

Luis Campos in Texas Tribune: Alienation, Legal Process and our Southern Border

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PRACTICES Immigration

The federal government has just announced its latest salvo in its ongoing war on asylum seekers, proposing rules that would allow children to be held in immigration detention for prolonged periods of time. The rules would undermine our legal obligations to refugees and strike a particularly vulnerable population: asylum-seeking children.

To provide context, the U.S. is a party to the international Refugee Treaty's 1967 Protocol. The U.S. Constitution ensures ratified treaties are "the supreme law of the land." The obligation to protect and process refugees without imposing punitive measures has also been incorporated in our statutes, specifically, the Refugee Act of 1980, as well as in federal regulations and a constellation of administrative memoranda, policies and guidance. Further, the Supreme Court has ruled that all persons on U.S. soil enjoy legal protections and, more to the point, the due process of law.

And in regard to children, a prior judicial order known as the Flores court settlement places limits on the detention of children and ensures that the conditions of detention are suitable. The administration claims it can sidestep the settlement's restrictions on prolonged detention while still abiding by the broader standards contained in the settlement. In light of the recent treatment of asylum seekers in South Texas, I am not persuaded.

Excerpted from *TribTalk*, a publication of *The Texas Tribune*. To read the full article, click [here](#).

The column also appeared in the following publications:

[Austin American-Statesman](#)

[The Texas Lawbook](#)