

Los Angeles Court to Rule on Migrant Child Detention Standards

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LOS ANGELES, A U.S. District Court is preparing to decide on the future of the Flores Agreement, a federal settlement that has dictated basic care standards for migrant children in immigration detention since 1997. The court date, scheduled for August 8, follows a legal motion by the Trump administration seeking to end the agreement because it no longer reflects current conditions at the southern U.S. border.

The Flores Agreement mandates that minors held in federal immigration custody must be housed in safe and sanitary conditions, with access to clean water, food, medical services, restrooms, and appropriate climate control. It also requires that children not be held in U.S. Customs and Border Protection (CBP) facilities for more than 72 hours before being transferred to more suitable care settings.

Testimony collected by legal and child welfare groups, however, describes significant lapses in those standards. Numerous accounts submitted to the court speak of overcrowded facilities, poor hygiene, limited medical access, and emotional distress experienced by minors.

“The place where I sleep is a cell. It’s extremely cold. The bathroom has no door, and the floor is very dirty,” a 16-year-old girl testified in a legal filing. “It’s very embarrassing not to have privacy.”

The Trump administration, in its court filing, maintains that the agreement is outdated and imposes limits on immigration enforcement at a time of increased illegal border crossings. Officials have also argued that CBP detention facilities have seen improvements over the past two decades.

Judge Dolly M. Gee, who has overseen enforcement of the agreement, will make the final decision. The court’s ruling could significantly alter how migrant minors are held at the border, particularly those arriving without adult guardians.

Inside the facilities commonly referred to as “iceboxes”, due to their cold temperatures, children reportedly sleep on thin mats, lack exposure to natural light, and are frequently awoken during the night for security checks. Several accounts also raise concerns about inadequate nutrition and medical care.

“When my daughter got sick, a staff member said it was my fault for bringing her here,” one mother said. “I asked for medication, but they told us to go home if we wanted treatment.”

In one tragic case, 8-year-old Anadith Danay Reyes Álvarez died in CBP custody in 2023. She suffered from heart disease and sickle cell anemia. According to a lawsuit filed by her family, medical staff repeatedly ignored requests for hospitalisation despite clear symptoms, including a high fever and chest pain.

In April 2024 alone, 213 minors were reportedly held beyond the 72-hour limit outlined in the agreement. Fourteen children remained in CBP custody for over 20 days, and one was detained for more than a month. Attorney Scott Bassett, of legal aid group Amica, called the extended detentions “unacceptable,” noting that the agreement was created precisely to prevent such situations.

Originally designed for unaccompanied minors like Jenny Lisette Flores, a Salvadoran teenager held in the 1980s, the Flores Agreement was later broadened to apply to all migrant children. While the Biden administration enacted updated regulations in 2024 under the Department of Health and Human Services (HHS) for unaccompanied minors, some child advocacy groups argue that Flores still provides necessary safeguards, particularly for those held by CBP.

There is a sharp contrast between CBP-run facilities and those managed by the Office of Refugee Resettlement (ORR), which typically offer better conditions, including educational, recreational, and religious services. The agreement stipulates that children should be moved from CBP to ORR within 72 hours, but many are not.

“There wasn’t a single toy. Children weren’t even allowed to play or move around,” a father said in a court statement. “Imagine being three years old and told to stay still for five days.”

The Trump administration has also challenged funding for legal aid provided to these minors, though the courts have so far blocked those efforts. According to Bassett, cutting legal representation would increase the risk of unjust deportations.

“Most of these children qualify for relief under U.S. immigration law,” Bassett said. “But without a lawyer, they don’t stand a chance in court.”

Some children are being offered voluntary departure, a legal route that lets them return to their countries of origin without a formal deportation order. While technically optional, experts caution that it can be confusing, especially for minors unfamiliar with legal processes.

Many of the children in detention have fled violence or instability in their home countries, and returning often means facing the same risks they sought to escape. But life in detention, as described by some minors, is no easier.

“We can’t play. We just sleep, eat, cry, and wait,” said one young detainee.

As the court prepares to rule, legal observers say the outcome could have lasting effects on how the United States manages its growing number of underage migrants at the southern border, an issue that continues to provoke legal and political debate.