

# Human Rights Watch

## Children's Rights

### <https://www.hrw.org/news/2014/06/25/obama-pledged-limit-practice-detaining-minors-what-happened>

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Being 'thoughtful and humane' is a political liability, apparently, as the US continues to hold migrant kids on the border despite plenty of options

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There's no reliable evidence that putting families who enter the US illegally into detention centers actually deters unauthorized immigration. But there's plenty of [evidence](#) that it can cause children in those families severe harm from anxiety and depression, to long-term cognitive damage. That's one big reason that family detention for immigration violations is banned under international law.

So it was disturbing to hear late last week that the Obama administration plans to open more family detention centers, [starting with a 700-bed center in New Mexico](#), to tackle a surge in unauthorized migration across southeastern US border.

The administration can't plead ignorance to the harms of family detention. In fact, early in his first term, Barack Obama made sure to put curbs on the practice, which had expanded under the George W Bush administration: hundreds of families picked up for violating US immigration law were then being detained for as long as six months while they awaited deportation hearings. In the largest facility (a former Texas state prison (called the T Don Hutto Residential Center), families including some with very young children were clothed in prison garb, shut in locked cells and received inadequate food and medical care, [according to legal challenged filed by the ACLU](#) as early as 2007. Guards disciplined children harshly and, in some cases, threatened to separate them from their parents if they acted up.

In 2009 and only after intense advocacy by human rights groups the Obama administration announced that, instead of sending families to Hutto, it would set some of them free (to be monitored with electronic ankle bracelets) and send others to a smaller, less prison-like facility (the Berks County Family Residential Center, an 85-bed former nursing home in Pennsylvania). The top US immigration official said at the time that, moving forward, immigration enforcement would be conducted more "[thoughtfully and humanely](#)".

It appears that the White House has come to view being "thoughtful and humane" as a political liability. The new move to ramp up family detention comes in response to criticism that the administration's lax immigration enforcement "created a powerful incentive for children to cross into the United States illegally", as Senator John Cornyn of Texas put it last week.

Obama's move is all the more disappointing because effective alternatives to detention exist and are used in countries facing similar migration surges. Countries like Italy and Malta, prime entrances for migrants to the EU, have open reception facilities where migrant and asylum-seeking families can come and go at will and Malta [pledged](#) to end immigration detention of children altogether in 2014. Though neither country has a spotless record Italy [summarily return](#) to Greece some unaccompanied migrant children and Malta sometimes [detains unaccompanied migrant kids](#) while authorities try to figure out their ages their examples show that detaining kids with families is a choice, not a necessity.

Expanding, instead of eliminating, family detention puts the US at odds with broader international trends. In [May 2014](#), UN Secretary-General Ban Ki-moon said that he was "especially concerned about the administrative detention of migrants, including very young children", given the negative impact on their rights. And in [June 2014](#), Francois Crepeau, the UN's chief expert on the human rights of migrants, pointed to increasing global opposition to immigration detention of children, making its abolition an "achievable priority" worldwide.

The US should use alternatives to detention for families, including registration programs and open centers. In exceptional cases where detention is necessary, it should be for as short a time as possible, and children whether with families or unaccompanied should have the opportunity, by right, to receive education, opportunities for recreation and play, appropriate medical treatment and psychological counselling where necessary.

Obama administration officials [say](#) that their latest decision sends a clear message to potential migrants that they can expect no leniency if

they come to the US illegally despite the lack of any conclusive evidence that family detention acts as a deterrent.

Instead of detaining families, the US government should focus on improving the fairness and efficiency of the legal immigration legal system (which has glacially slow proceedings and enormous backlogs). Migrant families who cross the border without authorization including asylum seekers fleeing dangers at home are already not released with unfettered permission to stay in the US; they are instead placed in deportation proceedings in a court system is so overloaded that their first court dates can be years away. If the US wishes to reduce the number of migrants in the court system and detained in its facilities, it should focus on improving the administrative legal process.

Instead, Obama officials are in the process of undoing their own good work, increasing the number of people they lock away before any significant legal hearing has been held and taking a major step backward by expanding the inhumane practice of locking up families.

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