Congress of the United States
House of Representatives

May 27, 2015

Secretary Jeh Johnson
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Johnson:

We are troubled by the Department of Homeland Security's continued detention of mothers and children in secure, jail-like facilities. For nearly one year we have been closely following the troublesome conditions of confinement, due process issues, and serious developmental and medical concerns of those being detained. Many of us have raised these matters in writing and continue to bring concerns to DHS through individual case examples and systemic complaints. We believe your Department has heard many of our concerns but has not fully grasped the serious harm being inflicted upon mothers and children in custody. We believe the only solution to this problem is to end the use of family detention.

The recent announcement by Immigration and Customs Enforcement on family detention does not acknowledge that even detention for a brief period of time, especially in a secure setting, is detrimental to child development. Based upon his 39 years of clinical experience and interviews with families at the Karnes Residential Center, the Dean of Social Work at the University of Texas, Dr. Luis Zayas, found that the children at Karnes are "facing some of the ***most adverse childhood conditions of any children I have ever interviewed or evaluated***."[1] In his affidavit, Dean Zayas concluded that "[d]etention has had serious and long-lasting impacts on the psychological health and well-being" of the families at Karnes and that these impacts were evident in families who were detained for as little as two weeks.

We believe it is undeniable that detention in a secure facility is detrimental to mothers and children and is not reflective of our values as a Nation. Children require special protections and should not be placed in jail-like settings.

We are particularly troubled by the current practice of family detention because the detained population is largely comprised of refugees fleeing violence and persecution in their home countries. We have heard horrific stories of sexual assault, intense physical violence,

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[1] Declaration of Luis H. Zayas (December 10, 2014) *available at:* http://chu.house.gov/sites/chu.house.gov/files/documents/Declaration%20of%20Luis%20Zayas_0.pdf

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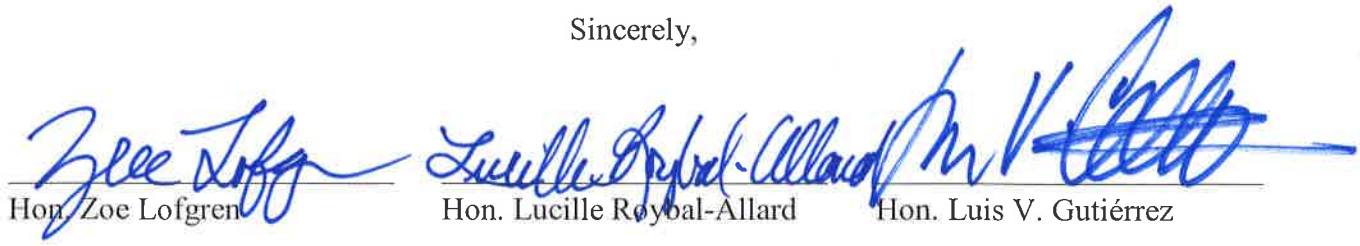
kidnapping, and sex trafficking. These stories come not only from adult mothers, but also from young children who have been victims of such abuse. Detaining children who have already been victims of abuse exacerbates past trauma and raises unique and serious problems.

DHS has repeatedly used deterrence as a justification for the existence of family detention, but this theory has not been substantiated with compelling evidence. Moreover, a federal court in the District of Columbia rejected this argument and found that DHS cannot detain asylum-seeking mothers and children from Central America for the purpose of deterring other migrants from entering the country.[2] We agree and believe that the hypothetical recurrence of a future refugee flow does not justify the very real harm being inflicted upon mothers and children in a secure setting.

Lastly, we are disturbed by the fact that many mothers and children remain in family detention despite serious medical needs. In the past year, we have learned of the detention of children with intellectual disabilities, a child with brain cancer, a mother with a congenital heart disorder, a 14-day-old baby, and a 12-year-old child who has not eaten solid food for two months, among many others. Recently, we learned of a three-year-old child at the Berks County Residential Center who was throwing up for three days and was apparently offered water as a form of medical treatment. It was only after the child began throwing up blood on the fourth day that the facility finally transferred her to a hospital.[3] This is simply unacceptable. We cannot continue to hear reports of serious harm to children in custody and do nothing about it.

We must prioritize the health and well-being of mothers and children while also prioritizing our enforcement objectives. Detaining mothers and children in jail-like settings is not the answer. We have an opportunity to do the right thing and are confident that DHS has the capacity to honor our Nation's longstanding commitment both to the protection and well-being of refugee families and to law enforcement and public safety.

Sincerely,



Hon. Zoe Lofgren Hon. Lucille Roybal-Allard Hon. Luis V. Gutiérrez

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[2] RILR, *et al.*, v. Johnson, Legal Documents, (updated Feb. 23, 2015) *available at:* https://www.aclu.org/cases/rilr-v-johnson?redirect=immigrants-rights/rilr-v-johnson.

[3] Ed Pilkington, *Child immigrant detainees: 'There's an overwhelming sadness among them,'* The Guardian, May 12, 2015 *available at:* http://www.theguardian.com/us-news/2015/may/12/immigration-detention-centers-children

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