



# Family Detention of Undocumented Immigrants: We Can Do Better<sup>1</sup>

By Rachel Storace<sup>2</sup>



*“The current U.S. immigration policies and their enforcement have detrimental effects on migrant adults, children, families, and communities<sup>3</sup>”*

Figure 1 Pat Down. Used under Wikimedia Commons

The history of detention facilities in the United States is fraught with abuse and mistreatment of immigrant families unauthorized to reside<sup>4</sup> in the U.S. The SCRA statement described here was based on numerous studies about the psychological effects on individuals and children residing within those detention facilities.

The U.S. has been using family detention facilities to hold unauthorized documented men, women, and children since 2001. Reports of physical and sexual abuse, malnutrition and inadequate access to essential resources such as health care and legal services have led to temporary lulls in use and unpopularity of detention centers. Still, detention facilities remain in use and have grown overall in response to the wave of immigrants seeking safety from dangers in their countries of origin.

Many immigrant families are already suffering traumatic circumstances, and detainment exacerbates these issues. Living in detention facilities can have additional negative consequences on immigrants’ mental, physical, and emotional well-being. International agencies and human rights groups have opposed detention of refugees and immigrants as it “runs counter to principles of respect for human dignity and protection of children, especially those seeking refugee status.<sup>5,6,7</sup>”

## Highlights

**Detaining families makes them vulnerable to abuse and mistreatment; and is associated with long-term mental illness.**

**The support demands for detention facilities is a significant strain on surrounding communities. Negligence to the needs and rights of detainees is common.**

**There are less expensive options that are more ethical, effective, and cost-efficient.**

<sup>1</sup> Original Source: Balcazar, F.E. (March 2016). Policy Statement on the Incarceration of Undocumented Migrant Families. American Journal of Community Psychology, 57(1-2), 255-263.

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Current U.S. policy denies families the ability to be released on bond and, therefore, access to legal support. This violates their rights as established by the U.S. Department of Justice and UN High Commissioner for Refugees<sup>8</sup>.

Immigrant detention facilities have proven to be inefficient and burdensome for local communities and law enforcement<sup>9</sup>. When detainment is not a threat, immigrants are much more willing to cooperate with law enforcement. Immigrants not fearful of detainment are more likely to be active in their communities; benefitting their overall safety. Undetained immigrants also have greater access to social service programs which are better equipped to offer comprehensive support<sup>10</sup>.

Multiple studies have shown that immigrant families experience the negative psychological effects of detainment, including significant psychiatric disorders. According to Luis Zayas, children face unique consequences in detention and are vulnerable to problems with brain development and emotional intelligence<sup>11</sup>. Meanwhile, the practices of Alternatives to Detention (ATD) yield favorable results in high rates of compliance with laws and court appearances without the negative outcomes that result from detainment or even the threat thereof. One study has found that “the federal government’s ATD program yielded a 93.8 percent appearance rate for immigration hearings<sup>12</sup>.” Other findings indicate that even the fear of detention negatively compromises communities with increases in crime, and more health issues and instability within businesses, schools, and available human services<sup>13</sup>. Overall, “the research confirms that treating migrants with dignity and respect, as well as providing them with clear and timely

## ON HOW A COMMUNITY PSYCHOLOGY PERSPECTIVE INFORMED THE PROJECT

Community psychology focuses on the ecology of systems and their unintended consequences on individuals and communities. The studies on ATDs reinforce community psychology’s practice and value of respecting people of all backgrounds and cultures, regardless of citizenship status.

<sup>3</sup> Brabeck, K. M., Lykes, M. B., & Hunter, C. (2014). The psychosocial impact of detention and deportation on U.S. migrant children and families. *American Journal of Orthopsychiatry*, 84, 496-505. doi: 10.1037/ort0000011.

<sup>4</sup> also referred here as “undocumented”

<sup>5</sup> United Nations Committee on the Rights of the Child (CRC), Committee on the Rights of the Child, Report of the 2012 Day of General Discussion on the Rights of All Children in the Context of International Migration. Retrieved from: <http://www.refworld.org/docid/51efb6fa4.html>.

<sup>6</sup> U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement. (2014). Salaries and Expenses, FY2014 Congressional Budget Justification. Retrieved from: <http://www.dhs.gov/sites/default/files/publications/DHS-%20Annual%20Performance%20Report%20and%20Congressional-Budget-Justification-FY2014.pdf>.

<sup>7</sup> Inter-American Commission on Human Rights (IACHR). (2014). IACHR Wraps Up Visit to the United States of America. Retrieved from: [http://www.oas.org/en/iachr/media\\_center/PReleases/2014/110.asp](http://www.oas.org/en/iachr/media_center/PReleases/2014/110.asp).

<sup>8</sup> U.S. Department of Justice. Executive Office for Immigration Review. (2009/2013, June 10). Immigration Court Practice Manual. Retrieved from: [http://www.justice.gov/eoir/vll/OCIJPracManual/Practice\\_Manual\\_review.pdf](http://www.justice.gov/eoir/vll/OCIJPracManual/Practice_Manual_review.pdf).

<sup>9</sup> American Civil Liberty Union. (ACLU, 2015, February 23). Immigrants’ Rights Project Practice Advisory. Retrieved from: [https://www.aclu.org/sites/default/files/assets/rilr\\_advisory\\_final.pdf](https://www.aclu.org/sites/default/files/assets/rilr_advisory_final.pdf).

<sup>10</sup> Edwards, A. (2011). Back to Basics: The Right to Liberty and Security of Person and ‘Alternatives to Detention’ of Refugees, Asylum Seekers, Stateless Persons, and Other Migrants. Geneva: United Nations High Commissioner on Refugees, PPLA/2011/01.Rev.1. Retrieved from: <http://www.unhcr.org/cgi-bin/texis/vtx/home/opensslPDFViewer.html?docid=4dc949c49&query=PPLA/2011/01.Rev.1>.

<sup>11</sup> Foley, E. (2015, June 19). Critics Say Amenities Don’t Make Up For Psychological Damage Done At Family Immigrant Detention Centers. *Huffington Post Politics*.

<sup>12</sup> Lutheran Immigration and Refugee Services. (LIRS, 2012). Unlocking liberty: A way forward for U.S. immigration detention policy. Retrieved from: <http://lirs.org/search-results/?q=unlocking%20liberty>.

<sup>13</sup> Sládková, J., Garcia Mangado, S. M., & Reyes Quinteros, J. (2012). Lowell immigrant communities in the climate of deportations. *Analyses of Social Issues and Public Policy*, 12, 78-95. doi: 10.1111/j.1530-2415.2011.01253.x.

information, increases cooperation and compliance<sup>1415</sup>”

### **What Does This Mean For?**

*Policy Makers*- The studies on ATDs compared to the outcomes of detainment support shifting the kinds of tactics and programs that are currently used to address illegal immigration. Rather than disciplinary and potentially harmful punitive measures, providing useful services and community support increases legal compliance, pro-social outcomes, and better mental health.

*Social Action*- There is a clear need for advocacy ensuring that immigrants and their families are no longer placed in detention facilities and that their treatment does not infringe on their human rights.

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<sup>14</sup> Costello, C., & Kaytaz, E. (2013). Building empirical research into alternatives to detention: Perceptions of asylum-Seekers and refugees in Toronto and Geneva (Legal and Protection Policy Series) (United Nations High Commissioner for Refugees, Division of International Protection). Retrieved from: <http://www.refworld.org/pdfid/51a6fec84.pdf>.

<sup>15</sup> United Nations High Commissioner for Refugees. (2011). Global roundtable on alternatives to detention of asylum-seekers, refugees, migrants and stateless persons. Retrieved from: <http://www.unhcr.org/536a00576.pdf>.