



Lutheran Immigration and Refugee Service

Backgrounder

From Persecution to Prison: Family Detention

In the spring and summer of 2014, the United States experienced a tremendous increase in children and families fleeing Central America and arriving at our borders in pursuit of safety and protection. In response to these arrivals, the Obama Administration abandoned our reputation as a nation of welcome and expanded the practice of detaining families. The Department of Homeland Security increased capacity to detain families from 96 spaces in just one facility in Berks County, Pennsylvania to approximately 3,000 spaces in three separate facilities by the end of 2015 with additional expansion planned. The explicitly stated purpose for increasing detention of families was to deter other families from coming to the United States. The first detention facility opened as part of this expansion was a 700-bed facility located in Artesia, New Mexico which housed mothers, young children and babies. That facility opened in June 2014 and closed in December 2014 due to credible concerns about the poor treatment of families held there.

Today, family immigration detention facilities are located in:

- [Karnes County, Texas](#): an adult immigration detention facility was converted to a nearly 537-bed family detention facility in August 2014, with expected expansion to 1,100 beds. The Karnes facility is operated by the Geo Group, a private prison corporation.
- Dille, Texas: opened in December 2014 and was intended to eventually detain 2,400 individuals. It is the largest immigration detention facility in the United States. As of June 2015, it held [over 2,000 mothers and children](#). The Dille facility is operated by Corrections Corporation of America, a private prison corporation.
- Berks, Pennsylvania: current capacity of 96 beds with plans to double in size to [200 beds](#). The Berks facility is operated by the county.

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 in these facilities.ⁱ

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.

Detention: Humanitarian Concerns

There is no humane way to detain families. New family detention facilities opened since the summer of 2014 hold toddlers, teens, 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 reportsⁱⁱ 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.**ⁱⁱⁱ

Allegations of abuses similar to those which led to the closure of the Hutto facility have surfaced at all three currently operating family 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. Suicide attempts are known to have occurred at the Dilley and Karnes facilities.

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 trafficking. Following growing concerns about the conditions within the detention facilities, [136 Representatives](#) and [33 Senators](#) sent two separate letters in 2015 to Secretary of Homeland Security Jeh Johnson detailing concerns about the effects of detention on mothers and children and calling for an end to this practice.

There has also been litigation to enforce the [1997 Flores v. Reno settlement](#). This settlement stipulated that children, no matter if alone or accompanied, must be placed in the least restrictive setting and are to be released from custody without undue delay. Judge Dolly Gee of the District Court of California ruled in summer of 2015 that DHS had violated the Flores settlement by detaining children and their mothers. The litigation around the application of Flores to family detention [continues](#). LIRS's position is that the Administration should quickly and safely comply and release families from detention.

LIRS opposes the use of family detention as there is no humane way to detain families. Families fleeing from Central America are largely refugees and have undertaken a dangerous and traumatic journey seeking safety and deserve to be embraced in our homes, our churches and our communities. **Detention is completely inappropriate for these mothers and children.** In addition to being extremely expensive (average cost per person per day is approximately \$123.54, and \$342.73 per person per day for familiesⁱⁱ) 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.

Recommendations^v

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 Alternatives to Detention 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 or (202) 626-7943.

ⁱ http://www.dhs.gov/sites/default/files/publications/ois_enforcement_ar_2012_1.pdf

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

ⁱⁱⁱ In late 2007, ICE created family detention standards; 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. <http://www.ice.gov/detention-standards/family-residential/>

^{iv} U.S. Immigration and Customs Enforcement FY 2016 Congressional Budget Justification, the Department of Homeland Security, http://www.dhs.gov/sites/default/files/publications/DHS_FY2016_Congressional_Budget_Justification.pdf.

^v 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>.