

## IMMIGRATION

# The Biden Administration Is Putting Kids Back Into Temporary Tent Shelters

Can't we do better than this, America?

By LORELEI LAIRD

at 2:14 PM



(Photo by Drew Angerer/Getty Images)

On Monday, the Biden administration started sending immigrant kids to [an emergency shelter in Texas](#) made out of trailers and a central tent. This triggered a highly predictable backlash, as did the news that they're planning on opening [another in Florida](#). The administration is defending this as necessary and temporary, and I hope to God they wouldn't say that unless they think it's true. But it can't be denied that these shelters are bad for kids and also a deeply bad look for the president whose main selling point was always "not being Donald Trump."

According to the Washington Post, the a the pandemic requires fewer kids per fac growing. That second thing is indisputal



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because durrrr brown people scary.

It's also great that they're putting some space between detained kids. The Trump policy on that (until it was halted) was to [stick them in hotel rooms](#) that weren't necessarily any safer, but did end run around the kids' legal rights. And releasing the kids without finding an adult sponsor is both illegal and a terrible idea. Even the ones who are old enough to take care of themselves would be homeless in a foreign country and ripe for exploitation.

The trouble is that the temporary shelters are also an end run around kids' legal rights. They are not state-licensed, which in itself is a violation of the Flores settlement, the document that (still, more than 20 years after *Flores v. Reno* was settled) is the only comprehensive outline of unaccompanied minors' legal rights. The lack of state licensing, along with the temporary nature of the facility under federal rules, led to the Florida facility being [credibly accused](#) of hiring sexual abusers because it failed to background-check employees.

These facilities are also typically in the middle of nowhere, which means it's very difficult for volunteer lawyers to get to these kids to try to help them. Homestead, the Florida facility, is not too far from Miami, but the Texas facility is two hours from San Antonio. And I can tell you from reporting on the 2014 "surge" of unaccompanied minors that ICE officers sometimes interfere further with immigrants' right to counsel by denying lawyers entry for arbitrary reasons or making rules like "no computers." (The interviews I did on that are old, but I have grave doubts that immigrants' access to counsel got better under Trump.)

And, obviously, the optics are horrible. I've seen attacks on Biden from the left already, arguing that this "proves" he is no different from Trump. Nobody who is immersed in the details of immigration law thinks this, but it will undoubtedly work on people who want to believe. This decision is also, incredibly, [coming under attack from Stephen Miller](#), who slithered out from under a rock to cry crocodile tears about "the cruelty and inhumanity of Joe Biden's immigration policies." Before you take this even sort of seriously, recall that Miller is the architect of family separation

I agree with the Biden administration that  
and I certainly don't want them in Custody



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instead pour resources into finding and clearing their sponsors? Must we do the same thing we always did, but under a fresh coat of paint?

*Lorelei Laird is a freelance writer specializing in the law, and the only person you know who still has an “I Believe Anita Hill” bumper sticker. Find her at [wordofthelaird.com](http://wordofthelaird.com).*



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