



Detention and Asylum

Ensuring fair treatment of women, children and families seeking asylum in the United States

Every year, thousands of people who come to this country seeking safety from persecution or human rights abuses (asylum seekers) are detained by the U.S. Government. Often they are held in prisons or detention facilities until their cases are decided, which can be days, weeks, months or even years. Many of those detained are women, children and families.

The Women's Refugee Commission's Detention and Asylum Program works to ensure that U.S. law protects unaccompanied children, families and women who are seeking asylum and allows them to make their asylum claims. We advocate that asylum-seekers not be held in detention, but when they are, that they are not abused, that the conditions comply with human rights standards and that they are not held for prolonged periods.

Unaccompanied Children in Detention

More than 8,000 children were detained by the Department of Homeland Security (DHS) in FY07—a nearly 20 percent increase from the previous year. Many of these children escaped gang violence, sexual abuse or abandonment and an increasing number are victims of traffickers and smugglers. All were highly susceptible to rape and assault during their journeys to the United States.

In February 2009, the Women's Refugee Commission released a landmark study evaluating the effectiveness of a 2003 transfer of unaccompanied children from DHS custody to the Division of Unaccompanied Children's Services (DUCS) in the Department of Health and Human Services (HHS). The new framework was intended to separate prosecution from care. Although we found that the treatment of most unaccompanied children has greatly improved, the transfer of custody from DHS to HHS is not yet complete and challenges remain. The Women's Refugee Commission recommends that no child remain in DHS custody for more than 72 hours, regardless of criminal history.

The Women's Refugee Commission also urges the implementation of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 and supports the re-introduction of the Immigration Oversight and Fairness Act, which would, for the first time, codify standards of treatment for children during the critical hours and days after they are apprehended by Border Patrol but before they are transferred to DUCS.



The Women's Refugee Commission found prison-like conditions in a U.S. detention facility in which some families are detained for months, even years.



Photos by Michelle Brané/Women's Refugee Commission

More than 8,000 unaccompanied children were detained by the DHS's border patrol officers in FY07.

Family Detention

In December 2006 the Women's Refugee Commission visited two U.S. facilities where immigrant families, including asylum seekers, are detained. We found prison-like conditions in which families, many with young children, are detained for months, even years. These families are at times held in penal settings and are deprived of the right to live as a family unit, denied adequate medical and mental health care and face overly harsh disciplinary tactics. The detention of families expanded dramatically in 2006 and represents a major shift in the U.S. Government's treatment of families in immigration proceedings.

The release in February 2007 of our groundbreaking report on the two facilities garnered national and international media attention, as well as Congressional attention. The Women's Refugee Commission recommends the development and implementation of appropriate family detention standards and the use of alternatives to detention. In the limited number of cases where detention is vital for national security reasons, families should be held in non-penal homelike environments. Alternatives are already being used for adults in limited cases and their use should be expanded.



Many women seeking asylum have suffered violence and abuse.

Women Asylum Seekers

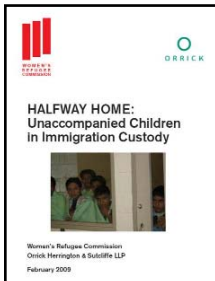
Many women seeking asylum in the United States have suffered violence and abuse, including rape, forced early marriage, trafficking, forced labor and genital mutilation. Upon their arrival in the United States, these women are held in detention centers or prisons pending the outcome of their case, sometimes for prolonged periods.

They have little access to medical care, legal resources and adequate nutrition. They receive little or no treatment for abuse they suffered before they arrived in the United States. The Women's Refugee Commission has found that these women are subject to verbal and at times physical abuse, causing further traumatization.

U.S. asylum law fails to provide a systematic way to identify women who have suffered persecution and are in danger. In addition, the law does not necessarily recognize gender-related claims, such as women who have endured domestic violence. We will re-examine the treatment of women in detention in the coming year.

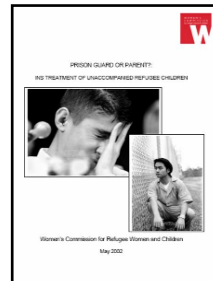
RESOURCES

For more information on the Women's Refugee Commission's work on detention & asylum, please see www.womensrefugeecommission.org/programs/detention



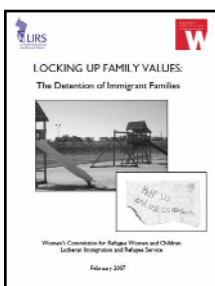
Halfway Home: Unaccompanied Children in Immigration Custody (February 2009)

www.womenscommission.org/pdf/halfway_home.pdf



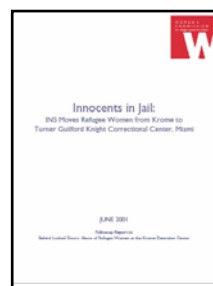
Prison Guard or Parent?: INS Treatment of Unaccompanied Refugee Children (May 2002)

www.womenscommission.org/pdf/ins_det.pdf



Locking up Family Values: The Detention of Immigrant Families (February 2007)

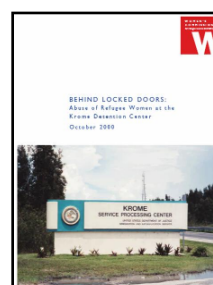
www.womenscommission.org/pdf/famdeten.pdf



Innocents in Jail: INS Moves Refugee Women from Krome to Turner Guilford Knight Correctional Center, Miami (June 2001)

www.womenscommission.org/pdf/us_tgk.pdf

Women's Refugee Commission
 122 East 42nd Street, New York, NY 10168
 212.551.3115
info@wrcommission.org
womensrefugeecommission.org



Behind Locked Doors: Abuse of Refugee Women at the Krome Detention Center (October 2000)

www.womenscommission.org/pdf/krome.pdf

The Women's Refugee Commission is affiliated with and is legally part of the International Rescue Committee, but does not receive direct financial support from the IRC.