

Detention Watch Network

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://www.detentionwatchnetwork.org/issues/family-detention>

Campaign and Advocacy

The unjust policy of locking up immigrant mothers with their children

The United States should be a place of refuge for people around the world seeking a better life or who face violence, starvation, poverty, war, or persecution. Rather than providing protection and living up to our ideals, the United States has a history of detaining parents and children seeking asylum in family detention centers.

Family detention is the inhumane and unjust policy of jailing immigrant parents with their children including babies. Upon arrival in the U.S. families are locked up in detention centers, with little access to legal and social services, often experiencing widespread human and civil rights violations.

The government expanded the use of family detention in 2014 in an attempt to deter families seeking asylum from coming to the U.S. from Central America. This policy was implemented despite the U.S. having a direct hand in creating the violent and unstable conditions prevailing in Honduras, Guatemala, and El Salvador that are causing many to flee.

Prior to 2014, the Obama administration had ended large-scale family detention in Texas, with the Berks Family Residential Center in Berks County, Pennsylvania (Berks) being the only family detention center in operation. By the end of 2014, Karnes Residential Center in Karnes City, Texas (Karnes) and South Texas Family Residential Center in Dilley, Texas (Dilley) had opened and a fourth facility, the Artesia Family Residential Center in New Mexico, had both opened and closed amongst a firestorm of criticism. (See our report: [Expose & Close Artesia Family Residential Center, New Mexico](#)). With Berks, Karnes, and Dilley all detaining families, the family detention program in the U.S. became the largest since the internment of Japanese Americans in the 1940s with a combined capacity for over 3,000 people.

The alarming rise of family detention has been met with the increasing demand for an end to the policy altogether. In 2015 a federal court ruling called on the government to release children with their mothers from family detention. Judge Dolly Gee found the current practice in violation of the [Flores Settlement](#), an agreement that set the standard for the detention and treatment of immigrant children in the U.S. since 1997.

In 2017, the Trump administration began separating families seeking asylum in order to continue detaining migrant parents. This was intended to punish parents and coerce them into abandoning their asylum claims. Amid public outcry against the cruel practice, the administration ended its large-scale family separation policy in June 2018, though the practice continued in smaller numbers for months after. In May 2019, ICE looked to expand the practice once again by forcing detained parents into a false choice of remaining in detention indefinitely with their children or relinquishing custody so their child can be released without them.

In 2021, the Biden Administration temporarily ended and then restarted the Migrant Protection Protocols (MPP), also known as the Remain in Mexico program, which requires many migrants seeking asylum at the U.S.-Mexico border to stay in Mexico while awaiting their immigration hearings. MPP is yet another form of [government-sanctioned family separation](#). The reality is that all immigration detention is family separation. However, the solution to family separation is not family detention.

As of December 2021, the Biden administration has stopped detaining families at Berks, Karnes, and Dilley. However, the Biden administration has not made an official policy announcement ending family detention and has increasingly subjected families to harmful [alternatives to detention](#) programming that constitute digital prisons: burdensome and punitive digital surveillance and remote tracking technology including ankle monitoring and traceable cell phones.

Additionally, although Berks and Dilley will no longer detain families for ICE, ICE did not terminate its long-standing contracts with the facilities. Instead, following cues from the Obama administration, it converted the contract with Berks County to detain adult women and shifted its usage of the Dilley facility to detain single adults.

Family detention, like all immigration detention, is on the wrong side of history, and a shift to mass surveillance and painful ankle monitors is not the answer. The government must officially end all policies of family detention and surveillance immediately.

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