

Some Question Use of Temporary Shelter for Children in Country Illegally

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Body

SAN ANTONIO -- At lunchtime, teenage boys in red and blue T-shirts stood in line as they entered a hushed cafeteria for hamburgers and hot dogs. Just days earlier, many of them risked their lives crossing the border from Mexico into the United States, but now they were spending their time in spotless, orderly rooms, with police officers ensuring their safety, registered nurses monitoring their health and a host of board games, movies and outdoor activities keeping them entertained.

How these children were being cared for was not unusual. Where they were being held was -- at an Air Force base here.

Thousands of immigrants under the age of 18 are arrested every year illegally crossing the border on their own, unaccompanied by a parent or guardian.

They often flee their countries to join relatives in the United States or to escape abuse and neglect at home. A majority are male, 14 to 17 years old and come from El Salvador, Guatemala or Honduras, with a smaller number from Mexico. They are usually detained in shelters while they wait for their cases to be resolved.

But this month, federal officials began housing 200 of these children at Lackland Air Force Base here, turning a vacant dormitory that was once the living quarters of basic training recruits into an emergency shelter for young illegal immigrants.

It is the first time that this subset of immigrants -- a particularly vulnerable population, some of whom are as young as 8 or 10 and have been physically or sexually abused -- has been housed on a military base.

The use of the Lackland building is only temporary -- no more than 60 days, officials say -- and in response to what federal authorities describe as an influx of these children. But the move has raised concerns among state officials, immigration advocates and some conservative opponents of current immigration policy.

A federal child-welfare agency is paying the Department of Defense for using the dormitory, including electricity and maintenance costs, though officials said they did not have an exact dollar amount.

Several lawyers who represent unaccompanied children questioned whether using Lackland as an emergency shelter violated a settlement agreement from a class-action lawsuit that establishes how the federal government can treat these children while they are in custody.

In that agreement, reached in 1997 and known as the Flores settlement, federal authorities agreed to seek state licensing of the facilities to house these children, in response to accusations of substandard conditions.

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The Lackland dormitory has not been licensed by Texas as a child care facility, and state child welfare officials said the building was not subject to state regulation because it is on federal property. The Flores settlement makes an exception to the licensed facility requirement when there is an emergency or an influx of minors, but requires that those minors be placed in licensed programs "as expeditiously as possible."

Officials with the Administration for Children and Families, the federal agency that oversees the treatment and housing of such children, said that although the Lackland shelter was not licensed by the state, they were adhering to the licensing standards.

Children there are provided a number of services and resources, the officials said, including clothing, medical care, two telephone calls per week and assistance in family reunification.

But immigration lawyers are concerned that the federal officials were unprepared to deal with even a small rise in the number of children and that a large number of children have yet to be transferred out of the Lackland dormitory. Since it opened on April 16, 83 children have left, federal officials said.

"Any shelter anywhere in the country can say, 'We're not licensed, but we meet the standards anyway, trust us,' " said Carlos Holguin, a lawyer for the Center for Human Rights and Constitutional Law, which is based in Los Angeles and represented the plaintiffs in the Flores case.

"That's not the way it's supposed to work," he said. "To hold 200 kids on an ongoing basis at an Air Force base where they don't have access to counsel, that would be a concern. That's a long time for a kid to be warehoused on the pretext that it's an emergency situation."

Officials with the Administration for Children and Families said the licensed shelters in the Southwest where these children would typically be sent are at capacity. They said 7,000 to 8,000 of these children are served annually, but this fiscal year, the number has already reached 6,300, from October through April. In October, 709 were added to the program. In March, new arrivals rose to 1,390.

Agency officials said they had not determined the reason for the increase. Border apprehensions over all have declined; there were 340,252 nationwide last fiscal year, down from 1.2 million in 2005.

Whatever the reason, it has had an impact on San Antonio. Federal officials have opened new shelters or expanded existing ones throughout the city, turning a former Y.M.C.A. downtown into a temporary shelter for up to 125 children and placing up to 75 other children who may have been exposed to chickenpox at another newly opened shelter.

Texas child-welfare officials sent a letter to federal authorities, expressing concern that the San Antonio emergency shelters would probably not meet minimum licensing standards.

"We're seeing emergency shelters becoming more and more of a norm because they just don't have a plan, either to stop this at the country of origin or to handle this once the children are here," Lucy Nashed, a spokeswoman for Gov. Rick Perry, said of the federal government. "You're seeing them having to scramble to mitigate the effects of having an unsecured border."

Marrienne McMullen, a spokeswoman for the Administration for Children and Families, said it was working to move all children into permanent, licensed facilities as quickly as possible.

"We have 851 permanent, licensed beds coming online between now and June, and we plan to shut down all temporary facilities over the summer," she said in a statement.

Graphic

PHOTO: A Lackland Air Force Base dormitory being used for children who crossed the border alone. Federal officials say there is no room at licensed shelters. (PHOTOGRAPH BY OFFICE OF PUBLIC AFFAIRS, ADMINISTRATION FOR CHILDREN AND FAMILIES)

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