

## Discrimination, Detention, and Deportation: Immigration & Refugees

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### Campaign and Advocacy

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When we think about the detention, what first comes to mind is that it is a form of punishment. Punishment for a misdemeanor, felony, or for any wrongdoing' that requires isolation from the society or serves as a lesson that through incarceration the individual is supposed to rehabilitate, and refrain from committing a violation of the law again. So, why are people escaping persecution being placed in detention? For what reason are those, who seek relief from torture, war, or gang violence being detained? This is not only inhumane but against legal standards, both domestic and international. In 2016, there were [352,000 people detained by the ICE](#), at least 34,000 on any given day, to meet the [lock-up quotas](#) set by Congress.

Two years ago, Alan Kurdis motionless body found on the Turkish shore moved social media followers worldwide, but what is mostly an underreported story is that there are thousands of Alans being incarcerated daily. When I was a teenager, I was stunned to see my peers shackled in front of an immigration judge in El Paso, Texas during their trial. What a discrepancy in treatment we were all migrants, yet I was on a high school trip while they were about to be deported into an unknown fate of a gang violence

*"Certainly the detention, the isolation, the experience of being incarcerated and being treated as a criminal even when you have zero criminal history, and you really have not experienced that type of enclosure and supervision, every movement being regulated and overseen- **it impacts people.**"*

The dehumanization that happens within the asylum and migration system in regards to minors violates multiple international laws, including [The Convention Against Torture](#), or [The Convention on The Rights of The Child](#) (CRC) which the United States of America unfortunately has never ratified despite the promises of some politicians. CRC states in Art. 37 that: no child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time. Moreover, the United Nations Committee on the Rights of the Child [urges](#) that the **detention of children on the basis of their immigration status should be expeditiously and completely ceased.**

When volunteering in Poland, going to adult detention facilities was already a painful experience. I cannot even imagine how terrible this would be for someone six years old, who comes from the hell of persecution right into the hell of detention. What marks will this form of reception leave on his or her psyche? That is if they have any future at all. Oftentimes the danger of being deported back to a violent area can lead to death as many instances have already [shown](#). Some of these children are even born while in detention, others do not know any other reality than behind bars. [Pediatricians](#) righteously state that the detention of children is a form of a child abuse.

*There has to be a simple message given to our representatives: **Detention centers for children do not meet any standards of decency and they should be closed in their current form!***

The Federal Government in 2014, following the stark increase of asylum seekers coming to the U.S., openly stated that detention of children and women is [an aggressive deterrence strategy](#), and was later found [illegal](#) by a Federal Court in Washington D.C.

The ACLU has not separated itself from this issue. Our lawyers have been litigating the [Jennings v. Rodriguez](#) case at the Supreme Court in regards to detention of those who are in immigration prisons across the U.S. We fight to end imprisonment of people without the due process of a hearing. This year we also supported four-year old Carlos and sixteen-year old Michael (names were changed for privacy reasons) in their release from the immigration detention center in Berks County, P.A., after Carlos and Michael were held in detention for almost two years. Yet, there is still so much to be done.

To understand the nature of these issues I interviewed a forerunner of the Immigration & Human Rights Clinic at the Akron University School of Law **Professor Elizabeth Knowles\***:

*DISCLAIMER The views expressed in this article are the author's own and do not necessarily reflect the views of the ACLU.*

*Prof. Elizabeth Knowles is an Assistant Clinical Professor of Law at the University of Akron School of Law which she joined in 2016. At Akron Law, she supervises the Immigration & Human Rights Law Clinic and teaches asylum law. Before coming to Akron, she served as the Executive Director of the American Bar Associations Immigration Justice Project (IJP). She is a member of the California State Bar, the American Immigration Lawyers Association, and the American Constitution Society (more information about prof. Knowles can be accessed over here: <https://goo.gl/NZ1vJB>).*

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