

Criticism of family detention ramps up; DHS head promises changes

By Patricia Zapor

Catholic News Service

WASHINGTON - As the head of Homeland Security announced plans to change detention practices for immigrant families with children, members of Congress who just visited detention centers and the director of a Catholic legal services organization firmly took issue with the system, saying the only answer is to stop imprisoning families.

Homeland Security Secretary Jeh Johnson said in a June 24 statement that “we must make substantial changes in our detention practices with respect to families with children” and announced some steps to do so.

A persistent chorus of attorneys, religious leaders and members of Congress has become increasingly insistent in criticizing the federal policy of detaining families who are intercepted at the U.S.-Mexico border and holding them in privately run detention centers, some for a year or more.

The situation arose last summer amid an unprecedented wave of families and unaccompanied minors arriving at the U.S. border from Honduras, Guatemala and El Salvador. Under federal law, such migrants must be given an opportunity to pursue a legal case to stay in the U.S. Children on their own are released to family members or a foster care system run by the Office of Refugee Resettlement. But since last summer, the federal government has detained thousands of the women traveling with young children, holding them at a cost per day of \$160-\$330 per person, depending upon where they go.

Johnson’s statement had few details of what changes would be made in the detention centers that house thousands of women and children, mostly at two for-profit facilities in Texas. While several of the members of Congress who visited the Texas centers June 22 and 23 said they were grateful for Johnson’s efforts and hopeful about improvements in the detention conditions, others said they would accept nothing short of closing the centers and releasing the families.

The members of Congress in a June 24 news conference told of talking with weeping women who described their children refusing to eat and getting sick, then when they sought medical treatment, being told to treat their children’s illnesses — including a virulent rash — by giving them water to drink. At one center they were met by dozens of women and children chanting and bearing signs about their plight written on bedsheets and pillowcases — the only materials they had on hand.

They said they heard of children so traumatized by life in the detention centers that they had regressed in their development and gone back to trying to nurse at age 4, and of seeing one who went back to needing diapers at the age of 10. Rep. Raul Grijalva, D-Arizona, described having a boy of 4 or 5 years old grab his leg and ask him to “get us out of here.”

Rep. Zoe Lofgren, D-California, said the conditions at the Karnes County Residential Center in Karnes City and the South Texas Family Residential Center in Dilley were in some ways more prisonlike than the conditions at jails she toured while in local government in California. Keeping women and children who are seeking asylum in such conditions is a violation of international law, as well as American values, Lofgren said.

“For the most part, these are women and children who are fleeing incredible violence and are complying with the immigration law, which says you can come to the United States ... from any part of the world, and say you are seeking safe haven and apply for asylum,” Lofgren said. “That’s what these women do. And what we do in return, at enormous expense to the taxpayer, is put them in jail for extended periods of time.”

Several members spoke of meeting a woman in the Dilley center who told them about trying to get medical care for her daughter, who had an infection, and being told by detention center staff to make her drink more water. The next day, they learned that woman was so distraught she tried to kill herself after they left.

Rep. Luis Gutierrez, D-Illinois, pointed out that most of the women in the family “prisons” as he called them, have already met the “credible fear” criteria that is the first step toward obtaining asylum. He and others in the congressional news conference called for revamping the standards for obtaining asylum and for reforming the image of who deserves asylum from the days when it applied to people fleeing East European or Vietnamese communist regimes.

House Democratic Whip Steny Hoyer, D-Maryland, said the facilities simply need to be closed. “The individuals being detained have committed no crime. They’ve complied with U.S. law,” he said. “They came and said, we need refuge, safety, protection.”

Rep. Joaquin Castro, D-Texas, said it’s time to “update our notion of what it means to seek asylum.” Instead of fleeing communism as the refugees of the 1960s did, today’s asylum seekers flee violence and uncontrolled gangs in their home countries, he said.

The DHS office of Immigration and Customs Enforcement had released a statement June 23 saying the centers are “an effective and humane alternative for maintaining family unity as families go through immigration proceedings or await return to their countries.” It said the centers “are governed by strict standards and extensively

monitored and audited.”

Jeanne Atkinson, the director of the Catholic Legal Immigration Network, or CLINIC, an umbrella organization for Catholic legal services providers, took issue with the ICE press release, saying in a June 24 statement that it runs counter to “what we and other immigration lawyers working on the ground in these facilities know to be true.”

“Family detention is an affront to human dignity,” she continued. “It is harmful to the physical and mental health of these mothers and their children, who come to the United States fleeing unspeakable violence and trauma to be isolated from the family or other emotional support they desperately need. There is simply no humane way to detain families.”

Atkinson noted that some women and children have been in detention for more than a year awaiting outcome of their applications to remain in the U.S. “For others, bond is set so high as to render it moot.”

Access to lawyers “is due to the tireless efforts of advocates who volunteer their time, skills, and energy helping hundreds of women and children every day,” she said. “They come, paying out of their own pocket, simply because family detention is unconscionable and the need for legal assistance is so great.

“Let’s be clear: ICE has not contributed to these efforts. To the contrary, ICE has stymied the efforts of volunteers and lawyers. For them to purport that they provide access to counsel is not misleading, it is a complete fabrication. If ICE truly wanted to provide access to counsel to these women and children, DHS would not have built these detention centers in desolate areas far away from legal resources.”

Atkinson said she welcomed Johnson’s announcement that interviews for the first step in seeking asylum would be held “in a timely manner,” and that more people would be offered a chance at release with a realistic bond amount.

Rep. Judy Chu, D-California, said at the congressional news conference that bond amounts for the families to be released are unreasonable. She told of one pair of sisters who fled the exact same circumstances — threats from drug gangs — and met the first bar in the asylum process, being found to have a credible fear of harm. One sister was given a bond amount of \$8,000 and the other \$4,000. “It’s a totally irrational process,” Chu said. “It might as well have been \$1 million. It’s unattainable.”

Atkinson said that CLINIC is grateful “that DHS at long last acknowledges the need for substantial changes to their detention system,” but “we will wait for the execution of these and other changes before we can judge how well they are implemented. We will continue to monitor the implementation of these initiatives and hold the administration accountable if the on-the-ground realities do not match up to Secretary Johnson’s rhetoric.”

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