

**Media Coverage of Family Detention**  
**August 21, 2014**

Prior to this summer, the U.S. government's use of family detention was limited – U.S. Immigration and Customs Enforcement (ICE) maintained less than 100 beds for children and their parents in Berks County, Pennsylvania. The government stopped its wider practice of warehousing families during immigration proceedings in 2009, following litigation and advocacy that challenged the deplorable conditions of confinement and treatment of children at the T. Don Hutto facility in Texas. But in July 2014, the government reversed course and announced plans to expand family detention capacity to 6,350 beds in the near future, at a cost of more than \$200 per person per day. Already, the government has opened two new family detention facilities – a 646-bed facility in New Mexico and a 532-bed facility, run by a private prison company, in Texas. The majority of the families detained in these facilities are seeking asylum in the United States.

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# Los Angeles Times

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## Child's detention despite citizenship reveals immigration case woes

By Kate Mather—Aug. 19, 2014

An 11-year-old boy — one of hundreds who have been shuttled to an immigration detention facility in the middle of the New Mexican desert — was released this week after it was discovered that he is a U.S. citizen, according to the child's attorney.

The boy spent more than a month at the detention center in Artesia, N.M., before an immigration attorney who happened to be visiting the facility discovered his status last week. The child, whose father is a U.S. citizen, had migrated from Central America with his mother before both were detained.

"I don't think they asked him the right questions," said the boy's attorney, Stephen Manning. "He should never have been there."

Leticia Zamarripa, a spokeswoman with Department of Homeland Security, described the case as "a complex matter" but said she could not comment on individual immigration cases because of privacy issues.

She did say that if an immigration detainee claims U.S. citizenship, the person could be released from custody while Immigration and Customs Enforcement officials investigate. Ultimately, an immigration judge decides whether a person is eligible to remain in the United States.

The case highlights the difficulties and potential pitfalls federal officials have faced in speeding up the processing of the thousands of single parents with children who have fled Central America and entered the U.S. through its southern border, said Laura Lichter, an immigration attorney.

Lichter is part of a contingent of lawyers that has been given access to the Artesia facility to provide free legal counsel to the detainees.

"I think the fact that a U.S. citizen was detained and for this long before anyone actually realized that there was even the possibility that they had detained a U.S. citizen shows you just how little respect and attention is being given to people's cases," said Lichter, former president of American Immigration Lawyers Assn. "What this shows you is that there really is no due process here and that the system is only working in a way to deport people from the country. It is not working to protect people's claims."

The boy's case also reflects what happens when U.S. immigration law collides with the reality of modern, blended families, in which some members may be in the country legally while others are not.

Manning said that according to immigration law, because the boy's father is a U.S. citizen, his child is too, even though the boy was born abroad.

Once federal authorities were alerted to the boy's status, Manning said, they acted immediately to release him. His mother also was released, though it's unclear whether she is eligible for legal relief, Manning said.

Manning was hesitant to release any identifying information on the child — such as the country he had originated from or where he was heading within the U.S. He did say, however, that the boy and his mother were on their way to be reunited with family and that the father lives in the U.S.

In the last nine months, nearly 63,000 single parents with at least one child have been apprehended along the Southwest border, mainly in southern Texas. At the same time, about the same number of unaccompanied children have been apprehended along the border.

Most of the migrants are from Central America — mainly Honduras, Guatemala and El Salvador. Although some have tried to enter the U.S. illegally, many have given themselves up to Border Patrol officers upon entering the United States. A combination of factors —including escalating gang violence, crushing poverty and rumors about potential immigration relief — has led a surge of people heading north.

The exodus from Central America has overwhelmed Homeland Security officials, who have vowed to speed up immigration hearings but have also struggled to house immigrant families and unaccompanied children.

Immigrant rights groups and immigration attorneys have countered that quick removals would violate many migrants' rights of due process. There have also been reports of abuses and inadequate access to attorneys, healthcare and food at new detention facilities, specifically in Artesia.

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## New Family Detention Centers Hold Immigrant Women and Children Without Bond as Asylum Claims Pend

By Renée Feltz—Aug, 14, 2014

The Obama administration has opened two new family detention centers to hold hundreds of women and children from Central America who fled to the United States reportedly to escape violence in their home countries. While most of the 63,000 unaccompanied minors detained at the border since January have now been placed with family members as their cases are processed, those caught with their mothers are being held without bond. A 600-bed detention center run by GEO Group in Karnes City, Texas, opened at the beginning of August and is reportedly already full. Democracy Now! producer Renée Feltz visits a second detention center in Artesia, New Mexico, to report on the poor conditions and lack of due process for migrants, and the lawyers mobilizing to assist them. "Children were not eating. Children were getting very sick," says attorney Megan Jordi. "Every child I saw looked incredibly emaciated and had a hollow look in their eyes."

### TRANSCRIPT

*This is a rush transcript. Copy may not be in its final form.*

**JUAN GONZÁLEZ:** And finally, today, the Obama administration is fast-tracking the deportation of more than 63,000 women and children from Central America who fled to the United States to escape violence in their home countries. Most of the unaccompanied minors detained at the border since January have now been placed with family members as their cases are processed.

**AMY GOODMAN:** But many children who were caught with their mothers are being treated differently. They're being sent to new family detention centers that have more than 1,200 beds and cribs. *Democracy Now!* producer Renée Feltz visited one of them and filed this report.

**RENÉE FELTZ:** President Obama's repatriation policy is in full effect in this small town of Artesia, New Mexico, home to a detention center with cribs that holds more than 600 Central American women and children.

**MEGAN JORDI:** Artesia is in the middle of the desert, a detention center sprung up in a place that's hundreds of miles from any major city.

**RENÉE FELTZ:** Megan Jordi is legal director of the New Mexico Immigration Law Center. She and other advocates were given a tour of the trailer-like buildings, where migrants are held in a vacant area of a training camp for Border Patrol agents. I asked for a tour, but ICE said no one was available. This is how Jordi describes what she saw inside.

**MEGAN JORDI:** What I saw shocked me. We showed up, and there are their trailers. They're temporary structures. We saw women and children roaming freely in one area, around what they call the "pods," where they live. The pods have bedrooms with bunk beds, about eight people to one room. So I went back to the Artesia detention facility the day after the tour, and it was interesting because in that moment, the show was over.

Children were not eating. Children were getting very sick. Every child I saw looked incredibly emaciated, had kind of a hollow look in their eyes. One mother had her very sick baby on her lap, and her baby was coughing so much that he began to choke. And she said he hasn't eaten in six days. He's lost weight. He's lost five pounds. And for a toddler, that's a lot of weight. The toddler looked like he was dying in front of me.

**RENÉE FELTZ:** After speaking with Jordi in Albuquerque, I drove four hours south to Artesia, through vast desert plains covered in scrub brush. Much of the time I was out of cellphone range. When I finally got to the Federal Law Enforcement Training Center in Artesia, I was told I could only film across the street, where there's no sidewalk but plenty of fire ants. The detention area was behind a high fence covered in vinyl and hard to see. It neighbors a quiet field, and at one point I thought I could hear children speaking in Spanish. Eventually, I drove to a church a few minutes away from the detention center, where children played outside and local members of a statewide group, Somos Un Pueblo, were holding their first meeting about the more than 600 detainees now in their community.

**FRANCISCO PATONI:** My name is Francisco Patoni. I see myself in these children, actually. My mother came to the United States first, and then she sent for us, and then we had to travel with one of those coyotes, as they call them. And eventually, we got together with my mother. And after that, I've been serving the public for 35 years—correctional officer, classification caseworker, counselor and teacher right now. I teach Spanish at a local high school. I've been serving the United States for 35 years, but it all started like these people that they have in there. My purpose here tonight is to stand up for these children, to show my face in favor of these children. Let's treat these children right.

**RENÉE FELTZ:** As the meeting wore on and the sun went down, I finally got a call from a lawyer who had just finished her 12-hour day of meeting with detainees.

**SHELLEY WITTEVRONGEL:** My name is Shelley Wittevrongel. I'm a private immigration attorney from Boulder, Colorado. And I usually have a voice. The placement of this facility made it virtually impossible for these people, these women and children, to be represented. And that was absolutely compelling to me. And because I was able to clear two weeks off my schedule, I came down.

**RENÉE FELTZ:** Shelley was among the first lawyers to come to Artesia when it opened in July. Twelve days after she arrived, I found her working late into the night with a handful of other lawyers from around the country. They had set up an emergency office inside the Artesia's Chamber of Commerce.

**LAURA LICHTER:** This is our war room. You know, just like the government had to start up a detention center out of nowhere, we've really had to start up kind of a legal services access provider out of nowhere. So, this is it. If you're going to have a bunch of volunteer attorneys come into town, you've got to have someplace for them to sit, you've got to have wi-fi, you've got to have a printer, you've got to have a place to post notices. And we talked about the challenges that have happened during the day, and we, you know, strategize how to basically do some good old-fashioned guerrilla lawyering.

**RENÉE FELTZ:** Laura Lichter has been practicing immigration law for 20 years, and she's the past president of the American Immigration Lawyers Association.

**LAURA LICHTER:** This is Honduras, Guatemala and El Salvador. These countries are in crisis. These are people running away from countries that do not have effective governments, where it is extremely dangerous. They're people fleeing family violence, sexual violence, predatory gangs. We've seen it all. These are viable claims. Everybody that is being processed through these centers, everyone that is asking the United States government to consider their claim of credible fear are people that have actually followed the law. They've done

exactly what they're supposed to do. They've essentially come to our border, knocked on the door and said, "Hear my case." And the system that is in place is so stacked against them.

**RENÉE FELTZ:** The problem begins when the migrants are first detained at the border and asked if they're afraid to return home. Again, Megan Jordi.

**MEGAN JORDI:** They were asked whether they were afraid, right when they were apprehended, right when they were faced with an adversarial process, taken to what they call *la hielera*, which is "the icebox," which—it's a holding facility in Texas before people are moved to detention centers. And keep in mind that these are folks who are fleeing governments, they're fleeing people who look like those who are apprehending them in that moment, people in uniform.

**RENÉE FELTZ:** Several lawyers I spoke with said ICE officers were within earshot of where they met with their clients in Artesia. Others emphasized how the lack of privacy made it hard for detainees to fully describe the danger they may be trying to escape. Again, attorney Shelley Wittevrongel.

**SHELLEY WITTEVRONGEL:** The rules are that the children cannot be separated from their mothers. And that creates obvious complications. If a woman's claim involves sexual violence, that's a hard thing to talk about in front of your children. Most claims of people that I've talked to are people being really afraid of being killed. And to express that fear in front of your children, when they may end up having to go back to that situation, has huge consequences.

**RENÉE FELTZ:** One long-term study has found child migrants who have a lawyer are allowed to stay in about half of their cases. In contrast, nine out of 10 kids without an attorney are deported. Most of those held in Artesia have no lawyer to help with their asylum claims. For those who are able to connect with an attorney and win a hearing, the meeting is held over a 20-inch video screen with a judge in Arlington, Virginia. Then, if their fear is considered credible, the mother and child are kept in detention, held without bond while their cases are resolved. Again, Laura Lichter.

**LAURA LICHTER:** If the government insists on sticking with expedited removal, there is no such thing as a fair trial. This is no way to treat people. This is something that we should be ashamed of.

**RENÉE FELTZ:** For *Democracy Now!*, I'm Renée Feltz in Artesia, New Mexico.

**AMY GOODMAN:** And thanks so much to Renée, who shot and reported that story. Earlier this month, a second detention center for women and children opened in Karnes City, Texas. This one is run by the private prison company GEO Group and has another 600 beds. It's reportedly already full. We'll link to more information at [democracynow.org](http://democracynow.org).

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## **Immigrant detention centers decried by critics as 'deportation factories'**

**By David McCumber and Susan Carroll—Aug. 13, 2014**

ARLINGTON, Va. - Tucked away on the second floor of a suburban Virginia office building, the little room looks more like an accounting office than something called Headquarters Immigration Courtroom No. 8.

A dozen fluorescent lights glare from the low ceiling. The lawyers' desks and witness stand are empty, with carafes of water untouched. Kleenex boxes are at the ready, even though the tears are being shed 1,800 miles away.

Courtroom No. 8 is the domain of Immigration Judge Roxanne Hladylowycz. Its essential features - its only features, really - are the judge, an interpreter and a video monitor hooked up to a detention center in Artesia, N.M., the center of a growing controversy over the U.S. government's efforts to speed the deportation of families who crossed the border in the recent surge of immigration from Central America.

On the monitor, a petite, dark-haired, middle-aged woman is escorted to a seat directly in front of the camera. She is soon flanked by a young woman in jeans and a bright green T-shirt, and a slim young man with a dark blue shirt and luxuriant sideburns. How old are these two? The deep shadows on the monitor make it hard to tell. Eighteen? Twenty?

No. Younger. The boy gives it away: Just before the judge begins speaking, he grins and gives a little wave to the camera.

The makeshift, - 672-bed detention center operated by Immigration and Customs Enforcement officials in Artesia, a remote New Mexico town, is one of two new facilities hastily prepared this summer to deal with the surge of immigrant families across the Southwest border.

Since Oct. 1, U.S. Border Patrol agents counted about 62,850 apprehensions of adults with children at the Southwest border - up from about 11,000 in all of last year, an increase of about 471 percent.

### ***Sending a message***

The new centers - until recently the only such facility was a 95-bed detention center in Pennsylvania - are intended by the government to send a message deep into Honduras, Guatemala and El Salvador that the U.S. is prepared to detain and deport people caught crossing the border with children.

"If you come here illegally, and don't have a legal basis to stay under our laws, we will send you back," Homeland Security Secretary Jeh Johnson said in announcing the newest 532-bed center in Karnes, near San Antonio, earlier this month.

But advocates have charged that ICE is sacrificing due process in the name of deterrence, and running a "deportation factory" in Artesia, which is about 3½ hours from El Paso. In the center's first month, 209 parents and children were deported, officials said.

"The focus is entirely on deporting to send a message," said Michelle Brané, director of the Migrant Rights and Justice program for the Women's Refugee Commission, after touring the facility in late July. "The reality is that you can't curtail due process to send a message. It's not just against the law, but really offensive to American values."

Immigrants within the center reported they often get no answer from the short list of legal providers they are given. Advocates charge that the officers screening detainees for asylum claims are failing to detect or denying "textbook" asylum claims. They also reported government attorneys are routinely filing 131-page, boilerplate exhibits at bond hearings, arguing the families are a "security risk" and should not be released from custody.

In Arlington, Hladylowycz's court is one of two hearing Artesia cases. Inside the other, Judge Robert P. Owens watched on a video screen as a 6-year-old girl dressed in a purple dress brushed her hair and separated it into pigtails. The judge focused on the girl's mother.

"There might be some attorneys who would take your daughter's case at low cost or no cost, do you understand?"

"Yes but I have no money," the mother responded.

"As I said... some attorneys might be willing to take your case at no cost," the judge said.

"Yes, but I called everyone on the list and nobody answered," she replied.

Owens reset the child's hearing for two weeks to let her mother search for an attorney. He sighed. Already, another family had appeared on the video monitor.

### ***Bus-stop reactions***

Many immigrant advocates say Central American families are fleeing the same violence fueling an exodus of unaccompanied children - a staggering increase in drug cartel and gang activity. But conservatives counter that the families are coming because word reached Central America that the U.S. government was releasing thousands of families at bus stops with notices to appear in immigration court because they lacked adequate detention bed space to hold families.

In June, after the media captured images of Homeland Security buses releasing a steady stream of families at bus stops from El Paso to Tucson, the government opened the center in Artesia. On Aug. 1, it opened the Karnes center.

Christopher Cabrera, the vice president of the National Border Patrol Council in the Rio Grande Valley, said whatever message the government is trying to send to Central America is muted by the busloads of parents and children still being dropped off daily at bus stops with their immigration paperwork.

ICE officials said in a statement that they have devoted manpower and money to "efficiently process and remove" mothers and children who do not qualify for legal relief.

Laura Lichter, a Denver-based immigration attorney who volunteered her time in Artesia, said a small group of pro bono lawyers have been able to help only a fraction of the women and children detained there. Those lucky enough to find representation are still racing the clock against removal, she said.

"It is physically impossible to pull these cases together in the time we're being granted," Lichter said. "Because of the challenges in finding lawyers and meeting with people, people whose cases we're working are being removed out from under us, without notice."

Many of the mothers and children housed in the center are subject to a DHS process known as "expedited removal," which means that if they do not seek asylum, they can be removed without first appearing before an immigration judge. Those who express fear of returning home are referred to asylum officers for interviews, and then - if they are denied - the decision can be reviewed by a judge.

That is where Judge Hladylowycz comes in.

### ***Passive legal support***

The petite, dark-haired woman in front of the camera beaming images into Courtroom 8 was Carmela Lopez, 49. Beside her sat Gabriela and Kevin, her 15-year-old twins.

"Do you have an attorney?" Hladylowycz asked.

"Yes, but I don't know his name," Lopez said. "We only had two minutes, and I couldn't write it down. But I have his phone number."

Using the phone number, Hladylowycz reached a Los Angeles attorney who confirmed he had counseled Lopez and stayed on the line to participate in the hearing. That doesn't amount to much, because of the court's rules. Attorneys are not allowed to ask questions, make motions, lodge objections, or do anything but passively support the client. In other words, listen.

Lopez told the judge her family is from a little village in northern Honduras. Her oldest daughter, 28, lives in California. She said they fled pervasive crime and drug trafficking in her village. She was particularly worried about Kevin, who had been threatened by the "narcos" in school.

"Why did you not go to the police?" Hladylowycz asked.

"The narcos bribe the police," Lopez said.

The judge's questioning took a harder edge.

"Looking at the transcript of your interview with the asylum officer, you said there was a lot of criminality, and drug activity, correct?"

"Yes."

"But you never mentioned your son was approached to sell drugs?"

Lopez responded that she was nervous answering the questions. "I didn't want to say it right there."

In the background, Gabriela held her head in her hands. Kevin spun around on his chair and stared into space.

Lopez cried softly, without the benefit of Kleenex.

"Mrs. Lopez let me begin by explaining I am extremely familiar with conditions in Honduras," Hladylowycz said. "I can also tell you I am sympathetic to you and others coming to the United States because you want a better life for yourself and your children.

"But you must understand I am a judge. I can have all the sympathy in the world, but I am still bound by the law.

"That's why I have to deny your claim and issue an order for your return. I wish you and your children the best of luck."

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# National Journal

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## Border Crisis Promoting New Xenophobic Drumbeat for an Old Disgrace—Detention Camps

By Carl Takei – Aug. 6, 2014

Seventy-two years ago, U.S. military officials labeled Japanese-Americans "an enemy race." Because they were Japanese-Americans, the government locked members of my family—along with many other men, women, and children—in prison camps behind barbed wire.

That family history makes it especially painful for me to watch our country marching refuge-seeking Central American children and families down a similarly shameful path. Too often, the United States violates its principles in response to the vocal racism and xenophobia of some and the silence of too many who watch it happen.

The federal government's World War II [decision to incarcerate](#) Japanese-American families was fueled by decades of racist agitation against Japanese immigration. When the war came, some white Americans saw it as a chance to take back a country they felt was being overrun by an alien race. As farmer Austin Anson told *The Saturday Evening Post* in 1942, "We're charged with wanting to get rid of the Japs for selfish reasons.... We do. It's a question of whether the white man lives on the Pacific Coast or the brown men. They came into this valley to work and they stayed to take over."

Others were quite clear about what they wanted to happen to these "Japs" once arrested. In early 1942, Nevada Gov. Edward Carville wrote to military authorities that while he was willing to accept construction of a Japanese-American concentration camp in his state, "I do not desire that Nevada be made a dumping ground for enemy aliens to be going anywhere they might see fit to travel."

Today, a similar xenophobic drumbeat is sounding against the Central American families and children seeking refuge in the United States. Rush Limbaugh recently called the children "[illegal alien invasion forces](#)." Ann Coulter accused immigration-reform advocates of "working feverishly to [turn the country into Mexico](#)." Rep. Phil Gingrey, R-Ga., a physician, asserted that the families and children fleeing violence south of the U.S. border pose "grave public health threats" to Americans. And during the now-infamous [bus-blocking protest](#) in Murrieta, Calif., one man waved a sign reading: "Murrieta is not a dumping ground for the federal government."

Of course, history never repeats itself in exactly the same way. The Japanese-Americans incarcerated during World War II were generally long-term residents and U.S. citizens. In contrast, the latest targets of this country's special blend of racism and xenophobia are new arrivals—particularly women and girls—fleeing horrific violence in Central America. According to the United Nations' Special Rapporteur on Violence Against Women, violent deaths of women in Honduras increased 263.4 percent between 2005 and 2013. And asylum requests from Honduran, El Salvadoran, and Guatemalan nationals have increased 712 percent in Mexico, Panama, Nicaragua, Costa Rica, and Belize since 2008, according to the U.N.'s refugee agency.

In Central America, gangs act with impunity. To take just one example: Ms. L, a preteen, was dragged from her home and raped by more than a dozen gang members, according to the Jesuit ministries in Honduras who work in partnership with groups assisting girls victimized by violence. After reporting the gang rape to the police, her family began to receive death threats. When a shelter declined to take Ms. L in because it could not protect her or any of the other shelter residents from gang violence, she fled the country.

Central American families need to have their claims for asylum or other legal immigrant statuses carefully evaluated in fair hearings, with counsel, before immigration judges. Indeed, the [American Civil Liberties Union recently filed a lawsuit](#) arguing that every child should receive legal representation in these hearings. Instead, growing numbers of women and children—many of whom have [fled real threats](#) of violence, sexual assault, or even death—are being locked in remote detention facilities, far from immigration attorneys, and rushed through the process. This often happens without these women and children ever receiving a chance to tell their stories to an asylum officer or a judge.

Their detention is unnecessary. People across the political spectrum have begun to express the view that alternatives to detention are more [humane](#) and [effective](#), and far less costly.

Yet, just as the Roosevelt administration used the language of "military necessity" to accommodate the demands of anti-Japanese racists on the West Coast, Obama administration officials have requested funding for a massive increase in "family detention" of Central American parents and children. The Obama administration did so not because these young women and children pose a risk to public safety, or because such mass detention is necessary to ensure particular individuals show up for their immigration court hearings. Instead, the current administration did this to "send a message" to other Central Americans. As Homeland Security Secretary Jeh Johnson [put it](#) during a recent detention-facility tour, the existence of detention centers reserved for families with children "represents proof that indeed we will send people back" to the countries they are trying to escape.

That is a shameful message indeed—and one that future generations will rightly condemn. To stay on the right side of history, the Obama administration must halt its expansion of family detention.

*Carl Takei is a staff attorney with the ACLU's National Prison Project.*

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# The New York Times

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## As U.S. Speeds the Path to Deportation, Distress Fills New Family Detention Centers

By Julia Preston – Aug. 5, 2014

After declaring the surge of Central American migrants crossing the border a humanitarian crisis, the Obama administration has shifted sharply to a strategy of deterrence, moving families to isolated facilities and placing them on a fast track for deportation to send a blunt message back home that those caught entering illegally will not be permitted to stay.

In a far corner of the New Mexico desert, in the town of Artesia, more than 600 women and children are being held in an emergency detention center that [opened in late June](#). On Friday, officials began filling up [a new center in Karnes City, Tex.](#), for up to 532 adults and children, and they are adding beds to a center for families in Pennsylvania that now holds about 95 people.

Most of the debate over the illegal influx has centered on about 57,000 unaccompanied minors apprehended since October. But the number of minors with parents has increased even faster, nearly tripling to more than 22,000 so far this year from about 8,500 in all of 2013, according to the Pew Research Center. More than 40,000 adults and their children — an unprecedented number — were caught along the southwest border, according to the Department of Homeland Security.

Until recently, most families were released to remain in the United States while their deportation cases moved slowly through the courts. But [that policy fueled rumors](#) reaching Central America that if parents arrived with young children, they would be given permits to stay. To stop such talk, officials said, they are moving swiftly to expand family detention.

“Our borders are not open to illegal immigration,” said the Homeland Security secretary, Jeh Johnson, emphasizing his point when the Karnes City center started up last week.

The migrants in Artesia were apprehended in South Texas, then moved more than 700 miles to the hastily arranged barracks behind the walls of a law enforcement training campus. Homeland Security officials said the plan is for them to be held for no more than 10 days before being sent on flights back home.

But the administration’s plan has been complicated by the assertions of many migrants who say they are frightened of being sent back into deadly gang violence, setting off required reviews to determine if they have valid asylum claims. Some migrants have refused to sign travel documents required for deportations. At least two women and their children in Artesia were taken off deportation flights on the tarmac after they insisted they would face harm at home, according to legal advocates who visited the center.

“They told me I was certain to be deported, but I don’t want to go back there,” Katy Serrano, 22, a Salvadoran mother with a 15-month-old, said in a hurried cellphone interview from the detention center, where telephone communications are limited. “All my family is here, and back there is only a gang that said they would hurt my son.”

At the end of July, 283 women and 344 minors were in Artesia, including dozens of infants and toddlers, almost all from El Salvador, Guatemala and Honduras. The administration is making it difficult for migrants to press asylum claims and is denying bond to anyone, including children, who has qualified legally for release, according to lawyers and social workers.

Five immigration officers based in the center are interviewing migrants to assess their fears of persecution, and in a makeshift courtroom immigration judges far away are hearing asylum cases via video conferencing. But lawyers who have made the long drive to Artesia, which is 240 miles from Albuquerque and 200 miles from El Paso, have discovered that there was no protocol to let them in and no means to file even basic court documents. “They just set up this big deportation mill in the middle of nowhere,” said Olsi Vrapic, an immigration lawyer based in Albuquerque. One woman he was assisting had her asylum claim swiftly denied by a judge while an associate from his office was standing outside the center, waiting to be let in.

In the Artesia center’s first month, 209 migrants were deported, officials said. The pace of deportations would have been faster, but nearly two-thirds of the mothers expressed fears that they would face violence back home and have been held for asylum reviews, officials and legal advocates said. Lawyers who have interviewed migrants in Artesia say many more have viable claims than Central Americans who came in the past.

With only weeks to organize the detention center, immigration enforcement officials scrambled to create a family-oriented space, with small bunk rooms for mothers and their children, high chairs in the cafeteria and a playroom with toys. Detainees receive medical screenings and vaccinations when they arrive, officials said. One child who came down with chickenpox last week was quickly quarantined while other detainees were vaccinated and deportations were temporarily halted.

But the center is not set up to hold young children for a long time. Ms. Serrano said her son, Mateo, had fallen ill repeatedly during four weeks in Artesia, including a cough and vomiting that had required an emergency trip to a nearby hospital. On Saturday, his fever spiked again. Officials have reiterated that she is scheduled for deportation and declined to release her and her child.

After years of litigation over poor conditions, the Obama administration [closed its last big family detention center](#) in 2009, the T. Don Hutto center in Texas.

Peter Boogaard, a Homeland Security spokesman, said Artesia and the other new family centers would “ensure more timely and effective removals” of adults with children “that comply with our legal and international obligations.”

Families in Artesia face an uphill fight to avoid deportation. Lisa Brodyaga, a lawyer based in the Rio Grande Valley, is representing a Salvadoran woman, detained with her 11-year-old daughter, whose police officer husband has refused to join forces with criminal gangs. The woman, whom Ms. Brodyaga identified only as O. to protect her privacy, had given a detailed account of her flight from gang members who camped out on the roof of her house and harassed her family in the food store, threatening to assault “that which you hold most dear” — her daughter.

With space tight at the center, asylum officers interviewed the woman and her daughter together, Ms. Brodyaga said, and then ruled that their fears were not credible.

“It’s rough having your 11-year-old daughter present when you are explaining that she is the one who could be raped and killed if you were sent back,” Ms. Brodyaga said, adding that the woman is still fighting her deportation.

The few migrants who have qualified for release have been told that they would not be allowed to post bond. According to court documents, government prosecutors argued that releasing any detainees from Artesia “further encourages mass migration” and would create “significant adverse national security consequences.”

Laura Lichter, a former president of the American Immigration Lawyers Association who helped mobilize a corps of lawyers to head to Artesia, said immigration officials appeared to be going through the motions of legal review. “The perception,” she said, “is that people come there to get deported.”

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## Government Declares Undocumented Immigrant Child, Mother A “National Security Threat”

By John Stanton – Aug. 5, 2014

*Homeland Security attorneys are using a Bush-era Department of Justice ruling in opposing bond requests by undocumented immigrants at a New Mexico facility.*

The Obama administration is using a Bush-era decision by former Attorney General John Ashcroft to classify the flood of undocumented immigrants that have hit the southern border as a “national security threat” in an effort to deny them bond during immigration status hearings.

Immigration attorneys said the argument, based on a 2003 decision by Ashcroft, has been employed against undocumented immigrant mothers with children being held at the Artesia, New Mexico, detention facility. The nation’s immigration courts are overseen by the Department of Justice, and the attorney general has the authority to rule on any appeal of a case before it can be taken to the judicial system for review.

During a Tuesday hearing viewed by BuzzFeed at a Virginia courthouse, a Department of Homeland Security attorney used the national security argument as part of her successful opposition to a bond request by an El Salvadoran mother and her child, who are being held at the Artesia facility. In her statement against granting bond, the administration attorney argued that the current “mass migration” crisis has been “recognized as a national security threat by the [attorney general] ... [and] it will encourage human trafficking.”

The national security claim is based on an April 17, 2003 ruling by Ashcroft known as the “Matter of D- J.” In that case, which involved an immigrant from Haiti, Ashcroft ruled against granting a bond, arguing, “I have determined that the release of respondent on bond was and is unwarranted due to considerations of sound immigration policy and national security that would be undercut by the release of respondent and other undocumented alien migrants who unlawfully crossed the borders of the United States.”

Arguing that granting bond would encourage further illegal entries, Ashcroft explicitly cited 9/11 in his decision, writing, “in light of the terrorist attacks on September 11, 2001, there is increased necessity in preventing undocumented aliens from entering the country without the screening of the immigration inspections process.”

It is unclear whether national security concerns weighed in Judge Roxanne Hladylowycz’s decision: She did not specifically cite the argument or the Ashcroft decision when ruling against the bond request.

Two sources indicated to BuzzFeed that the national security argument has been used in bond hearings for others at the Artesia facility. The use of the decision has already angered advocates for immigrants. “To impose mandatory detention on women and children who have established a credible fear of persecution in order to deter other families from seeking asylum in the United States is an egregious misuse of the government’s detention authority,” said Judy Rabinovitz, Deputy Director of the American Civil Liberties Union’s Immigrants’ Rights Project.

“The government’s invocation of Matter of D- J — an attorney general decision that upholds the categorical detention of individuals based on overblown allegations of risk to national security — violates the essence of due process, which requires individualized determinations of danger or flight risk in order to justify a deprivation of liberty,” Rabinovitz added.

A DHS spokesman did not return a request for comment.

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## **Immigrant families not treated properly**

**By Eleanor Acer / Director of Refugee Protection, Human Rights First – Aug. 3, 2014**

As unaccompanied children from Central America have arrived at the southern border in recent months, the press has extensively documented their plight. Much less discussed are the young children apprehended with their mothers.

The U.S. government recently began detaining many of them – more than 600 people at any given time – in a new facility in Artesia.

Last week I visited the center, previously a training facility for Border Patrol officers. What I saw revealed a deeply flawed approach, one that unjustly – and unnecessarily – prevents women and children from getting the protection they need and the fair process American ideals demand.

The U.S. government has already deported some mothers and children without giving them a meaningful chance to consult lawyers. On the morning of my visit, a plane returned families to Guatemala, and two planes had previously shipped women and their children back to Honduras.

Those who remain endure a facility hastily thrown together and unprepared for children and their mothers. Children and babies are everywhere. Their mothers are visibly distressed and confused. Some children are subdued; others are so traumatized they're not eating. There are very few recreational or educational activities.

The legal process is Kafkaesque. The administration announced plans to detain families and deport them quickly to deter others from fleeing to the United States. Not only is such a use of detention inconsistent with U.S. human rights commitments: it's ineffective.

Under both domestic and international law, the United States must protect people fleeing persecution, torture and trafficking. But the process for identifying people who should be referred for protection screening interviews – rather than summarily returned – has always been flawed, as the U.S. Commission for International Religious Freedom extensively documented in a 2005 report.

The problems don't end for those referred for protection interviews. There's no staff to oversee children, nor are the interview rooms designed to allow private conversations.

Those who pass preliminary screenings are put into removal proceedings. Though they can apply for asylum or other forms of protection, multiple studies have found that people without lawyers are much less likely to successfully navigate the immigration courts. And here in Artesia, legal representation is hard to come by.

The Obama administration chose to locate the facility in the desert far away from urban centers – four hours from Albuquerque and three-and-a-half from El Paso – where nonprofit legal organizations are located.

The first legal orientation presentation occurred just over a week ago. Several hundred showed up for one of these sessions, but it was limited to 40 minutes.

The few detainees who have secured lawyers still face barriers. Phone use is limited to a few minutes. The attorney-client visitation area, which should protect confidentiality, consists of two desks in an open area where families and immigration officers are often present. And hearings take place via tele-video conferencing, a process fraught with difficulties.

The United States should not put children and families in immigration detention – especially not for extended periods. The government can assure compliance by using alternatives to detention. Recent statistics from one alternatives program used by the government show that immigrants appeared for their final hearings 97.4 percent of the time and complied with final orders 85 percent of the time.

There are also strong community-based models, like those run by Lutheran Immigration and Refugee Services and the U.S. Catholic Conference of Bishops. Alternatives also save taxpayers' money: Detention costs an average of \$160 a day per person, while alternatives cost between 17 cents and \$17.

The administration should immediately suspend deportations from Artesia until it provides these families access to counsel and should stop using detention for families.

The United States should provide a fair and humane process with timely removal hearings, legal representation and alternatives to detention.

In other words, the administration should respect our country's ideals.

*Human Rights First offers pro bono legal representation to asylum seekers.*

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## Family detention: A shame and a waste

By Laura W. Murphy – Aug. 1, 2014

The United States has a problem. We are addicted to incarceration. We lock up millions of our fellow citizens every year, at staggering financial cost.

Now, in an unfortunate twist on a familiar vice, Congress is debating locking up even more people. Only this time, the plan is to incarcerate asylum seekers -- children and their parents, here seeking protection. This is what they call hitting rock bottom.

Before Congress heads home for the August recess, both the House and the Senate are expected to bring supplemental funding bills up for a vote. These bills offer two very different approaches to the refugee situation at the southern border, but they share one serious problem: they both propose to dramatically increase the warehousing of vulnerable children and their mothers and fathers by U.S. Immigration and Customs Enforcement (ICE). This plan, first outlined by the administration itself, is both wrong and unnecessary. It is driven by the same impulse towards mass incarceration that has failed us so completely in the United States for decades.

The government has already tried, and failed, at the family detention project. In 2009 ICE stopped detaining families at the T. Don Hutto facility in Texas following ACLU litigation challenging the deplorable conditions there. It was clear to us then, and now, that these detention centers were inappropriate places for families with children. When we brought our lawsuit, children at the Hutto facility were being held in small cells, where they could not keep food or toys, and forced to wear prison uniforms. Guards frequently disciplined children by threatening to separate them permanently from their parents. The government rightly abandoned that approach. Until just a few weeks ago, the administration maintained only 96 beds for children and their parents, at a former nursing home in Berks, Pennsylvania.

But the administration is reversing course, drawn in by the habit we just can't kick. Now, they've opened a new [646-bed family detention facility](#) in Artesia, New Mexico. Another, run by private prison company Geo Group, is slated to open any day in Karnes County, Texas, with almost 600 beds. The administration has indicated publicly that it plans to expand family detention up to 6,350 in the near future.

Last week, my ACLU colleagues in New Mexico joined an official tour for non-governmental organizations of the new facility in Artesia. Though we didn't see the severity of the problems with conditions that we saw years ago at Hutto, it is clear that the children and mothers at Artesia have virtually no access to a fair process to assess their claims for legal relief. These families do not receive an attorney to help them make their cases. But it is almost impossible to find an attorney on your own from inside detention, especially when the only phones available are the cell phones that belong to the guards, and the legal services providers listed for the detained mothers (the fathers have been sent to separate detention centers) are all based in El Paso, a three-hour drive away. Following the visit, medical experts and child welfare specialists reported that many children had lost considerable weight after entering Artesia and others were displaying symptoms of depression. This is consistent with the [findings](#) of Physicians for Human Rights and the Bellevue/NYU Program for Survivors of Torture that detention can exacerbate the trauma experienced by people who have fled violence in their home countries.

The United States already spends about \$2 billion annually on immigration detention, and the Senate estimates that family detention costs an average of [\\$266 per person per day](#). There are humane, effective, and far less costly alternatives to detention. These alternatives are widely used in the [pre-trial criminal justice context](#), start at just pennies per day, and include a spectrum of supervision options ranging from community-based alternatives, to

bond, to ankle monitors. They have proven very effective in [ensuring compliance](#) with immigration court proceedings—the sole purpose of immigration detention— with those on alternatives to detention appearing in court 99 percent of the time and complying with removal 84 percent of the time.

Yet our addiction to incarceration is leading us astray. The President asked for almost \$900 million to detain, prosecute, and deport immigrant families (including some funds for alternatives). The Senate’s funding bill would provide \$586 million for the detention, prosecution, and removal of families, and the House bill would provide \$262 million for ICE custody operations. This is the wrong way to respond to frightened children and their parents, especially when the government has proven alternatives in its toolbox. As we know well from past experience, once new facilities are constructed, they will be filled. And it will be almost impossible to reverse the trend. Unless we change course now, America will remember this summer as the moment we hit rock bottom, spending millions to detain families seeking safety in our country.

*Murphy is director of the American Civil Liberties Union’s Washington Legislative Office.*

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## Flood of Immigrant Families at Border Revives Dormant Detention Program

By Hannah Rappleve and Lisa Riordan Seville – Jul. 25, 2014

A flood of families crossing the southwestern U.S. border illegally is prompting the Obama administration to revive a much-criticized detention program that previously led to children and their parents being held for extended periods of time in harsh prison-like conditions.

Figures released last week by Customs and Border Protection show more than 55,000 “family units” – at least one adult relative traveling with one or more children-- were apprehended crossing the border in fiscal 2014. That figure is an increase of nearly 500 percent from the previous year and dwarfs the 106 percent spike in unaccompanied children -- to more than 57,000 --- that has received so much attention in recent months.

Now the Obama administration is rushing to open up detention centers to hold the families -- mostly women with children from El Salvador, Guatemala and Honduras -- and is working out streamlined procedures to quickly send them back to their homelands, a turnabout in policy that is being widely panned by immigrant advocates.

"The fact that these mothers have fled violence to protect their children, to protect their own lives, to protect their families' lives is not being heard by the federal government," Royce Bernstein Murray, director of policy at National Immigrant Justice Center, said Thursday.

Family detention has for years been one of the most controversial parts of the American immigrant detention system, the world's largest.

Unaccompanied immigrant teens and children, who are routed to a network of shelters run by non-profit and religious groups and overseen by the Department of Health and Human Services pending immigration court hearings. But families apprehended along the border are increasingly being treated like single adult immigrants: locked up in secure facilities to await what is intended to be expedited deportation back to their home countries.

The U.S. has tried large-scale family detention before. That operation sparked a lawsuit after it was discovered that children and their parents were being held in a former prison for long periods in punitive conditions.

In 2007, advocates sued the Department of Homeland Security, alleging it was keeping families at the 512-bed T. Don Hutto Residential Center near Austin, Texas, under virtual 24-hour lockdown and denying them privacy, educational opportunities and adequate health care. The lawsuit, filed by the American Civil Liberties Union and other immigrant advocates, said toddlers in prison garb spent most of the day locked in their cells at the private facility run by the Corrections Corporation of America, waiting for head counts. When the ACLU investigated in December 2006, it said some children had not stepped outside in a month.

“The conditions were truly horrible,” said Vanita Gupta deputy legal director of the ACLU, who helped bring the lawsuit.

The suit was settled and the government agreed to changes at what was then the nation's largest family detention facility. Then in 2009, the Obama administration announced a widespread overhaul of its detention system that included shuttering Hutto. ICE kept open only one small family detention facility in Pennsylvania, releasing most families with an order to appear in court when notified of immigration proceedings.

The unprecedented number of families apprehended at the border in the last year has led to a reversal of that policy. The Obama administration is in the process of ramping up operations at two new federal detention centers to house immigrant families – in Artesia, New Mexico, and Karnes City, Texas – adding about 1,100 beds. That's

only the beginning of what could be a far larger family detention system if President Barack Obama's \$3.7 billion emergency funding request to address the border crisis is approved. It includes \$879 million to track, detain, prosecute and remove those families. It also would pay for additional 6,350 family detention beds, which cost the government an average of \$119 a day, to house them and open 23,000 daily slots for alternatives to detention, including electronic ankle bracelets to track those released.

The move is part of the administration's effort to quash rumors in Central America that families who make it to the across the Rio Grande can stay.

"Our message is clear to those who try to illegally cross our borders: You will be sent back home," Homeland Security Secretary Jeh Johnson testified before the Senate Appropriations Committee on July 10.

Detention is one part of a broad effort by the Obama administration to facilitate "expedited removal" of these families, which generally reduces opportunities to go before a judge and explain their cases. While the U.S. has for years had the authority to speed removal of families apprehended within 100 miles of the border and in the country for less than two weeks, the procedure has been little used. Instead, they were generally released and told to report to immigration court.

Immigrant advocates say that reinstating widespread detention of immigrant families is a step in the wrong direction.

"I have very little confidence that DHS will be able to scale up family detention in a way that ensures that conditions are safe, humane and appropriate for kids and their parents," said Ruthie Epstein, a policy analyst with the ACLU. "There are alternatives to detention that are far less costly, and far more appropriate, for kids and their parents fleeing persecution in their home states."

As ICE resumes widespread family detention, the facilities chosen thus far suggest the lessons of Hutto have not entirely been forgotten.

The first, a 672-bed center in Artesia, New Mexico, is located on federal law enforcement training campus. Families sleep in rooms with bunk beds and are allowed outside, though they remain overseen by guards and the secure facility. By August there will also be schooling for the kids, as state law requires.

Opening on federal land circumvented many roadblocks that have stymied the opening of facilities for unaccompanied minors elsewhere. But immigrant advocates say the rush to open may compromise Homeland Security Secretary Johnson pledge that detention and expedited deportation proceedings for families will be "consistent with all existing legal and procedural standards."

Officers at Artesia were still scrambling this week to put up signs detailing people's rights, and even then, many were only in English, said Madhuri Grewal of Detention Watch Network, who toured the facility on Tuesday. Parents interviewed there described being confused about the process and their rights, and expressed concern their children were losing weight and becoming depressed or suicidal, advocates said.

Grewal is also concerned that families there may not know those with "credible fear" of persecution or torture if returned to their countries have a right to apply for asylum.

"A lot of these women do have a fear of returning but they are not being afforded to process that we do have in place," said Grewal. "It's a total circumvention of the law."

According to the DHS, 100 adults and children have been removed in both expedited and traditional proceedings since Artesia opened, and the administration has pledged to continue the swift removals, which it says are legal.

About 600 more family beds will soon open up at the Karnes County Civil Detention Center in Karnes City, Texas. The center, run by the private GEO Group, was built to serve as a model of less punitive immigration detention, with a soccer field and eight-bed rooms rather than cells.

ICE modified its contract with GEO on July 11 to switch Karnes from a men-only facility to one for families, slated to open within weeks. GEO, which earned \$240 million last year through its contracts with ICE, according to its annual filing declined a request for comment on the facility and the contract modification, referring NBC News to ICE. The Department of Homeland Security, ICE's parent agency, did not respond to repeated requests for comment on the amount or length of the contract.

GEO, which owns a subsidiary company with a five-year, \$372.8 million contract to perform electronic monitoring for ICE, may also benefit if Obama's request to have 23,000 family members placed on alternatives to detention, which would likely include ankle monitors, is approved.

It remains unclear to what extent Congress will be willing to fund family detention – or whether it will even be able to reach an agreement on spending to address the border crisis.

The Senate has floated [a proposal of \\$2.7 billion](#), far short of Obama's request for \$3.7 billion. Some Senate Democrats have balked at a push by both Republicans and the President to amend a 2008 anti-human trafficking law to allow unaccompanied children from Central America to be more quickly deported. At the moment, unaccompanied minors from Central America must go through formal proceedings, while those from contiguous countries like Mexico can be deported immediately.

A House Republican working group on Wednesday unveiled [a \\$1.5 billion proposal](#) that also would require amendment of the law to speed deportation of unaccompanied minors. Rep. Kay Granger of Texas, the chairwoman of the group, said the package contains "common-sense, compassionate, but tough solutions." Both proposals include expanding detention of families apprehended along the border, indicating that even if Congress remains deadlocked, the president would likely have a free hand to increase family detention.

The 1,100 beds opening for families in a span of just two months already represents the largest expansion of family immigration detention the country has ever seen. While the administration has called Artesia temporary, it is not clear when -- or if -- the facilities that are opening will be scaled back or closed.

That alarms immigrant advocates who remember Hutto.

"Warehousing kids and their parents is not something that the United States should be known for, certainly not on a scale proposed by the president," said the ACLU's Epstein. "Ultimately what we're looking at is a net expansion of detention in this country. It's not the appropriate response to this immediate crisis."

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## Groups cite ‘horrific’ conditions at immigrant detention center

By Benjamin Goad – Jul. 24, 2014

A coalition of immigrant rights’ advocates is appealing to the Obama administration to halt deportations from a Southwest detention center where they say migrant children and their families are enduring “horrific” conditions.

Officials from groups including the National Immigrant Justice Center and the American Civil Liberties Union (ACLU) were granted access to a facility in Artesia, N.M., designated to house some of the thousands of immigrants flooding illegally into the United States. What they saw there was “horrific,” said Marielena Hincapié, executive director of the National Immigration Law Center. “Mothers and children are crowded into a facility that was not designed for this purpose,” she said.

The groups, who are pressing alternatives to detention for the tens of thousands of unaccompanied children and families pouring across the southern border, say the immigrants at the New Mexico facility are being denied due process rights. The detainees have limited access to legal counsel and are sometimes informed of immigration hearings mere hours ahead of time, with no advisement of their rights or how to prepare. Exacerbating those problems is severely limited access to phones, which the advocates said is sometimes restricted further as a punishment for failing to follow other rules. The groups, who said they were allowed to speak with some adults at the center, said they were prohibited from talking to any of the children, whom they described as in visible despair.

The government estimates that more than 52,000 immigrants have crossed the southern border illegally this year, with advocates saying that as many as three quarters are fleeing violence in El Salvador, Guatemala and Honduras. While many are unaccompanied youths, kept in separate facilities, many families are being housed together in group detention. The rights groups said that, by law, asylum seekers are supposed to be housed in the least restrictive manner possible.

In that way, they argue, the Obama administration is violating the law, particularly when it comes to the children. “The government is under legal obligation to detain children only as a last resort,” said Cecillia Wang, director of the ACLU’s Immigrants’ Rights Project. The advocates told reporters that only a handful of detainees were released for humanitarian reasons, those being due to pregnancy. They argued for less restrictive arrangements, including allowing immigrants to stay with relatives in the United States while their cases are adjudicated.

The Obama administration has said that would be the case, citing laws requiring agencies to do what is best for the children. But at the same time, top officials, including Homeland Security Secretary Jeh Johnson, have said the wave of immigrants would be [“a priority for removal”](#) from the country. The migrants are not eligible for the administration’s deferred action program that allows some younger immigrants to avoid deportation, or the pathway to citizenship provision in immigration legislation pending in Congress, the Obama administration has said.

The groups bashed the administration, and lawmakers on both sides of the aisle for what they view as a hard-line stance. Wang cited “bipartisan rhetoric in Washington, D.C., to detain and deport as quickly as possible.”

“It’s illegal, and immoral as well,” she said.

The groups are also calling on Congress to approve the president's [request for \\$3.7 billion](#) in emergency funding to address the crisis.



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## Inside the remote, secretive detention center for migrant families

By Dara Lind – Jul. 24, 2014

Hundreds of migrant families who have entered the US from Central America are being held in detention while they wait to be processed. Over 600 people are being held in the main facility, in Artesia, NM. The government is working to deport these families as quickly as possible, in the hopes of sending a message that will deter more families from coming. That's raised concerns about whether they're getting due process in their immigration cases, or whether families whose lives might be in danger are being deported.

The government restricts access to families in detention — including barring lawyers from visiting detention centers. But the National Immigration Law Center, a legal advocacy group, has a legal trump card: a standing order from the 1980s, from an injunction in a case called *Orantes-Hernandez v. Smith*. The standing order allows them to serve as class-action lawyers for all Salvadorans in detention who might be eligible for asylum. Now, they're using it to make the government let them in to interview families, and make sure that immigrants with legitimate cases for asylum are being heard.

Yesterday, a delegation from the National Immigration Law Center visited the detention facility in Artesia, NM, which is only a month old but already houses more than 600 mothers and children. Karen Tumlin, Managing Attorney for NILC, spoke to me about what they saw.

### On the conditions in the detention center

"It's extremely isolated and remote. It's on the grounds of the Border Patrol training academy. It's very large, sprawling. There are these weird, I suppose, mock-border training fields that surround the facility. It's primarily temporary buildings — I mean, they're not flimsy-temporary buildings, but they're temporary, detached buildings in a cluster that have been set up.

"The women and kids sleep in these temporary buildings that are kind of rectangular dorm-room style. There are bunk beds in the rooms. We were told there were TVs in the rooms but I didn't see them. That doesn't mean they aren't there, but when I went into the rooms to speak to the women I didn't see them.

"When we were there it was incredibly hot, really too hot to be outside."

### On seeing young children in detention

"One takeaway, probably the most overwhelming, is just what it feels like to be in an incredibly isolated detention facility — which is nothing but a detention facility — for women and kids, including infants. What the guttural impact is when you walk into the cafeteria at this detention center and you're greeted with a line of high chairs and infant seats. What that feels like to realize that there are hundreds of families with small children being locked up.

"At one point, when we were meeting with our clients, a lot of folks were waiting. And I looked up and all I could see across the sea of faces were very small children: toddlers and infants and bottles."

### On why these families left their home countries

"We spoke to a mom who left El Salvador because her seven-year-old daughter had been kidnapped by the gangs after [the mother] was unable to pay what's called the *renta*, which is like the tax or extortion money that the gang requires local individuals to pay. You know, 'pay or there will be consequences,' often of a violent nature.

"So they kidnapped her daughter so that she knew they were serious, and then once her daughter was returned, they sent death threats. They said, 'If you don't leave the country, we'll kill you. You and your daughter. Because we know where you live, and you haven't paid the renta.'

"So she left. And that's why she came to the United States. Because she was under a specific death threat for herself and her young child. Because her young child had already been kidnapped by the gang, and she had absolutely no means to pay the money that they were asking for to make it stop. And no protection from the authorities, either."

### **On families being told to give up and go home**

"Many of the women reported to us what I would describe as 'a culture of no.' They were being told by government officials, 'No one who's here, who gets to Artesia, gets to stay. This is the place where we hold folks for deportation.' Or, 'no one with those kind of claims' — meaning, you know, fear and threats from the gangs — gets to stay in this country.'

"The truth is, of course, all of those claims, including claims based on threats of violence from gangs, must be evaluated individually. And some of those claims do, of course, merit the right for individuals to stay in the United States. So that's really concerning to us, that a lot of the women reported that, essentially, what had been telegraphed to them was the idea that what you should really do is give up. Because your chance of success is slim, at best, to zero."

### **On why it's even harder for lawyers to visit unaccompanied children being held by the government**

"We had to go to court and seek a court order to speak to the children at [the processing center in Nogales, Arizona] specifically. As of [July 14] the government submitted into court records that there were 330 Salvadoran children being held at the Nogales facility, [and] 956 overall [in the Nogales facility]. That's a lot of kids.

"The court ordered [on July 17th] that we had a right to talk to our class clients there. [But on the afternoon of Friday, July 18], we started reading press accounts that the Border Patrol itself was saying that the facility had been closed. The very next day. And as of Friday afternoon, there were 23 children left in the facility. Twenty-three, down from 956. Obviously we were seriously concerned about the timing of that, coming on the heels of a court order."

***Read the interview [here](#).***

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## At New Detention Facility It's 'Hurry Up and Deport'

By Melissa del Bosque – Jul. 23, 2014

An immigration attorney, working with Central American asylum seekers, in a newly opened detention facility says it's becoming clear that the U.S. government is doing whatever it can to deport families as quickly as possible and only going through the motions when it comes to the asylum seekers.

Immigration attorney Shelley Wittevrongel, a former nun, was one of the first to volunteer to help Central American women and children pro bono at a newly opened detention facility in Artesia, New Mexico. The isolated detention center is located at a U.S. Border Patrol training facility about 200 miles from the Mexican border. It currently houses about 400 Central American women and children, [according](#) to media reports.

In Artesia, Wittevrongel has 10 clients and a list of 20 other women who have asked for legal representation. From the beginning, Wittevrongel says she has struggled to represent her clients in an isolated facility with no access to photocopiers, scanners or a place to file documents. Immigration and Customs Enforcement officials who have been deployed from across the country to staff the detention facility have been courteous and helpful to attorneys but they've made it known that their goal is to deport the families as quickly as possible. "The officer in charge told me, 'I want you to know that all of these people are going to be deported,'" says Wittevrongel. "He said, 'Our job is to get them deported and there's maybe one in 1,000 entitled to stay in the United States, and the rest are going to go,'" she says.

Wittevrongel was startled by the admission. "I told him, 'I appreciate you giving me such a clear statement about it because the whole place feels that way.'"

All 10 of Wittvrongel's clients had signed a form while in Border Patrol custody, agreeing to expedited removal, a fast-track process to deportation. "They are kept two or three days in custody at the border and processed under difficult, cramped conditions," she says. "A client told me she was held for several hours in a room with several other women and children. They called her in at 3:00 a.m. and told her to sign the papers. She told me she was so tired and confused she had no idea what she was signing."

Once someone has agreed to expedited removal it's extremely difficult to avoid deportation, says Dan Kowalski, an Austin-based immigration attorney. "Statistically it's hard to overturn," he says.

Another step in the process that has been cut short, Wittevrongel says, is the credible fear interview, in which an U.S. asylum officer determines whether the immigrant has a "well-founded fear of persecution." The interview is one of the most important steps in the asylum process. If a person doesn't pass a credible fear interview he or she will not be able to present their asylum case before a judge. There is a chance for appeal but it's rarely granted. Many of the women are fleeing extreme violence and persecution and have been traumatized in their home countries and on the journey to the United States. The law requires that the fear of persecution be "on account of race, religion, nationality, membership in a particular social group, or political opinion."

But the type of violence afflicting Central America and Mexico doesn't often fit neatly within these categories. Honduras, currently the lead country in the number of refugees arriving, has the highest murder rate in the world. But the violence is caused by a nexus of organized crime, street gangs and corrupt politicians. It takes time for Central Americans to relate their stories of persecution and explain the links between government and crime in

their communities. “You’re interviewing traumatized people,” Wittevrongel says. “Typically, these type of credible fear interviews take several hours.”

Women are also forced to meet with the asylum officers accompanied by their children. This makes it difficult for them to focus on the interview and difficult to emphasize to the asylum officer the danger in their home countries. “They’re trying to protect their children,” Wittevrongel says. “They don’t want to say in front of them that they might be killed if they’re sent back, and it’s already likely they’re going to be deported.”

Some of her clients are deported before she can even meet with them for the first time, she says. “Yesterday I asked to see a client but she had already been sent back.” Another client told her that last week 80 women and children were woken up at 1:00 a.m., placed on a bus to the airport and [flown back](#) to Central America on a chartered plane. One woman, however, was allowed to stay at the last moment in the United States. She hadn’t passed her credible fear finding, but a judge disagreed with the asylum officer’s ruling and allowed her to continue her asylum case. “One out of 80,” Wittevrongel says. “That gives you an idea of the odds of staying.”

The 72-year-old immigration attorney says she left her home in Boulder, Colorado, to volunteer in Artesia so that the families can have “full access to what the law provides.” The families deserve a chance before they are sent back to the violence and persecution that forced them to flee their home countries. But unfortunately, the process at Artesia seems more like window dressing than what the law requires. “It’s more hurry up and deport than giving them their full due process,” she says.

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## Feds will house immigrant families at detention center near San Antonio

By Susan Carroll – Jul. 18, 2014

Immigration officials confirmed Friday they plan to start using the [Karnes County Civil Detention Center](#) southeast of San Antonio to help house growing numbers of immigrant families caught at the southwestern border.

ICE spokesman [Carl Rusnok](#) said the agency plans to start housing women and children at the center within the next few weeks. The [Karnes center](#), opened in 2012 and operated by [GEO Group Inc.](#), will house up to 532 detainees.

ICE has held up the Karnes facility as a model in its efforts to soften immigration detention, pointing to amenities including dormitories with cable TV, volleyball and handball courts and a soccer field.

[Linda Brandmiller](#), a San Antonio immigration attorney, described Karnes as a "detention center with a smiley face. From the outside, it looks like a high school. It doesn't have the same prison-like exterior that most detention facilities have.

"But make no mistake, it is a prison."

The conversion of the Karnes center is the latest effort by the Obama administration to find more detention bed space for tens of thousands of Honduran, Guatemalan and [El Salvadoran](#) parents with children caught at the South Texas border this year. Since Oct. 1, the [Border Patrol](#) has apprehended more than 55,000 parents and children caught together - an increase about 493 percent compared with the same time last year.

This spring, ICE had only one family detention center in Pennsylvania with the capacity to hold about 90 people. With so many parents and children caught at the border since October, immigration officials were simply processing families and releasing them at bus stations in South Texas and Arizona with notices to appear in immigration court.

In June, ICE officials opened a temporary, 700-bed shelter for families at the Federal Law Enforcement Training Academy in Artesia, N.M. Advocates have complained of difficulties contacting detainees in Artesia, which is far from larger cities and lacks a pro bono attorney network to represent large numbers of families. Brandmiller said she was concerned that families in Karnes may also have trouble finding lawyers.

"Karnes is in the middle of nowhere," she said. "There are no attorneys that live out there that will see these people on a pro bono basis."

Top [Homeland Security](#) officials have said the family detention centers are necessary to send the message that people crossing the border will be held and returned home if they do not have valid legal claims.

But immigrant advocates counter that the government has a poor track record of detaining families, citing poor conditions at a now-shuttered ICE family detention center in Taylor.

"Family detention is not humanitarian, and it's not even fiscally sound," Brandmiller said. "If you're concerned about people going to court, put an ankle bracelet on them and monitor them. It's cheaper and it's more humane."

ICE modified its contract with Karnes County on July 11 to be able to start housing families there, officials said.

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## Obama pledged to limit the practice of detaining minors. What happened?

By Clara Long and Alice Farmer, Human Rights Watch – Jun. 25, 2014

There's no reliable evidence that putting families who enter the US illegally into detention centers actually deters unauthorized immigration. But there's plenty of [evidence](#) that it can cause children in those families severe harm – from anxiety and depression, to long-term cognitive damage. That's one big reason that family detention for immigration violations is banned under international law.

So it was disturbing to hear late last week that the Obama administration plans to open more family detention centers, [starting with a 700-bed center in New Mexico](#), to tackle a surge in unauthorized migration across southeastern US border.

The administration can't plead ignorance to the harms of family detention. In fact, early in his first term, Barack Obama made sure to put curbs on the practice, which had expanded under the George W Bush administration: hundreds of families picked up for violating US immigration law were then being detained for as long as six months while they awaited deportation hearings. In the largest facility (a former Texas state prison (called the T Don Hutto Residential Center), families – including some with very young children – were clothed in prison garb, shut in locked cells and received inadequate food and medical care, [according to legal challenged filed by the ACLU](#) as early as 2007. Guards disciplined children harshly and, in some cases, threatened to separate them from their parents if they acted up.

In 2009 – and only after intense advocacy by human rights groups – the Obama administration announced that, instead of sending families to Hutto, it would set some of them free (to be monitored with electronic ankle bracelets) and send others to a smaller, less prison-like facility (the Berks County Family Residential Center, an 85-bed former nursing home in Pennsylvania). The top US immigration official said at the time that, moving forward, immigration enforcement would be conducted more "[thoughtfully and humanely](#)".

It appears that the White House has come to view being "thoughtful and humane" as a political liability. The new move to ramp up family detention comes in response to criticism that the administration's lax immigration enforcement "created a powerful incentive for children to cross into the United States illegally", as Senator John Cornyn of Texas put it last week.

Obama's move is all the more disappointing because effective alternatives to detention exist and are used in countries facing similar migration surges. Countries like Italy and Malta, prime entrances for migrants to the EU, have open reception facilities where migrant and asylum-seeking families can come and go at will – and Malta [pledged](#) to end immigration detention of children altogether in 2014. Though neither country has a spotless record – Italy [summarily returns](#) to Greece some unaccompanied migrant children and Malta sometimes [detains](#)

[unaccompanied migrant kids](#) while authorities try to figure out their ages – their examples show that detaining kids with families is a choice, not a necessity.

Expanding, instead of eliminating, family detention puts the US at odds with broader international trends. In [May 2014](#), UN Secretary-General Ban Ki-moon said that he was "especially concerned about the administrative detention of migrants, including very young children", given the negative impact on their rights. And in [June 2014](#), Francois Crepeau, the UN's chief expert on the human rights of migrants, pointed to increasing global opposition to immigration detention of children, making its abolition an "achievable priority" worldwide.

The US should use alternatives to detention for families, including registration programs and open centers. In exceptional cases where detention is necessary, it should be for as short a time as possible, and children – whether with families or unaccompanied – should have the opportunity, by right, to receive education, opportunities for recreation and play, appropriate medical treatment and psychological counselling where necessary.

Obama administration officials [say](#) that their latest decision sends a clear message to potential migrants that they can expect no leniency if they come to the US illegally – despite the lack of any conclusive evidence that family detention acts as a deterrent.

Instead of detaining families, the US government should focus on improving the fairness and efficiency of the legal immigration legal system (which has glacially slow proceedings and enormous backlogs). Migrant families who cross the border without authorization – including asylum seekers fleeing dangers at home – are already not released with unfettered permission to stay in the US; they are instead placed in deportation proceedings in a court system is so overloaded that their first court dates can be years away. If the US wishes to reduce the number of migrants in the court system and detained in its facilities, it should focus on improving the administrative legal process.

Instead, Obama officials are in the process of undoing their own good work, increasing the number of people they lock away before any significant legal hearing has been held – and taking a major step backward by expanding the inhumane practice of locking up families.

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