

Locking up family values in the US

by Michelle Brané

A recent report from the Women's Commission for Refugee Women and Children and the Lutheran Immigration and Refugee Service¹ challenges America's expanding penal approach to family detention.

In the wake of the attacks of 11 September 2001, Congress passed the Homeland Security Act, splitting the functions of the Immigration and Naturalization Service (INS) into three separate agencies, and placing all three agencies under the jurisdiction of the newly created Department of Homeland Security (DHS). Other post-9/11 changes in immigration law have led to broader enforcement and more restrictive immigration policies, including the expansion of expedited removal.

Among those now subject to detention in penal-like facilities are families. On any given day the US government has the capacity to

detain over 600 men, women and children apprehended as family units along the US border and within the interior of the country. The detention of families expanded dramatically in 2006 with the opening of the new 512-bed T Don Hutto Residential Center in Taylor, Texas. Hutto has become the centrepiece of a major expansion of immigration detention in America. Prior to its opening, the majority of families were either released together from detention or separated from each other and detained individually. Today the US Immigration and Customs Enforcement (ICE) service is implementing a penal detention model that is fundamentally anti-

family, un-American and contrary to the explicit intent of the US Congress.

Interviews with former and current detainees in Hutto indicate gross neglect of the best interests of children and families. Operated by Corrections Corporation of America (CCA) – one of the largest private operators of prisons in the US – Hutto is a former criminal facility that still looks and feels like a prison, complete with razor wire and prison cells. The majority of children detained appear to be under the age of 12 and include babies. Separation and threats of separation are used as disciplinary tools and at night children as young as six are separated from their parents. People in detention display widespread and obvious psychological trauma. Every woman interviewed in a private setting cried. At the time of the Women's Commission visit, pregnant women



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received inadequate prenatal care and children received only one hour of schooling per day. Families in Hutto are given twenty minutes only to go through the cafeteria line and feed their children and themselves. Children are frequently sick from the food and are losing weight. Families have extremely limited indoor and outdoor recreation time and children lacked any soft toys when we visited.

There are some more positive aspects to life in a longer-established facility in Pennsylvania but in general both institutions are highly inappropriate for families. Both settings strip parents of their role as arbiter and architect of the family unit and place families in settings modelled on the criminal justice system.

There are no licensing requirements for family detention facilities because there is no precedent for family detention in the US. A lack of procedures for assessing applicability of correctional standards and inspecting family detention centres gives ICE tremendous independence in dictating how detained families are treated. Both facilities violate existing standards for the treatment of unaccompanied children and adults in immigration proceedings. The American Civil Liberties

Union has filed lawsuits on behalf of children detained in Hutto.²

The DHS detained Luz, a woman from Ecuador, with her 15-year-old son. “I have been living in the United States for more than four years. I have a US citizen daughter who is now almost two years old. I sent for my son who is 15. He came across the border from Mexico but he was detained. I received a call to come and pick him up, so I left my daughter with my friend who lived next door, and took a bus to Arizona to get him. I picked up my son and we went straight to the bus. At the bus station, I was approached by some officers and they detained both of us. I have been here for nine months without seeing my baby girl. She was only one year old when I left her with my friend. I don’t know what is happening with her.”

We recommend the following systemic changes to the US government’s treatment of families in immigration proceedings:

- discontinue the detention of families in prison-like institutions
- parole asylum seekers in accordance with



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international standards and DHS policy guidelines

- expand parole and release options for apprehended families
- implement alternatives to detention for families not eligible for parole or release
- house families not eligible for parole or release in appropriate, non-penal, home-like facilities
- expand public-private partnerships to provide legal information and pro bono legal access for all detained families.

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1. *Locking Up Family Values: The Detention of Immigrant Families* www.womenscommission.org/pdf/famdeten.pdf

2. www.aclu.org/immigrants/detention/hutto.html