



FIRST FOCUS

MAKING CHILDREN & FAMILIES THE PRIORITY

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PUBLIC COMMENTS
FEDERAL ADVISORY COMMITTEE ON FAMILY RESIDENTIAL CENTERS

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First Focus appreciates the opportunity to submit comments to the Federal Advisory Committee on Family Residential Centers. First Focus is a national, bipartisan children's advocacy group dedicated to making children and families the priority in federal policy and budget decisions. Our organization is committed to ensuring that all of our nation's children have equal opportunity to reach their full potential. A priority in our advocacy work is the promotion of policies that improve the health, safety, and overall well-being of children in immigrant families.

First Focus has been a vocal opponent to the practice of detaining families since the Administration expanded the practice in 2014 in response to the rising numbers of Central American families seeking refuge in the United States. We believe that family detention is a misguided, ineffective policy that undermines the safety and well-being of vulnerable children and ignores the roots causes of the violence in the Northern Triangle causing children and families to flee. As child welfare experts, we know that children fare best when they are in home-settings with their families rather than placed in institutionalized care. Family detention centers have a negative impact on a child's mental and physical health and long-term development, undermine the parent-child relationship, and prevent children from accessing a normal education.

We firmly believe that there is simply no humane way to detain families, and that any use of family detention should be only employed as a last resort and for a very short amount of time.

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

Research consistently shows that even a short amount of time in detention harms a child's mental and physical health and can exacerbate conditions in children who have already undergone extreme trauma. Numerous testimonials from medical and mental health experts who have visited these family facilities confirm symptoms of PTSD in children, including weight loss, inability to sleep, and regressive behaviors such as separation anxiety and children chewing on their own hands and arms.ⁱ 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.ⁱⁱ A recent Human Rights First report on the Berks facility confirms that children, some as young as two-years old, have spent more than a year living in these facilities, and have demonstrated the common symptoms of PTSD.ⁱⁱⁱ

Family detention is a violation of domestic and international laws.

For those of us in the child rights community, it is simply unfathomable to comprehend how the U.S. government can continue to enforce a policy that not only violates both international and domestic law but has been proven to be detrimental to the health and safety of vulnerable children. Further evidence that these facilities are inappropriate for children is the recent court decision regarding the 1997 Flores settlement,

which established guidelines for the treatment of migrant children, including restrictions on time spent in detention. Just this past July, a 9th circuit panel of judges upheld the lower court decision that the detention of children—albeit not that of their adult mothers—is indeed a violation of the *Flores* agreement. Furthermore, the Berks family detention center continues to operate despite having its license revoked by the Pennsylvania Department of Human Services at the beginning of the year. And despite efforts by the Texas Department of Family Protective Services to quietly create a new category of license specifically for family detention centers, this past summer a judge also blocked the licensing of the family facility in Dilley, Texas.

Family detention undermines the “best interest of the child” principle.

In every U.S. system that serves children—from the education system to the child welfare system—there is a recognition that policies and practices should be informed by research and seek to achieve the best possible outcomes for the children involved. There is also a recognition across child-serving systems that institutionalized care should only be used as a last resort, since research consistently shows that children are best off when they are able to be raised in a home-setting with family, attend school, and participate in extracurricular activities with their peers.^{iv} Furthermore, family detention represents an additional challenge because it creates a unique power structure that undermines a parent’s authority and exacerbates stress for mothers, and research has also consistently documented the strong link between maternal mental health and children’s mental health and development.^v

Family detention is unnecessary as there are child-friendly alternatives available.

Finally, it’s important to note that family detention is unnecessary when historically DHS has relied on alternatives to detention, including community-based programs and other tracking methods, as a means to monitor families awaiting their immigration proceedings. First Focus is pleased to be a member of the Community Reference Committee for ICE’s pilot family case management program, and we believe models like these, particularly when implemented by trusted immigrant-serving community providers, hold a great deal of promise, are more cost-effective, and stand to better meet the best interests of vulnerable children and families.

In closing, we thank you again for the opportunity to weigh in on this important issue, and we urge you to end the harmful practice of detaining asylum-seeking children and mothers. Children, especially those that have already undergone trauma, should never be unnecessarily separated from their parents nor held in restrictive settings. It’s time that the Administration recognize that the practice of detaining families was the wrong strategy and reverse course by ensuring that all children and families seeking refuge in the United States are provided with the protections and services they deserve.

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

ⁱⁱ 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>

ⁱⁱⁱ Human Rights First. (2016). *Long Term Detention of Mothers and Children in Pennsylvania*. Available at: <http://www.humanrightsfirst.org/sites/default/files/HRF-Long-Term-Detention-Brief.pdf>

^{iv} Casey Family Programs. (2012). *Shifting Resources in Child Welfare to Achieve Better Outcomes for Children and Families*. Available at: <http://www.casey.org/media/ShiftingResources.pdf>

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