

**Baby Jails:
The Fight to End the Incarceration of
Refugee Children in America
by Philip G. Schrag
Oakland: University of California Press
(2020) 400 pp.
*Reviewed by Mustapha N.***

This book provides a detailed, historical account of the struggle of refugee children incarcerated in America. This study highlights the experience of those who have fled persecution in their native lands to seek asylum in the United States. His work creatively utilizes case law, stories from personal interviews and litigation documents stemming from the 1980s (under the Reagan administration) right up until Donald Trump's recent term in the Oval Office.

The author argues that the ongoing battle between immigrant advocates from American Immigration Lawyers Association (AILA) and the American Civil Liberties Union (ACLU) with the U.S. government has now spanned for nearly four decades. The ACLU has been arguing against forced separation of families. At the same time, the AILA contends that nobody unrepresented be deported and that everyone is entitled by law to have lawyers help them qualify for asylum. Schrag covers both views of opposing council. The original foundation built for the care of the Unaccompanied Alien Children (UAC) was pioneered by Carlos Holguin in the 1980's followed by an avalanche of legal contributions right up to Peter Schey as recent as 2017, going up against the government's own courtroom heavy hitters, such as Leon Fresco. Overall, the paramount responsibility for these litigations would fall on the shoulders of giants like Judges Robert J. Kelleher, Sam Sparks and Dolly Gee. Notably, Judge Keller designated relatives and family friends as "temporary legal guardians" allowing release on bond. Judge Sparks made his mark by requiring specific reforms in the conditions of confinement. Children were the focus for Judge Gee who ordered the government not to detain children in unlicensed or "secure" facilities. The aftermath of these decisions sometimes inspired change and helped create programs like President Barack Obama's Deferred Action for Childhood Arrivals (DACA) which provides temporary relief from

deportation to certain individuals who had been brought to the U.S. by their parents without documentation.

The overarching concern of this book is the constant deficiency between local services such as the Office of Refugee Resettlement (ORR) and United States Citizenship and Immigration Services (USCIS), reaching a mutual agreement with international agencies like United Nations High Commissioner for Refugees (UNHCR). The author's recurring theme on the subject narrows in on the (lack of) validity of "credible fear" and "reasonable fear" interviews conducted by asylum officers. It is constantly questioned whether fully developed standards were being met. Schrag's arguments were effective in enhancing my comprehension of the immigration courts' complex legal issues pertaining to the detention of migrant children.

The main argument the author wants his readers to get from the book is that the duration and conditions of confinement of migrant children in Customs and Border Protection's (CBP) custody is not exactly what they had in mind when they sought "safety" in America. Given my own family's experience of immigrating to a new country, my time in Toronto was a drastic contrast and could not compare to the new world that 15-year-old Jenny Lisette Flores had to endure upon her arrival in 1985. Shortly after she crossed into the USA from Mexico, Flores, age 15, was apprehended and taken into custody. She had no visa when she was fleeing the civil war in her own country. She could not be deported before she appeared before an immigration judge who would determine her eligibility for asylum. Flores was detained with adult detainees, and she shared sleeping quarters with seven other children and five women. None of these people were related to her. She was given no educational instruction, reading materials or recreation and she was not allowed to have visitors. Although, my family were also initially setup in a motel, it was not one that our new government had turned into a makeshift prison with barred windows and barbed wire surrounding its structure. Flores' story of Immigration and Customs Enforcement's (ICE) detainment later became known as the Flores Settlement Agreement and is at the heart of this book.

Phillip G. Schrag describes a system that has brought anguish and trauma to countless parents and children and does so in an objective manner. It is difficult to detect any biases in the in the style of his prose. The author adopts a multi-faceted approach to explore his research. He somehow manages to intertwine a combination of being descriptive, analytical, and

chronological while simultaneously remaining topical. Readers would value the authenticity and quality of this research investigation. The language the author uses, articulates his ideas and scope of analysis well. The organization and chronological layout well serve the book's overall perspective and purpose. All throughout *Baby Jails*, Schrag offers a reflection of the existing policies on this, above all, humanitarian crisis.

The author's ideas are well founded. He provides the necessary evidence to prove how "family" detention centers are being utilized nationwide to warehouse Unaccompanied Alien Children. The information derives from five different facilities: Hutto, Artesia, Karnes, Dilley and Berks. The evidence is overwhelmingly convincing because it was sourced from numerous witnesses and derives from multiple agencies who all describe unfair treatment. The lawsuits covered depict overcrowding in the Alien Minor Shelter Care Program (AMSCP), and demonstrates that this causes family separations. One is persuaded to understand how crucial the Board of Immigration Appeals (BIA) appellate law becomes after litigation proliferates. This book assisted with grasping the conflicting narratives of the federal government and their advocate counterparts. The referenced court records often speak for themselves and paint a better picture.

Philip G. Schrag is a professor of public interest law at Georgetown University. This work builds on his prior research book, *Asylum Denied*. While he has previously written about the Immigration and Naturalization Service, it is imperative for readers to know that this is the first book length treatment of the subject on the long effort to end the detention of migrant children. The author succeeds in his attempt to provide relevant information explaining something so technical. His formal style is clearly coherent, concise, and fluid. For anybody who would like to be better educated on this timely issue, *Baby Jails* is an important, often powerful, and necessary read.

ABOUT THE REVIEWER

Mustapha N. is a Canadian federal prisoner.