

Health Concerns at the Berks Family Detention Center

February, 2016

In summer 2014 the Obama Administration announced their intention to detain large numbers of asylum-seeking families from Central America as part of a new policy aimed at deterring other families and children from migrating to the United States. The Berks County Residential Center in Pennsylvania, which has been in operation for 15 years, is one of three family immigration detention centers where U.S. Immigration and Customs Enforcement (ICE) detains families. While ICE has presented family detention as a “humane alternative” to preserve family unity during immigration proceedings, a growing body of research shows that detention, even for limited periods of time, is harmful to the health and development of children.

The Pennsylvania Department of Human Services (PA DHS) licensed the Berks County facility as a child residential facility for dependent and delinquent children. However, in October 2015, PA DHS issued a decision that the license, which expires on February 21, 2016, would not be renewed due to the fact that the facility holds asylum-seeking families, as opposed to only children, as the license allowed. The facility has appealed the decision to not renew its license to the Bureau of Hearings Appeals—an administrative body within Pennsylvania’s Department of Human Services.

Mothers at Berks Raise Health Concerns—ICE Suggests Removal in Response

In December 2015, mothers at the Berks facility expressed concern over their prolonged detention

and the negative impact it has had on their children’s health in written complaints to ICE. Human Rights First obtained copies of seven such complaints which include the written responses they received from their ICE Deportation Officers (DO). We have removed the mothers’ names and translated their messages.

Each mother expressed concern for her child’s unresolved medical and/or mental health issues. One mother, who had been detained for four months at the time of her complaint, told the ICE DO of her son’s skin condition that had spread over his body, leading to continuous scratching and bleeding.

My son suffers from a skin disease named [REDACTED] and since we arrived in the United States, it developed itself so much to the point he even has symptoms on his genitals. When scratched it bleeds and [the detention center health staff] did not give me any medications for it or to calm him down, also his behavior has changed, he cries because he does not want to stay here any longer, it has already been over four months and I am still here.

The ICE DO responded that she should make an appointment to see the medical department in the facility, without addressing her concerns that previous visits with health staff were unhelpful. The ICE DO went on to state, “You may accept your removal order and arrangements can be made for your removal from the United States. At this time your custody status remains unchanged.”

Another mother with a five-year-old daughter issued the following grievance to ICE and received the answer below.

Mother's request: My daughter has been having diarrhea for about three weeks now and we went to see a doctor but they did not give us any medication not even serum. With every passing day her behavior is getting worse and the psychologist just tells me to be patient. I need you to give me the adequate medication and that you give me the opportunity to take my case outside of here. I am not a criminal. You gave the opportunity to other persons that have been deported to leave, why did you not give it to me. It has been more than four months that I have been detained.

ICE's response: Thank you! You may dissolve [sic] your case at any time and return to your country. Please use the medical department in reference to health related issues.

Other mothers brought up behavioral changes in their children including lack of appetite, difficulty sleeping, increased crying, and feelings of desperation and distress. Some noted the length of time they had already been detained—upwards of four months—and others expressed frustration over having relatives (including, in one case, the child's father) in the United States who would welcome them to stay pending the resolution of their case. All received seemingly uniform responses from ICE either directing them to make an appointment with facility medical staff or suggesting they accept an order of deportation.

These documents demonstrate serious concerns and warranted immediate action from the ICE officers overseeing these families while they are in detention. The ICE DOs' responses exemplify why the Obama Administration's system of family detention is incapable of satisfying basic obligations for the health and well-being of the children and families in their custody.

On February 5, 2016, thirty mothers at the facility wrote an [open letter](#) asking for their release. They wrote:

[Our] children have suffered psychological damage, and many of them have suffered health-wise, because of this confinement, and not to mention the racist abuse and poor treatment from certain members of the staff in this detention center, but especially by the agents of ICE that play and mock our dignity as immigrants. We came here seeking refuge. We came to this country to save our lives and the lives of our children.

Ongoing Federal Litigation to End Family Detention

On July 24, 2015, the U.S. District Court for the Central District of California ruled in *Flores v. Lynch* that the federal government had failed to comply with a settlement agreement that sets standards for the detention and release of children in federal immigration custody. In its notice of appeal, the government argued that family detention is “becoming short-term in most cases” and its family detention facilities are “processing centers” where individuals could be interviewed and screened “rather than detained for a prolonged period of time.”

The families detained for months on end at Berks stand in stark contradiction to the government's assertion. At present, all of the families at Berks are asylum seekers and the vast majority are mothers from Central America who have been detained for upwards of one month, with one family detained by ICE since August 2015—nearly six months.

Detention is Harmful to Children's Health

The types of health and behavioral concerns raised by the mothers at Berks are not uncommon to children held in immigration detention. Human

Rights First, along with pediatricians and a social worker, [spoke with families at Berks in August 2015](#). The parents—including those who have been detained for two or three weeks—related symptoms of their children’s behavioral regressions, depression, anxiety, and increased aggression toward both parents and other children.

Even if the government were able to process families within 20 days—the self-imposed timeline it created in the *Flores* litigation—[research has shown](#) that any period in detention can be detrimental to children’s health and development. Attorneys, children’s rights advocates, and medical professionals have repeatedly called for an end to the detention of families, citing the negative health impacts. Despite ICE reform announcements and subsequent changes at the detention centers, the fact remains that ICE is not suited to care for children and these centers remain instruments of confinement.

On July 24, 2015, the American Academy of Pediatrics wrote a [letter](#) to Secretary of Homeland Security Jeh Johnson stating, “We question whether the existing family detention facilities are capable of providing generally recognized standards of medical and mental health care for children.” The letter also noted the particular vulnerability of asylum seekers who have already experienced significant trauma, noting that the “detainment of any children and mothers in the existing [family detention] facilities puts them at greater risk for physical and mental health problems and unnecessarily exposes children and mothers to additional psychological trauma.”

Attorneys and advocates for the families have also raised privacy and safety concerns with the facility operator and ICE. Since families are typically placed in rooms that accommodate six individuals (often three parent-child dyads), children have been forced to share a room with unrelated adults. They must sleep, dress, and use the restroom with no door or privacy from adults, who may be of the opposite sex, in the same room.

Recommendations

- The Obama Administration should end its misguided policy of detaining immigrant families. The license to operate the Berks County Residential Center expires on February 21, 2016 and will not be renewed. In light of this clear message from child welfare authorities, the federal government should end family detention once and for all and immediately release the families who are currently detained at Berks. Community-based alternatives to detention programs have proven effective in ensuring appearance for court hearings. Moreover, most families detained at Berks have legal counsel—and government data shows that 98 percent of families who are represented by legal counsel are in compliance with their immigration court obligations.
- Berks County should abandon its appeal to the Pennsylvania Bureau of Hearings and Appeals. Detaining asylum-seeking children and their parents is harmful to their health and well-being. Many local groups have spoken out against Berks County’s involvement in family detention and called for the facility’s closure.
- The Pennsylvania Department of Human Services should seek an emergency removal of residents, if ICE and Berks County continue to detain families at the Berks County Residential Center after the license expires.■

Addendum

Redacted Correspondence

Complaint #1

Name: [REDACTED] A#: [REDACTED]

Date: December 7, 2015

My son suffers from a skin disease named [REDACTED] and since we arrived in the United States, it developed itself so much to the point he even has symptoms on his genitals. When scratched it bleeds and they did not give me any medications for it or to calm him down, also his behavior has changed, he cries because he does not want to stay here any longer, it has already been over four months and I am still here.

Signature: [REDACTED]

Response

Date: 12/8/2015 Staff Member: [REDACTED]

If your child is experiencing medical issues please make an appointment to see the medical department here at the facility. Your attorney filed a motion in the Eastern District Court of PA which temporarily stays your removal. You may ask your attorney to withdraw that motion. You may accept your removal order and arrangements can be made to your removal from the United States. At this time your custody status remains unchanged.

Complaint #2

Name: [REDACTED] A#: [REDACTED]

Date: December 7, 2015

My son is 6 years old, he is desperate because of such confinement. It worries me a lot that something bad could happen to him here. He's very hyperactive, aggressive, the desperation has made him this way. He cries a lot because of this despair. I am afraid that something bad will happen to him. I need you to help me and to give me the opportunity to take my case out of here.

Signature: [REDACTED]

Response

Date: 12/8/15 Staff Member: [REDACTED]

If you are experiencing issues related to your safety/ security or well-being at the shelter please report these incidences to county staff. If you are experiencing other issues related to medical/

psychological, please make an appointment to see the medical staff or to speak with a psychologist. At this time your custody status will remain unchanged.

Complaint #3

Name: [REDACTED] A#: [REDACTED]

Date: December 7, 2015

I need information about my case, we have been here for three months already. My girls do not even want to eat anymore and seeing them like this hurts me. This is why I am asking you to review my case, we want to leave.

Signature: [REDACTED]

Response

Date: 12/8/15 Staff Member: [REDACTED]

Your attorney filed a motion to the Eastern District Court of PA requesting a temporary stay of your removal. If you wish to have your attorney withdraw that motion please do so. If that motion is withdrawn arrangement can be made for your removal from the United States. At this time your custody status remains unchanged.

Complaint #4

Name: [REDACTED] A#: [REDACTED]

Date: December 7, 2015

My daughter has been having diarrhea for about three weeks now and we went to see a doctor but they did not give us any medication not even serum. With every passing day her behavior is getting worse and the psychologist just tells me to be patient. I need you to give me adequate medication and that you give me the opportunity to take my case outside of here. I am not a criminal. You gave the opportunity to other persons that have been deported to leave, why did you not give it to me. It has been more than four months that I have been detained.

Signature: [REDACTED]

Response

Date: 12/8/15 Staff Member: [REDACTED]

Thank you! You may dissolve [sic] your case at any time and return to your country. Please use the medical department in reference to health related issues.

Complaint #5

Name: [REDACTED] A#: [REDACTED]

Date: December 7, 2015

I am worried my two-year-old son is distressed due to so much detention. We have been detained for almost two months. He does not want to eat, he cries a lot during the night. Please, help us.

I am asking you to give me the opportunity to resolve my case outside of the detention center and I would like to have an update on my case as well.

Thank you

Signature: [REDACTED]

Response

Date: 12/8/15 Staff Member: [REDACTED]

Your attorney has filed a motion in the Eastern District Court of PA requesting a temporary stay of your removal. If you wish to have your attorney withdraw that motion please do so. If the motion is withdrawn arrangements can be made for your removal from the United States. At this time your custody status will remain unchanged.

Complaint #6

Name: [REDACTED] A#: [REDACTED]

Date: December 7, 2015

My case is that my children are desperate and do not want to eat anymore. Just cry and get depressed. I don't know what to do anymore because they want to be with their father. Their father is in Austin and they tell me they want to be with him. Please help me, please give me the opportunity to defend my case out of detention. Please because I want to help my children. Please help me.

Signature: [REDACTED]

Response

Date: 12/8/15 Staff Member: [REDACTED]

Your attorney filed a request for reconsideration with the Newark Asylum office. That request is still pending. You may ask your attorney to withdraw that request, if you wish to do so. If that request is withdrawn arrangements can be made for your removal from the United States. At this time your custody status will remain unchanged.

Complaint #7

Name: [REDACTED] A#: [REDACTED]

Date: December 7, 2015

My problem is that I don't sleep and I have headaches because I think a lot about my case and my family. My son cries a lot because he does not want to be here. We have been detained for a long time; three months, and we do not want to stay here, I feel badly for my son.

My problem would be solved if you could let me go to be with my family here and if you could review my case because it has been a long time.

Signature: [REDACTED]

Response

Date: 12/8/15 Staff Member: [REDACTED]

If you are experiencing medical issues please see the medical staff here at the facility. Your attorney filed a motion in the Eastern District Court of PA requesting a temporary stay of your removal. If you wish to have your attorney withdraw that motion please do so. If the motion is withdrawn, arrangements can be made for your removal from the United States. At this time your custody status will remain unchanged.



75 Broad Street, 31st Floor, New York, NY 10004
Tel: 212.845.5200 | Fax: 212.845.5299

805 15th Street, N.W., #900, Washington, DC 20005
Tel: 202.547.5692 | Fax: 202.543.5999

1303 San Jacinto Street, 9th Floor
at South Texas College of Law, Houston, TX 77002
Tel: 713.955.1360 | Fax: 713.955.1359

humanrightsfirst.org