

FAMILY DETENTION: THE HARMFUL IMPACT ON CHILDREN

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The Obama Administration massively expanded the use of family detention in the summer of 2014 in response to the significant increase of children and families fleeing violence and instability in the Northern Triangle of Central America, which includes Guatemala, El Salvador, and Honduras. Statistics show that over 68,000 family units entered the United States in fiscal year (FY) 2014, a reflection of the increase in asylum seekers throughout the region as documented by the United Nations High Commissioner for Refugees (UNHCR).¹ As of July 2015, the United States is now holding thousands of mothers and children in facilities located in Berks County, PA, Karnes City, TX, and Dilley, TX. The 2,400-bed Dilley facility represents the largest family detention facility in U.S. history.



This fact sheet outlines the reasons why family detention is the wrong policy for children.

Detention harms a child's health and long-term development.

More than half of the children being held in U.S. family detention facilities are under 6 years old. Research has consistently shown that even a short amount of time in detention is harmful to children, particularly those who have already experienced trauma in their home countries or during their journey. One study found that the experience of being detained is “acutely stressful [for children], and in some cases even traumatic—even when detention is brief.”² In fact, the Obama Administration shut down the T. Don Hutto family detention facility in 2009 in recognition that detaining was an inappropriate policy for children and families. Children in detention facilities are ten times more likely than adults to experience symptoms of Post-Traumatic Stress Disorder (PTSD), and those rates increase the longer a child is in detention.³ Testimonials from social workers and medical experts who have visited the facilities attest to inadequate medical services, including long waits for treatment, and have documented significant signs of psychological distress among children, including weight loss, increased anxiety, gastrointestinal issues, inability to sleep, and signs of regression in their cognitive skills.⁴ In addition to harming a child's mental and physical health, medical experts have also found that the conditions of detention can have life-long consequences for a child's academic, economic, and social development.⁵

Detention undermines the critical parent-child relationship.

Research also shows that detaining families in institutional settings often compromises a parent's role as “parent” and “disciplinarian” as detention staff are increasingly seen as those in charge.⁶ For children who have experienced trauma and are in an unfamiliar environment, the breakdown of a parent's authoritative role can be particularly harmful as children naturally seek protection and a sense of security from a parent. Furthermore, the confinement and uncertainty of their situation also creates additional stress for mothers, and research has consistently documented the strong link between maternal mental health and children's mental health and development.⁷ It is important to note that limited child care in the facilities also means that mothers are often forced to share the details of their abuse in the presence of their children in order to establish their asylum case.

Detention restricts mothers and children from accessing legal counsel.

Recent statistics from U.S. Citizenship and Immigration Services confirm that 88 percent of families currently detained in U.S. facilities are valid asylum seekers as they have been found to have a “credible fear” of persecution if deported.⁸ Yet detention makes it nearly impossible for mothers to access legal counsel, particularly since the facilities are located in very remote locations, each more than an hour away from the nearest major metropolitan area. The sheer volume of cases is beyond the capacity of legal service providers, meaning that many mothers are left to defend themselves in court, often with only a few days to prepare their cases. Even when a mother or child succeeds in passing a credible fear interview, high bonds further restrict the option for release for families with very limited resources.

Detention as a means to deter future migration puts children’s lives in danger.

Detention has proven ineffective in deterring refugees from migrating, and violates both international and U.S. law. Mothers who are fleeing extreme violence in order to protect their children will continue to seek refuge, even if that means risking long periods in detention. The alarming increase in gender-based violence and gang-related crime in the Northern Triangle countries has continued, and statistics confirm that asylum claims in the region remain at record highs.⁹ Focusing on enforcement is a misguided approach that puts children lives risk and ignores the need to address the root causes of the violence in the countries that these families are fleeing.

Detention is unnecessary as there are child-friendly alternatives available.

Prior to June of 2014, the practice of detaining families was used as a last resort and only for a very limited amount of time. Historically the U.S. government has primarily relied on alternatives to detention when needed, including community-based programs and other tracking methods, to address families awaiting their immigration proceedings. Alternatives to detention are not only highly effective, but they are also much more cost-efficient, ranging from 70 cents to \$17 dollars a day versus the \$373 daily cost of detaining a mother or child.¹⁰ Most importantly, community-based alternatives, such as family case management programs administered by trusted providers, allow children to live in a home setting, attend school, and can help their families connect to critical legal assistance and social services.

Detention runs contrary to our American values of protecting children.

The United States is a country that has a long history of protecting vulnerable populations, including children in need. Children who are in search of safety should be treated with compassion, not further punished and locked up in prison-like facilities.

¹ United Nations High Commissioner on Refugee Rights. (2014). *Children on the Run*. Available at: <http://unhcrwashington.org/children>

² Kronick, R. and Rousseau, C. (2015) “Asylum-Seeking Children’s Experiences of Detention in Canada: A Qualitative Study, II.” *American Journal of Orthopsychiatry*, Vol. 85, NO. 3, 287-294.

³ Australian Human Rights Commission. (2015). *The Forgotten Children: National Inquiry on Immigrant Children in Detention*. Available at: <https://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/forgotten-children-national-inquiry-children>.

⁴ Human Rights First. (2015) *Family Detention: Still Happening, Still Damaging*. Available at: <http://www.humanrightsfirst.org/press-release/new-report-shows-even-short-stays-family-detention-harm-children-s-health>.

⁵ American Academy of Pediatrics. (July 24, 2015). Letter to DHS Secretary Johnson. Available at: <http://bit.ly/1XXcHXD>.

⁶ Lutheran Immigration and Refugee Service and the Women’s Refugee Commission. (2014). *Locking Up Family Values, Again*. Available at: <http://bit.ly/1XXcHXD><http://lirs.org/familyvalues/>.

⁷ Center on the Developing Child at Harvard University (2009). *Maternal Depression Can Undermine the Development of Young Children: Working Paper No. 8. No.8*. Available at: <http://www.developingchild.harvard.edu>.

⁸ U.S Citizenship and Immigration Services. FY 2015 2nd Quarter Statistics on USCIS Asylum Division Family Facilities Reasonable Fear. Accessed July 3, 2015. Available at: <http://www.uscis.gov/sites/default/files/USCIS/Outreach/PED-CF-RF-family-facilities-FY2015Q2.pdf>.

⁹ United Nations High Commissioner on Refugee Rights. (2014). *Children on the Run*. Available at: <http://unhcrwashington.org/children>.

¹⁰ The National Immigration Forum. (2013). *The Math of Immigration Detention*. Available at: <http://immigrationforum.org/blog/themathofimmigrationdetention/>