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Landmark Settlement Announced in Federal Lawsuit Challenging Conditions at Immigrant Detention Center in Texas (8/27/2007)

### ACLU Urges Congress to End Policy of Detaining Immigrant Children

FOR IMMEDIATE RELEASE  
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AUSTIN, TX -- The American Civil Liberties Union today announced a landmark settlement with U.S. Immigration and Customs Enforcement (ICE) that greatly improves conditions for immigrant children and their families inside the T. Don Hutto detention center in Taylor, Texas. Dozens of children were released from the facility with their families as a result of the litigation. The settlement is expected to be approved shortly by Judge Sam Sparks of the United States District Court for the Western District of Texas.

"This is a huge victory not only for the children and families that have been released from Hutto, but for every detainee held at the facility, now or in the future," said Vanita Gupta, a staff attorney with the ACLU's Racial Justice Program. "Though we continue to believe that Hutto is an inappropriate place to house children, conditions have drastically improved in areas like education, recreation, medical care, and privacy."

The settlement is the result of extensive litigation and mediation in consolidated lawsuits filed earlier this year against Michael Chertoff, Secretary of the U.S. Department of Homeland Security (DHS), and six officials from ICE on behalf of 26 immigrant children. The children are between the ages of 1 and 17, and were detained at Hutto with their parents who, in almost all cases, were awaiting determinations on their asylum claims. The ACLU, the ACLU of Texas, the University of Texas School of Law Immigration Clinic, and the international law firm of LeBoeuf, Lamb, Greene & MacRae LLP brought the lawsuits.

Since the original lawsuits were filed in March 2007, all of the 26 children represented by the ACLU and co-counsel have been released. The final six children were released days before the settlement was finalized, and are now living with family members who are U.S. citizens and/or legal permanent residents while pursuing their asylum claims.

For the children, the release day was very emotional. Andrea Restrepo, a 12-year-old child from Colombia, had been held in Hutto in a small cell for nearly a year with her mother and 9-year-old sister.

"I feel much better, I feel tranquil, I can do things now I couldn't do there," said Restrepo. "I am trying to forget everything about Hutto. I feel free. It was a nightmare."

Conditions at Hutto have gradually and significantly improved as a result of the groundbreaking litigation.

EN ESPAÑOL  
> [Se anuncia acuerdo negociado sin precedentes, en demanda entablada en los tribunales federales, impugnando las condiciones en un centro de detención para inmigrantes en Texas](#)  
(8/27/2007)

Children are no longer required to wear prison uniforms and are allowed much more time outdoors. Educational programming has expanded and guards have been instructed not to discipline children by threatening to separate them from their parents.

"The ACLU has long been concerned with poor conditions in immigration detention centers, but the inhumane conditions in which the children at Hutto lived before this litigation demanded our immediate attention," said Gouri Bhat, an attorney with the ACLU's National Prison Project. "This agreement with ICE will make permanent important changes that already have been made and will ensure additional improvements in the future."

"The litigation has achieved enormous results," said Sean R. D. Gorman, a partner with LeBoeuf, Lamb, Greene & MacRae LLP, which provided pro bono representation to the children. "Instead of punishing asylum seekers by treating them like criminals, the settlement requires ICE to treat children more like children — with the care and compassion that exemplify American values."

Soon after the litigation commenced, ICE instituted a policy of detaining at Hutto only families placed in expedited removal proceedings and began to issue bonds for asylum seekers who passed their credible fear interviews.

"Imprisoning families who have fled their home countries under fear of persecution from their own governments, and detaining them in jail-like conditions, was an indescribable trauma for many of the children we represented," said Barbara Hines, Director of the University of Texas School of Law Immigration Clinic. "We are hopeful that by limiting the population at Hutto to families in expedited removal except in exigent circumstances, and adopting more meaningful release procedures, that the length of stay for children will be significantly reduced."

Additional improvements ICE will be required to make as a result of the settlement include allowing children over the age of 12 to move freely about the facility; providing a full-time, on-site pediatrician; eliminating the count system so that families are not forced to stay in their cells 12 hours a day; installing privacy curtains around toilets; offering field trip opportunities to children; supplying more toys and age- and language-appropriate books; and improving the nutritional value of food. ICE must also allow regular legal orientation presentations by local immigrants' rights organizations; allow family and friends to visit Hutto detainees seven days a week; and allow children to keep paper and pens in their rooms. ICE's compliance with each of these reforms, as well as other conditions reforms, will be subject to external oversight to ensure their permanence.

Despite the tremendous improvements at Hutto, the facility remains a former medium security prison managed by the Corrections Corporation of America, a for-profit adult corrections company. In recent years, Congress has repeatedly directed DHS to keep immigrant families together, either by releasing them or using alternatives to detention. Where detention is necessary, Congress has said immigrant families should be housed in non-penal, homelike environments. The ACLU remains adamant that detaining immigrant children at Hutto is inappropriate, and calls on Congress to compel DHS to find humane alternatives for managing families whose immigration status is in limbo.

"We are thrilled at what we were able to accomplish through litigation and mediation," said Lisa Graybill, Legal Director of the ACLU of Texas. "But the fact remains that our government should not be locking up innocent children — period. That is not what America is about. It is time for Congress to intervene and end the policy of family detention."

The Hutto lawsuits were filed by Gupta and Elora Mukherjee of the ACLU's Racial Justice Program; Bhat and Tom Jawetz of the ACLU's National Prison Project; Judy Rabinovitz of the ACLU's Immigrants' Rights Project;

Graybill of the ACLU Foundation of Texas; Hines of the University of Texas School of Law Immigration Clinic; and Gorman, Stephen J. Lable and Carol A. Lafond of the law firm LeBoeuf, Lamb, Greene & MacRae LLP.

More information about Hutto and the ACLU's litigation is available online at: [www.aclu.org/hutto](http://www.aclu.org/hutto)

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