
Frequently Asked Questions: About Families in Detention

Why are mothers and children being detained?

In the wake of the humanitarian crisis at the southern border, the Department of Homeland Security continues to expand its system of family detention – holding some mothers and children for months at a time – while individual immigration cases are processed. The policy of detaining children and their parents was discussed by the administration in a June 30, 2014 letter to Congress that outlined “an aggressive deterrence strategy focused on the removal and repatriation of recent border crossers.” Though a federal judge ruled in February 2015 that the Administration should not detain migrants solely “for the purpose of deterring future immigration,” the practice has not abated.

Where are families detained?

Most of the mothers and children who are apprehended at the U.S./Mexico border are detained in two family facilities near San Antonio, Texas. The Karnes County Residential Center has 530 beds, while the South Texas Family Residential Center in Dilley will eventually be expanded to hold up to 2,400 mothers and their children. A third facility in Berks County, Pennsylvania houses an additional 85 people.

What happens to mothers and children in detention?

Immigration officials may return noncitizens to their home countries without a hearing before an Immigration Judge if they are found near or at the border. Nonetheless, the expedited removal law recognizes the importance of protecting refugees. If an individual indicates any fear of returning to his or her country, he or she is entitled to an interview with an asylum officer. This is called a “credible fear” interview. The credible fear interview is an individualized consideration of an asylum claim. If the individual passes the credible fear interview, either before the asylum officer or the immigration judge, he or she is placed into the removal process, may be released from detention, and will have the opportunity to present an asylum application to an immigration judge. Advocates are concerned that mothers and their children are being rushed through credible fear interviews without sufficient information, confidentiality, or access to counsel.

What are the living conditions for children and their parents in detention?

Children attend school in the facilities. There are toys and books in the facilities and children spend time outside. Detainees undergo head-counts by immigration officers up to four times a day, eat institutionalized food they are not familiar with, and sleep in bunk beds with up to eight people to a room. While there is no daycare available in most facilities, children are allowed into other rooms while their mothers attend credible fear interviews and appointments with their legal representatives. There are reports of children experiencing weight loss and depression. It can be difficult to see a doctor, since the facilities are not fully staffed with adequate services for medical and mental health.

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What rules govern services and treatment of children and their mothers in detention?

The 1996 settlement agreement of a court case called Flores v. Reno and Immigration and Customs Enforcement's (ICE) 2007 Family Residential Standards establish requirements for the care of children in detention. Under Flores, detained children must be placed in the "least restrictive setting appropriate to the child's age and special needs." Children must be placed in settings that provide appropriate clothing, food, living accommodations, routine medical and dental care, educational services, recreational activities, and counseling sessions, among other services.

Can children and their mothers be released from detention?

Children and their mothers will only be released if an immigration judge offers a bond and the family can pay it. Legal representatives report bonds being set as high as \$7,500.

What legal services are available to detained children and parents?

The Catholic Legal Immigration Network, the American Immigration Council, the Refugee and Immigrant Center for Education and Legal Services, and the American Immigration Lawyers Association, collectively known as CARA, have joined forces to establish a pro bono project to provide legal counsel to the detained families. Through the program, volunteers from across the country spend a week at a time in south Texas providing legal advice and assistance. In addition, legal orientation presentations are offered in the facilities to help explain court procedures and other basic legal information.

The Catholic Legal Immigration Network, the American Immigration Council, the Refugee and Immigrant Center for Education and Legal Services, and the American Immigration Lawyers Association, collectively known as CARA, have joined forces in response to Immigration and Customs Enforcement's (ICE) significant expansion of its family detention capacity. CARA is committed to ensuring that detained children and their mothers receive competent, pro bono representation, and developing aggressive, effective advocacy and litigation strategies to end the practice of family detention.

Learn more about the CARA Family Detention Pro Bono Project at:

www.aila.org/practice/pro-bono/find-your-opportunity/cara-family-detention-pro-bono-project.