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The Women's Commission Calls on ICE to Follow Congressional Directives on Family Detention

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On June 16, 2008, the U.S. government will be another step closer to expanding the detention of immigrant families. Over the last two months, the Department of Homeland Security (DHS) has solicited proposals for the construction of up to three new family detention centers that would hold as many as 600 parents and children.

The Women's Commission calls on Immigration and Customs Enforcement (ICE) to immediately halt the alarming growth of family detention. "This is a system that has already been found to be completely inappropriate for families, and we are deeply distressed by this expansion," said Michelle Brané, director of the detention and asylum program with the Women's Commission for Refugee Women and Children. "What's more, it ignores the explicit directive of Congress that ICE release families whenever possible."

The decision to add new facilities to the agency's roster of family detention centers comes despite a 2007 lawsuit alleging that children detained at the T. Don Hutto Residential Center in Taylor, Texas were subjected to conditions of confinement that violated minimum standards of care for minors in federal custody. The resulting settlement forced ICE to undertake substantial modifications in physical appearance, medical care, disciplinary actions, education and recreation at the Hutto facility.

ICE responded to the lawsuit and massive public outcry by issuing "family residential standards." However, they are based on adult correctional standards intended to regulate the behavior of criminal inmates, not preserve and protect the unique needs of non-criminal families. Also, DHS' Request for Proposals for the new facilities violates its own standards in an alarming number of critical areas, including the provision of medical care, education, recreation and the use of restraining devices. "ICE's failure to comply with its own standards is further evidence that the agency does not intend to open—or at the very least, properly administer—family-centered, non-penal residential programs," according to Brané.

Notwithstanding Congressional directives and the disturbing conditions the Women's Commission found in family detention centers, ICE appears to be making detention the national model for addressing families in the immigration system. Although the proposal refers to the new centers as residential facilities, it prescribes services for adults and minors who will be "detained" on the premises and specifies the use of penal-type security mechanisms including fencing, cameras and physical counts.

The Women's Commission believes that detention is never good for families. Family units should enjoy a preference for release, should be considered for participation in alternatives to detention programs when simple release is not possible, and when no options for release or alternatives exist, should be housed in non-penal, homelike facilities operated by entities with child and family welfare expertise and that are subject to independent oversight.

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