

Locking up children

By [Amy Frykholm](#)

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This week, at a refurbished camp for oil and gas workers, the Department of Homeland Security [officially opened](#) a new detention center for women and children who cross the southern U.S. border. In DHS director Jeh Johnson's view, this is a move to prevent people from crossing the border at all. He wants to stem the tide of "illegal migration," and he believes that detention is one means to do so. "Frankly, we want to send a message that our border is not open to illegal migration, and if you come here, you should not expect to simply be released," said Johnson.

Let's look at the positive side for a moment. If this detention facility prevents refugees from being automatically returned to the violence of their home countries, then it could serve a meaningful purpose. In detention, they might receive legal aid and have the opportunity to build cases for asylum. The government has heard at least part of the criticism from groups like Lutheran Immigration and Refugee Services and the Women's Refugee Commission in their [critique](#) of how "family detention" is practiced. Families will be housed in cabins instead of cells. There are play spaces and toys. Children will receive some schooling, and there will be private spaces for refugees to meet with lawyers. All of these were failures of the government's previous attempts.

On the other hand, the Dilley, Texas facility represents a fundamental misunderstanding by DHS. The majority of the 66,000 women and children who crossed the border in the summer of 2014 without documents were actually refugees, not "illegal migrants." Refugees, by definition, have to cross borders to seek safety. By treating refugees as criminals, the U.S. is not in compliance with its own international commitments, like the [1951 Refugee Convention](#).

Fourteen cases from this summer's detainees have now reached the courts. Of these 14 cases, 13 refugees have been granted asylum. Greg Chen, director of advocacy for the American Immigration Lawyers Association says, "Such high grant rates are unheard of. The Obama administration can no longer deny that these women and their children are fleeing violence in their own countries that entitles them to

protection in the U.S.”

Meanwhile, [studies show](#) that detaining immigrant children has longterm negative effects on social, physical, and emotional development. Women detained at the Artesia, New Mexico facility reported their children losing weight, having suicidal thoughts, and expressing despair and hopelessness. In place of mass detention, LIRS recommends family and community support systems and meaningful case management as ways to work with refugee populations.

The Dilley facility will be run by the Corrections Corporation of America, a for-profit company. CCA has a fundamental conflict of interest in providing shelter for these families, because providing the best possible medical care, food, and education for children would come at a cost to its bottom line. There is no reason to assume that CCA has the expertise to treat these women and children as anything other than prisoners. Nearly every facility that has housed refugee families in detention conditions has come under controversy. Accusations of [sexual misconduct](#) by guards, separation of parents from their children, poor food, lack of exercise, and fresh air have all been common.

Faith-based groups have joined AILA lawyers in expressing their distress over the government’s policy of detaining children in *any* facility. Stephen Manning, who led the team of pro bono lawyers working on behalf of women in Artesia, said this to the *New York Times*: “I’m at a loss for words to imagine what Dilley will look like with so many 6-year-olds detained behind razor wire.”