



# Lutheran Immigration and Refugee Service

## Backgrounder

### From Persecution to Prison: Child and Family Detention

In the wake of a stark increase in the number of children and families from Central America seeking protection in the United States in the Spring and early Summer of 2014, the Obama Administration opened new facilities to detain migrant families, including mothers, young children and babies. A nearly 700-bed detention facility opened in June 2014 in [Artesia, New Mexico](#),<sup>i</sup> a 537-bed facility opened in August 2014 in [Karnes County, Texas](#) and a 2,400-bed facility, the largest immigration detention facility in the United States, is slated to open in Dilley, Texas in December 2014. These facilities are part of a larger plan to detain newly arriving families in hopes of deterring others from coming to the United States.

**LIRS is extremely concerned about the use and expansion of family detention.** Migrant families with children who have undertaken a dangerous and traumatic journey seeking safety are among the most vulnerable individuals in the United States and they deserve to be embraced in our homes, our churches and our communities. **Detention is completely inappropriate for families.** In addition to being extremely costly and inhumane, detention also prevents adequate access to legal services, opportunities for visitation, and long-term integration for vulnerable individuals. While the narrow purpose of immigration detention is ensuring compliance with immigration court proceedings, Alternatives to Detention (ATDs) have proven effective at ensuring such compliance while also maintaining respect for human dignity and upholding the United States' legacy as a nation of welcome for those fleeing persecution.

### Family Detention: History

The Department of Homeland Security's Immigration and Customs Enforcement (ICE) currently detains adult immigrants in a sprawling nationwide system of over 250 immigration detention facilities, costing taxpayers almost \$2 billion annually. Each year, ICE detains approximately 480,000 men and women<sup>ii</sup> in these facilities.

With regard to family detention facilities, ICE has operated the 96-bed Berks County Family Shelter (Berks) in Leesport, Pennsylvania since 2001. From 2006-2009, ICE also operated the 512-bed T. Don Hutto Correction Center (Hutto) in Taylor, Texas as a family detention center. While DHS claimed the facility was specially equipped to meet the needs of families, reports emerged that children as young as eight months old wore prison uniforms, lived in locked prison cells with open-air toilets, were subjected to highly restricted movement, and were threatened with alarmingly disciplinary tactics, including threats of separation from their parents if they cried too much or played too loudly. Medical treatment was inadequate and many children, some as young as one year old, lost weight. The Hutto facility was the subject of a lawsuit, a human rights investigation, multiple national and international media reports and a national campaign to end family detention and was ultimately forced to close in 2009.

### Family Detention: Humanitarian Concerns

There is no humane way to detain families. New family detention facilities recently opened by ICE hold infants, toddlers, women, and children. Many of those detained are survivors of violence and trauma experienced in their home country or during the journey to the United States. Numerous reports<sup>iii</sup> by independent non-governmental organizations, government oversight agencies, and Congressional hearings have found that **DHS has not maintained safe or humane conditions in immigration detention facilities.**

In late 2007, ICE created family detention standards<sup>iv</sup>. However, these standards are not codified, meaning they do not have the force of law and do not confer a cause of action in court. In addition, family detention facilities are subject to insufficient oversight to ensure compliance with these standards.

Abuses similar to those which led to the closure of the Hutto facility have surfaced at both the Artesia and Karnes facilities. These include substandard medical care, abusive treatment and neglect by personnel, inadequate access to legal services and law libraries, inadequate opportunities for visitation and outdoor recreation, inappropriate conditions and treatment for women, children, the mentally disabled, and those with medical issues, and lack of access to telephones. Detention has been documented as psychologically damaging and completely inappropriate for toddlers and children. Holding women and children in jails or jail-like settings poses a serious threat to psychological health and risks re-traumatizing survivors of abuse, torture and human trafficking. LIRS is concerned that these abuses will be more prevalent at the Dilley facility due to its extreme size.

## The Alternatives

DHS must place families with children in the least restrictive setting possible. There are Alternatives to Detention (ATDs) that have been proven to be more humane and cost-effective. These ATDs - ranging from most-restrictive electronic ankle bracelet monitoring to least-restrictive community-based support models - have been shown to ensure compliance with immigration court proceedings. While traditional detention can cost up to \$164 per person, per day<sup>v</sup>, DHS estimates have shown current alternatives can range in cost from 30 cents to \$8.04 per person, per day<sup>vi</sup>.

LIRS has created a national model of community-supported release, the Community Support Initiative, which balances the government's need for compliance with the human rights of justice and liberty. LIRS works with coalitions of service partners in seven communities—Arizona, Austin/San Antonio, Boston, Chicago, the New York Metro area, Seattle, and the Twin Cities—to provide legal services, case management, and housing for vulnerable migrants. We also track ICE referral practices and participants' compliance rates with immigration court proceedings and study the program's cost effectiveness.

## Recommendations<sup>vii</sup>

LIRS continues to urge Congress and the Obama Administration to **uphold family values, liberty, due process, and the rights and dignity of women and children** whose lives are at risk. Specific recommendations include, but are not limited to:

- Reject the use of detention as an enforcement tool for reducing migration or preventing refugee flows
- End the use of family detention
- Make individualized assessments of each family for enrollment into ATDs including parole and bond
- Expand the use of alternatives to detention, including community-based models, that are more humane, cost-effective, and effective at meeting the goals of immigration detention
- Ensure that children are afforded the specialized medical, educational, and legal support that they require, which cannot be provided in secure detention facilities
- Ensure that detention is only used in cases where the U.S. government has proven that less-restrictive alternatives are not appropriate

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## LIRS

Founded in 1939, Lutheran Immigration and Refugee Service is one of the largest refugee resettlement agencies in the United States. It is nationally recognized for its leadership advocating with refugees, asylum seekers, unaccompanied children, immigrants in detention, families fractured by migration and other vulnerable populations. Through nearly 80 years of service and advocacy, LIRS has helped over 500,000 migrants and refugees rebuild their lives in America.

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<sup>i</sup> The Department of Homeland Security announced that it was closing the Artesia, New Mexico facility in November 2014.

<sup>ii</sup> [http://www.dhs.gov/sites/default/files/publications/ois\\_enforcement\\_ar\\_2012\\_1.pdf](http://www.dhs.gov/sites/default/files/publications/ois_enforcement_ar_2012_1.pdf)

<sup>iii</sup> *Summaries of recent Reports on Immigration Detention*, (National Immigration Forum, 2012).  
<http://www.immigrationforum.org/images/uploads/2010/detentionreportssummaries.pdf>.

<sup>iv</sup> <http://www.ice.gov/detention-standards/family-residential/>

<sup>v</sup> *The Math of Immigration Detention*, (National Immigration Forum, August 2013).

<http://www.immigrationforum.org/images/uploads/mathofimmigrationdetention.pdf>.

<sup>vi</sup> <http://www.dhs.gov/sites/default/files/publications/DHS-Congressional-Budget-Justification-FY2015.pdf>

<sup>vii</sup> <sup>vii</sup> For more detailed information regarding the conditions at the Artesia and Karnes facilities and a list of detailed recommendations, please see the LIRS report, "Locking Up Family Values, Again: The Continued Failure of Immigration Family Detention" available at <http://lirs.org/familyvalues>.