

## THE HARMS OF FAMILY DETENTION

### Why Detaining Families Cannot Be the Answer to Increased Migration and Displacement

On December 16, 2021, President Biden fulfilled one of his [campaign promises](#): the end of [immigration detention for families](#). Since then, the Department of Homeland Security transitioned two family detention centers to hold single adults, closed another entirely, and enrolled families into its Alternatives to Detention programs, primarily those that use tracking devices. Alarming, this supposed **end** to family detention may only have been a **pause**, as **new reports revealed that the Biden administration is considering [restarting family detention](#), in an effort to dissuade families from seeking safety in the United States.**

The Biden administration has already [enacted](#) and further proposed [draconian measures to reduce migration](#) and the ability of people to exercise their right to seek asylum. **It absolutely must reverse course on the inhumane, costly, and unnecessary practice of family detention.**

#### 1. There is no humane way to lock up families—no matter how short or long.

We already know—far too well—the serious harms that family detention causes. The Women's Refugee Commission and numerous others have long documented the suffering families experience from being detained, even for short periods. Our reports [Locking Up Family Values](#) and [Locking Up Family Values, Again](#) documented the trauma and immense harm of family detention. Since the US government's significant expansion of family detention in 2014, numerous [Members of Congress](#) and [Senators](#) opposed the practice then and [continue to oppose it now](#), as has the [American Academy of Pediatrics](#) and the American College of Physicians. Importantly, Immigration and Customs Enforcement's (ICE) own Advisory Committee on Family Residential Centers, tasked with identifying how to improve family detention, recommended first and foremost that it be discontinued. Two physicians who serve as expert advisors for the government have issued [multiple letters](#) expressing concern about family detention, noting that "shorter lengths of detention did not sufficiently mitigate the harmful conditions that we observed and their deleterious consequences." Administrative complaints documented [sexual assault](#) in family detention centers, as well as the [traumatic impact](#) of family detention and the absence of meaningful mental health and [medical care](#).

[UN experts](#) also stated that while "family unity needs to be preserved at all costs, it cannot be done at the expense of detaining entire families with children. Family-based alternatives to deprivation of liberty must be adopted urgently."

#### 2. Family detention eviscerates access to asylum.

The New York Times reported that the Biden administration's plan "assumes that government officials would be able to screen families for asylum quickly, [admitting them or deporting them within the 20-day window](#)," — an incredibly quick timeframe for adjudicating a family's case in punitive carceral conditions, effectively eviscerating due process. Only [14 percent of those in immigration detention](#) have a lawyer, even though their chances of success [increase ten-fold](#) with representation. As has been extensively documented, detention is also traumatizing, making it more difficult to explain one's fear of return, especially without a lawyer, during a credible fear interview or before an immigration judge.

### 3. Family detention costs taxpayers billions and ignores proven alternatives.

Government estimates placed the [cost of a single bed](#) in ICE's former family detention facilities at nearly \$320 per person per day. A bed in ICE adult detention, where a separated parent is detained alone, is [approximately \\$148](#). This approach is not only inhumane, but ignores the fact that the government could safely release the vast majority of families to sponsors in the community while they pursue their immigration cases in court.

The government could also turn to [alternatives to detention](#) that boast 99 percent compliance rates with court appearances and cost as little as \$5 per day. Critically, the efficacy of these alternatives depends on [community-based support](#), rather than [invasive electronic surveillance](#). The [Family Case Management Program](#) (FCMP) provided case management to ensure access to social and other services, including legal information. FCMP had [99 percent compliance rates](#) with court proceedings at the cost of \$38 for an entire family each day.

DHS has also started the congressionally directed [Case Management Pilot Program](#), which uses the expertise of experienced nonprofits to provide and evaluate such programs. The services include mental health services, legal orientation programs, and connections to social programs.

### 4. Family detention does not deter migration.

The Biden administration's pursuit of family detention would be layering yet another misguided attempt to deter migration onto its already problematic proposals to curtail access to asylum. Family detention does not deter those fleeing harm from seeking protection in the United States. Even former DHS Secretary Jeh Johnson, who oversaw the resurrection of family detention in an [attempt to deter migration](#), admitted in 2019 that his plan failed. Numerous [academic scholars](#) and [researchers](#) have determined the same, finding no statistically significant decrease in the number of families arriving at the US-Mexico border after the widespread expansion of family detention. Moreover, the government has [already been prohibited](#) from detaining one family in order to scare another family away from seeking protection in the US.

Tragically, families are fleeing horrific violence and dangerous conditions and know that they may face similar dangers while trying to find safety. Deterrence, whether in rhetoric or policy, [does not stop migration](#). Instead, and as publicly acknowledged by the Biden administration in its commitment to the [Los Angeles Declaration on Migration and Protection](#), migration and forced displacement must be managed and understood as a long-term reality that [requires the promotion](#) of peaceful and productive conditions in countries of origin while protecting the safety and dignity of all migrants and ensuring fair, safe, humane and orderly processes.

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### Women's Refugee Commission

The Women's Refugee Commission (WRC) improves the lives and protects the rights of women, children, and youth who have been displaced by conflict and crisis. We research their needs, identify solutions, and advocate for programs and policies to strengthen their resilience and drive change in humanitarian practice. Since our founding in 1989, we have been a leading expert on the needs of refugee women, children, and youth and the policies that can protect and empower them.

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