

Background on Family Detention

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What is family detention?

The Department of Homeland Security's (DHS) interior enforcement agency, U.S. Immigration and Customs Enforcement (ICE) maintains three family detention centers:

1. Berks Family Residential Center (Leesport, PA): 96 beds; opened Mar. 2001
2. Karnes Family Residential Center (Karnes City, TX): 532 beds; opened Aug. 2014
3. South Texas Family Residential Center (Dilley, TX): 2,400 beds; opened Dec. 2014

From June 27th to December 18, 2014, ICE operated the Artesia Family Residential Center in Artesia, New Mexico. The 672-bed facility, intended to be temporary, closed as ICE opened the Dilley facility. Nearly all of the family detention beds are for mothers with children under age 18; some space at the Berks facility is available for fathers. The median age of children at Artesia was six years old.

Who operates family detention facilities?

Although ICE oversees all family detention centers, most beds are managed by private prison corporations. Currently, ICE operates Berks and Artesia whereas both Karnes and Dilley are privately run by the GEO Group and Corrections Corporation of America (CCA), respectively.

Has the United States always detained families?

No. Although the U.S. government opened its first family detention center in 2001, the U.S. government has not historically detained families on a large scale. From 2006 to 2009, DHS maintained a 600-bed family detention facility in Hutto, TX that was operated by CCA. However, DHS ultimately shut down the facility in 2009 after years of advocacy and litigation from non-governmental organizations (NGOs) over human rights abuses, particularly those against children, at the Hutto facility. The increase in family detention beds during 2014 represents the largest increase in the detention of families since Japanese internment during World War II.

Why is the U.S. government detaining families now?

According to DHS Secretary Jeh Johnson, ICE [established](#) new family detention facilities to quickly deport people and deter future migrants, with a goal of deporting families within 10 to 15 days.¹ However, detention as deterrence violates both U.S. and international law, and there is no evidence that detention has any deterrent effect on irregular migration.² Moreover,

¹ Written testimony of Jeh Johnson, "Open Borders: The Impact of Presidential Amnesty on Border Security," U.S. House of Representatives Committee on the Judiciary, Dec. 2, 2014, <http://www.dhs.gov/news/2014/12/02/written-testimony-dhs-secretary-jeh-johnson-house-committee-homeland-security>.

² Alice Edwards, Back to Basics: The Right to Liberty and Security of Person and 'Alternatives to Detention' of Refugees, Asylum-Seekers, Stateless Persons and Other Migrants, United Nations High Commissioner for Refugees (UNHCR), Apr. 2011, <http://www.unhcr.org/4dc949c49.html>.

women and children fleeing for their lives have few options – the threats to their lives pose a greater push factor that frequently outweighs the prospect of detention.³

Why are families coming to the United States?

The vast majority of families in detention are fleeing rampant violence in El Salvador, Guatemala, and Honduras. These three countries, known as the “Northern Triangle,” are among the most dangerous in the world, particularly for women and children.

Central America is one of the most dangerous regions in the world, and gangs commit violence with impunity

- Central America has one of the highest sub-regional homicide rates in the world at 26.5 per 100,000 population.⁴
- Over the past three years, 48,947 people were murdered in the Northern Triangle, the most violent region of the world. Countries achieved convictions in 2,295 of those homicide cases, representing a regional impunity rate of 95 percent for homicides over that three year period.⁵

Women and children are prime targets of violence

- In 2011, El Salvador had the highest rate of gender-motivated killing of women in the world, followed by Guatemala (third highest) and Honduras (sixth highest).⁶
- El Salvador has the highest child murder rate in the world in 2012, followed by Guatemala (second highest) and Honduras (10th highest). In 2012, 27 Salvadoran children under age 19 were murdered per 100,000 population.⁷
- While many women and children are fleeing persecution at the hands of violent gangs, others seek protection from abusive partners.⁸

Individuals deported back to Central America continue to live in fear

- An October 2014 [report](#) from Human Rights Watch explains that most deportees cannot return to their normal lives because gangs have marked them for death. Deported Hondurans report that hiding from gang violence prevents them from working, going outside, or seeing their children.⁹

³ *Id.*

⁴ United Nations Office on Drugs and Crime (UNODC), *Global Study on Homicide*, 2013, available at http://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf, p. 33.

⁵ Chavez, S. & Avalos, J., “The Northern Triangle: The Countries That Don’t Cry for Their Dead,” *InSight Crime – Organized Crime in the Americas*, April 24, 2014, available at <http://www.insightcrime.org/news-analysis/the-northern-triangle-the-countries-that-dont-cry-for-their-dead>.

⁶ Geneva Declaration on Armed Violence and Development, *Global Burden of Armed Violence 2011*, Oct. 2011, http://www.genevadeclaration.org/fileadmin/docs/GBAV2/GBAV2011_CH4_rev.pdf.

⁷ UNICEF, *Hidden in Plain Sight: A statistical analysis of violence against children*, Sept. 2014, http://files.unicef.org/publications/files/Hidden_in_plain_sight_statistical_analysis_EN_3_Sept_2014.pdf, p. 36.

⁸ See American Immigration Lawyers Association (AILA), “Artesia Family Detention Asylum Case Examples,” <http://www.aila.org/content/default.aspx?bc=25667|50484>

⁹ Human Rights Watch, “*You Don’t Have Rights Here*: U.S. Border Screening and Returns of Central Americans to Risk of Serious Harm”, Oct. 2014, <http://www.hrw.org/node/129879>.