



# 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 this year, the Obama Administration quickly opened a nearly 700-bed detention facility in [Artesia, New Mexico](#) in June 2014 to hold entire families, including young children. Another family detention facility opened at the beginning of August 2014 in [Karnes County, Texas](#). These facilities are part of a larger plan to detain newly arriving families. President Obama's emergency supplemental funding request as well as the Senate Emergency Supplemental Appropriations Act (S. 2648) and the final supplemental funding bill passed by the House of Representatives (H.R. 5230) included increased funding for the Department of Homeland Security (DHS) for the expansion of family detention.

**LIRS is extremely concerned about the use and expansion of family detention.** 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 (DHS), 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>i</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.

In late 2007, ICE created family detention standards<sup>ii</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.

### 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**. Documented problems - including serious concerns at the newly opened family facility in [Artesia, NM](#) - 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 vulnerable individuals, such as women and children, in jails or jail-like settings poses a serious threat to psychological health and risks re-traumatizing victims of abuse, torture and human trafficking.

## 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>iv</sup>, DHS estimates have shown current alternatives can range in cost from 30 cents to \$8.04 per person, per day<sup>v</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

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, such as proposed in President Obama's emergency supplemental appropriations request for Fiscal Year 2014
- 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

If you have any questions, please contact Brittney Nystrom, LIRS Director for Advocacy at [BNystrom@lirs.org](mailto:BNystrom@lirs.org) or (202) 626-7943 or Liz Sweet, LIRS Director for Access to Justice at [LSweet@lirs.org](mailto:LSweet@lirs.org) or (410) 230-2728.

## LIRS

As the national organization established by Lutheran churches in the United States to serve uprooted people, Lutheran Immigration and Refugee Service (LIRS) has 75 years of expertise serving refugees and vulnerable migrants. LIRS works with a national network of partners to ensure migrants and refugees are treated humanely and with due process while they are in custody of immigration officials.

This backgrounder was updated August, 2014.

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

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

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

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