

Los Angeles Judge Reviews Immigrant Child Protection Deal

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A federal judge in Los Angeles is set to decide whether to terminate a long-standing court agreement that has shaped how the U.S. government treats immigrant children in custody.

On Friday, U.S. District Judge Dolly Gee will consider the Trump administration's request to end the Flores Settlement Agreement, a 1997 legal mandate that sets standards for the detention, treatment, and release of immigrant children. The agreement was first introduced

to ensure children in federal custody are held in safe, sanitary conditions and not detained for more than 72 hours by Customs and Border Protection (CBP).

If the court grants the request, it would mark a significant shift in U.S. immigration policy, removing requirements that facilities be monitored by outside parties and potentially allowing longer detention periods for minors.

In its motion, the federal government argues that the protections under the Flores agreement are no longer necessary, citing improvements in child detention practices over the past few decades. The Department of Justice maintains that it has developed detailed policies that now meet, or exceed, the original settlement's requirements.

"Conditions for immigrant children who enter the U.S. without a parent have substantially improved from those that precipitated this suit four decades ago," the filing states.

The motion outlines how children are now transferred to the Department of Health and Human Services (HHS) within the 72-hour limit, and that HHS has specific responsibilities for child welfare. Officials argue that continued court supervision is outdated and burdensome.

Immigrant advocacy groups are urging Judge Gee to reject the request. They argue that terminating the agreement would remove crucial protections at a time when violations are still occurring.

As part of their legal response, advocates submitted firsthand testimony from detained families. Reports include cases of toddlers left despondent, children fighting for access to clean water, and a child with visibly swollen feet who was denied medical attention. These statements came from families held at detention facilities in Texas earlier this year.

They also provided CBP custody data from March and April showing that 213 children were held longer than 72 hours, and that 14 children, including toddlers, were detained for over 20 days in April alone, far beyond the legal limit set by Flores.

If the agreement is dissolved, advocates warn that detention centers would no longer be subject to third-party inspections, potentially reducing transparency and increasing the risk of mistreatment.

Although the Trump administration initiated the legal push to terminate Flores, the Biden administration has taken a step toward modifying the agreement. In 2023, Judge Gee approved a partial rollback of the settlement, ending special court supervision in cases where children are transferred to HHS custody.

However, exceptions remain for high-need facilities housing children with more serious medical or behavioral concerns. Those institutions still fall under judicial oversight.

The current hearing will determine whether the remaining portions of Flores should be dissolved entirely, which would shift the responsibility for monitoring immigrant child detention to federal agencies alone, without judicial involvement.

The case unfolds as the federal government continues to expand its immigration detention infrastructure. A notable example is a new facility in Florida dubbed “Alligator Alcatraz,” where a separate lawsuit has alleged constitutional violations.

The Department of Homeland Security has faced increased scrutiny in recent years over detention conditions, particularly for vulnerable populations such as minors and asylum seekers. The outcome of the Flores case could significantly influence how immigration authorities operate going forward.

The Flores agreement has served as a key legal framework for over 25 years, affecting how federal agencies handle the intake and care of immigrant children. It not only set limits on detention but also required regular reporting, compliance checks, and minimum standards for sanitation and medical care.

If Judge Gee grants the motion to terminate the agreement, immigration authorities would no longer be legally required to comply with those standards or be subject to third-party oversight.

For now, the future of those protections lies in the hands of the court.