

Ensuring Fair Treatment of Women, Children and Families Seeking Asylum in the United States

Dominica, a Honduran asylum seeker, was detained by Immigration and Customs Enforcement agency (ICE) with her two children. Nelly is nine and Alice is three. At night they all sleep together in the bottom bunk of their jail cell because they are afraid. Nelly says, "If you are not good, they will take you away from your mom."

Every year, thousands of people who come to the U.S. seeking safety from persecution or human rights abuses (asylum seekers) are detained by the U.S. Government. Often they are held in prisons or detention facilities until their cases are decided, which can be days, weeks, months or even years. Many of those detained are women, children and families.

The Women's Commission for Refugee Women and Children's Detention and Asylum Program works to ensure that U.S. law protects unaccompanied children, families and women who are seeking asylum and allows them to make their asylum claims. We believe that asylum seekers should not be held in detention, but when they are, they must be treated humanely and have access to legal counsel and medical care. Conditions in detention must comply with human rights standards and detainees must not be held for prolonged periods.

UNACCOMPANIED CHILDREN IN DETENTION

Nearly 9,000 unaccompanied children were held in immigration custody in 2007—more than ever before. Many of these children escaped human rights abuses, including prostitution, child labor, abandonment, abusive families, forced military recruitment or forced marriage.



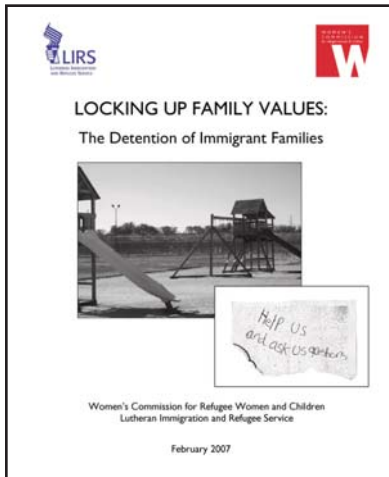
Women and their children are held in the T. Don Hutto Family Residential Center, a former prison in Texas, while they await a decision on their asylum case.

More than half of unaccompanied children do not have access to legal counsel and may be forced to navigate the complex U.S. justice system with little or no assistance. This means these vulnerable children are at greater risk of being sent back to harmful situations.

The Women's Commission has visited numerous facilities nationwide and spoken to hundreds of unaccompanied children to assess conditions for children held in detention and government custody. The Women's Commission also works to support legislation that would facilitate the provision of pro bono attorneys and guardians *ad litem* for these children.

FAMILY DETENTION

In December 2006, the Women's Commission visited two U.S. facilities where immigrant families, including asylum seekers, are detained. We found prison-like conditions in which families, many with young children,



The Women's Commission and Lutheran Immigration and Refugee Service released a groundbreaking report that led to significant improvements in conditions at family detention centers.

are detained for months, even years. These families are at times held in penal settings and are deprived of the right to live as a family unit, denied adequate medical and mental health care and face overly harsh disciplinary tactics. The detention of families expanded dramatically in 2006 and represents a major shift in the U.S. Government's treatment of families in immigration proceedings.

The release in February 2007 of our groundbreaking report on the two facilities, *Locking Up Family Values: The Detention of Immigrant Families*, garnered national and international media attention. The Department of Homeland Security's Immigration and Customs Enforcement agency has since implemented many of our recommendations, including the implementation of national standards for family detention and has vastly improved conditions of confinement.

The Women's Commission continues to insist that the use of detention be limited to cases where it is vital for security reasons, and to promote more homelike, less punitive alternatives. Alternatives include release with check-in requirements or participation in community-based monitoring programs that link individuals with pro bono or non-profit attorneys. Pilots of these programs have been shown to be effective in ensuring appearance at court hearings.

WOMEN SEEKING ASYLUM IN DETENTION

Many women seeking asylum in the United States have suffered violence and abuse, including rape, forced early marriage, trafficking, forced labor and genital mutilation.

Upon their arrival in the U.S., these women are held in detention centers or prisons pending the outcome of their cases, sometimes for prolonged periods. They have little access to medical care, legal resources and adequate nutrition, even if they are pregnant. They receive little or no treatment for abuse they suffered before they arrived in the U.S. The Women's Commission has found that these women are subject to verbal and, at times, physical abuse, causing further traumatization.

Asylum law in the U.S. fails to provide a systematic way to identify women who have suffered persecution and are in danger. In addition, the law does not necessarily recognize gender-related claims, such as women who have endured domestic violence. The Women's Commission will re-examine the treatment of women in detention in 2008.

To download the report, and for more information on detention and asylum, go to womenscommission.org

Women's Commission for Refugee Women and Children
122 East 42nd Street, New York, NY 10168 | 212.551.3115
womenscommission.org

The Women's Commission is affiliated with and is legally part of the International Rescue Committee, a non-profit 501(c)(3) organization. It does not receive direct financial support from the IRC.

May 2008 | Photo: Michelle Brané/Women's Commission