

THINGS TO KNOW ABOUT

ICE FAMILY DETENTION

BACKGROUND

Since 2014, Immigration and Customs Enforcement (ICE) has maintained three family immigration prisons for adults and children: Two in Texas, and one in Pennsylvania. RAICES offers free legal services to families at the “Karnes County Family Residential Center” (“Karnes family prison” or “Karnes”) in Karnes City, Texas.

Karnes is operated by private prison company, GEO Group. It has capacity for about 850 individuals. Currently, RAICES believes fewer than 100 individuals are detained at Karnes.

An advisory committee convened by the Department of Homeland Security (DHS) itself said in 2016 that detention is “neither appropriate nor necessary for families.”

Family separation is inherent to family detention. Children over the age of 18 are detained in adult immigration prisons separate from their parents and minor siblings. Fathers are often imprisoned in separate facilities than mothers and minor children. When two-parent family units are detained in the same facility, fathers are incarcerated and isolated in cells separate from their partner and children. Family detention does not result in family unity.

Throughout our history the United States has chosen to end the institutional practice of mass family detention and separation, beginning with the abolition of slavery. During WWII at least 120,000 families of Japanese descent were imprisoned in 10 camps. The Indian Child Welfare Act was enacted to address the 25-35% of Native American children separated from their families in the 1970s. DHS detained migrant families at the Hutto family prison beginning in 2006 but ended the practice in 2009 due to litigation about the conditions of detention for children and families.

KARNES SHOULD BE SHUT DOWN & FAMILY DETENTION MUST END

THERE IS NO “SAFE” WAY TO DETAIN A CHILD. ANY DETENTION HARMS CHILDREN, PERIOD.

- a) The restriction of movement of a family unit inherently causes lasting emotional and physical harm, including changes to children’s brain structure and DNA. The inability to leave a traumatic situation like imprisonment can lead to PTSD.
- b) Asylum-seeking families experience complex trauma in detention. They fled danger in their home countries and often faced harm on the journey to the United States. Even 1-10 days of detention can layer trauma.

- c) Detention of families damages parent/child attachment by removing parental autonomy. Children feel their parents’ powerlessness and stress in prison, which erodes the safety that children naturally find with their parents.

DETENTION IS COSTLY.

It costs taxpayers \$480.00 per night to imprison a family of three. The average length of detention for families held at Karnes from October 2019-December 2020 was 43 days for

a cost of \$6,900 per person, or over \$20,000 for a family of three. Lawsuits challenging the detention of children and their parents are an additional fiscal burden to taxpayers.

THE PURPORTED RATIONALES FOR FAMILY DETENTION HAVE BEEN DEBUNKED.

a) Detention does not deter migration. Data from Customs and Border Protection (CBP) apprehensions indicate that annual apprehensions of family units have increased from approximately 70,000 in 2014 to over 470,000 in 2019. Families migrate because of persecution and because of economic and natural disasters. Root causes of migration must be addressed humanely.

b) Asylum seeking families are not flight risks. Especially with legal representation, migrant families appear at immigration court.

CONTINUED DETENTION OF FAMILIES POSES A LIABILITY RISK DUE TO SUBSTANDARD MEDICAL CARE.

Numerous complaints have been filed with the DHS Office of Civil Rights and Civil Liberties outlining the dangerous medical conditions at the family immigration prisons. For example, at Karnes, there is not a regularly available pediatrician and there has never been an OB-GYN on staff.

HOW TO END FAMILY DETENTION IN 2021

1 Issue families a Notice to Appear in immigration court when migrant families are encountered at the border or a port of entry in the interior of the United States.

2 Allow migrant families who have family or community ties in the United States to live with these “sponsors” and pursue their immigration claims free from detention.

3 Reallocate funding from detention and invest in community-based organizations and local governments to ensure migrant families’ basic necessities are met, in particular for those who do not have a support system or “sponsors” in the United States.

a) Expand Refugee Resettlement services to provide the same support that refugees receive to migrant families whose asylum cases are pending.

b) Offer grants to community-based organizations and local governments to provide migrant families with basic necessities such as housing support, medical care, mental health care, food, identification cards, among others.

c) Replicate and fund existing models of effective community support operated by community-based organizations and municipalities. For example, organizations in locations including Austin, TX, Buffalo, NY, and Detroit, MI, and the City of Portland, ME provide migrant families with housing and other basic necessities.

4 Reallocate funding from detention to invest in public-defender style counsel for migrant families. Numerous states and cities (such as the New York Immigrant Family Unity Project, Chicago’s Legal Protection Fund, and Houston’s Deportation Defense Fund, among others), as well as community-based organizations, have effective training and recruiting models.



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