounding the treatment of minors. Anything that helps to increase the level of humanity that those in INS or in police custody is always a good idea, and these changes have ensured that fewer minors are housed in awful conditions. Due to changes in the presidential administrations and their individual treatments of the Flores Agreement, however, the children that this agreement sought to protect are facing more dangers than ever before.

First filed in 1985, the *Flores* case was a long and onerous one that was eventually settled twelve years later in 1997. This case led to a few changes in how unaccompanied minors were treated by the INS and now, by DHS and ORR offices handling their cases.

The settlement charged these immigration offices with new rules, including:

- Unaccompanied children must be released to a sponsor promptly and without delay. Sponsors can be a parent, relative, family friend, or someone else designated by a parent.
- Children should not be held in a restrictive setting that is inappropriate to their age and maturity level.
- Facilities to house minors must be licensed by the appropriate state overseers (with exceptions for those who have been violent or shown a proclivity for violence)
- Children should be housed in settings that meet standards of cleanliness and sanitation.
- Children will not be held with adults unrelated to them for longer than necessary.

In recent years, ICE has come under scrutiny for their unlicensed housing for minors, as they are only allowed to house children in unlicensed facilities on a temporary basis. These state-dependent standards may make it difficult for facilities to follow regulations to a T, but ICE has been involved in several court cases since 2015 that relate to unlicensed housing of minors.

In 2019, the Trump Administration came under fire for plans to scrap the Flores Settlement with less strict rules, which would give ICE and other [immigration offices](#) the right to house minors indefinitely. The [Nevada AG Aaron Ford](#) joined twenty other states in fighting against this replacement of the Flores Settlement, citing that standards for minors needed to follow current guidelines in order to protect the interests of these unaccompanied children.

If you've found yourself in custody or have a minor in custody that you are unable to bring home, contact our offices today to ensure that your rights and those of your children are protected to the fullest extent. There is no reason that any immigration offices should hold your child in an unsanitary facility, especially those like the many various cages that have been pictured on the news in recent years. Contact our offices to speak to an attorney that can help you put your family back together and ensure your children are safe and sound, at home.