



# MALDEF

The Latino Legal Voice for Civil Rights in America.

## **Testimony Before the Universal City Planning and Zoning Commission**

*January 6, 2020*

Commission members:

My name is Fátima Menéndez, and I am a legislative attorney for MALDEF (the Mexican American Legal Defense and Educational Fund), a national civil rights law firm, testifying against the zoning request to open and operate a for-profit immigrant children's detention facility in collaboration with VisionQuest.

The zoning request today for a zone change for the property at 401 West Byrd Boulevard from that of C1-Neighborhood Services to R5-Multifamily Residential should be denied simply as a technical issue. According to Zoning Ordinance 581, Article III, Section 4-5-30, a multifamily residential district is to be established for the highest residential densities meant primarily for apartment housing. The approval of this zone change to multifamily housing would be an improper application of Zoning Ordinance 581. The children that would be detained in the facility are not family members.

The Zoning Commission is responsible for the application and enforcement of Zoning Ordinance 581, which was established to "promote the public health, safety and general welfare of the present and future citizens of Universal City." An immigrant children's detention facility would not promote any of these values. This type of facility puts the detained children, facility staff and surrounding residents at risk. In the last two months, several reports, including from The New York Times<sup>1</sup> and The Washington Post<sup>2</sup>, have revealed that the United States Customs and Border Patrol has blatantly refused to provide immigrant children in federal custody at the border flu vaccinations and other crucial medications. As a result, several children have died from the flu while in federal custody. This failure by the federal government makes this type of facility, where children, immigration officials, staff and outside service providers convene, a risk to not

---

<sup>1</sup> Why Border Patrol Refuses to Offer Flu Shots to Migrants.

<https://www.nytimes.com/2019/12/11/us/migrants-flu-vaccines-border-patrol.html>.

<sup>2</sup> CDC recommended that migrants receive flu vaccine, but CBP rejected the idea.

[https://www.washingtonpost.com/immigration/cdc-recommended-that-migrants-receive-flu-vaccine-but-cbp-rejected-the-idea/2019/11/25/8aba198e-0fb8-11ea-b0fc-62cc38411ebb\\_story.html](https://www.washingtonpost.com/immigration/cdc-recommended-that-migrants-receive-flu-vaccine-but-cbp-rejected-the-idea/2019/11/25/8aba198e-0fb8-11ea-b0fc-62cc38411ebb_story.html).

only those inside, but those nearby and who interact with these individuals. This does not promote the public health, safety, or general welfare of current and future Universal City residents.

Additionally, on November 19 VisionQuest provided strong evidence to the Universal City City Council that the mental health treatment provided by them is insufficient. VisionQuest outlined the services provided during the first 4 hours after a child is transferred to one of their detention facilities, which include: a bath, meal, assignment of clothes, case manager assignment and meeting, physical and mental health evaluations and an orientation. The time allotted for an initial physical and mental health evaluation, especially after days spent by a child at an overcrowded border patrol detention facility, is inadequate.

Prior to my work with MALDEF, I worked as an immigration attorney representing detained children for 4 years. I visited my clients in these facilities multiple times per week during those 4 years. The children are contained through various security measures, including tall fences, security cameras and barred doors and windows. VisionQuest even testified before the Universal City City Council that the children would be monitored 24/7. Although the children detained in these facilities are typically awaiting reunification with family members in the United States, the process can take months and years. During this time, the children are allowed a short phone call with a family member once a week and denied access to most activities that children need to continue to develop mentally, as well as activities that bring joy. I had several children attempt suicide while detained in this type of facility. Part of this can be attributed to the lack of sufficient mental health treatment available to these detained children.

VisionQuest has a history of child abuse, both physical and verbal, by staff in their facilities. In 2017, VisionQuest closed a facility in Philadelphia after several staff members were shown to have physically abused detained children in their custody.<sup>3</sup> This is a problem that persists throughout immigrant detention facilities and the inability of detained immigrant *children* to be able to report this type of abuse to staff or family members allows this problem to occur many times under the radar. These facilities also curtail the mental development and educational advancement of detained children. This reality could worsen if the Trump Administration is successful in its proposal to detain immigrant children for an indefinite amount of time. This plan, along with the President's recent announcement that he would seek to take away recreational and legal aid programs, as well as educational services for detained immigrant children, places these children at even greater risk.

MALDEF urges this commission to reject the zoning request to open and operate a for-profit immigrant children's detention center at 401 West Byrd Boulevard.

Thank you for your time.

---

<sup>3</sup> Accused of harming children at its North Philly Shelter, VisionQuest now plans to house immigrant youth here. <https://www.inquirer.com/philly/news/visionquest-immigrant-children-philadelphia-shelter-abuse-20181026.html>.