
Jailing Immigrant Families Inflicts Severe Harms and Wastes Resources

Detention of immigrant families inflicts irreversible harm. [Medical experts](#), [international authorities](#), [members of Congress](#), [faith leaders](#), [human rights advocates](#), [whistleblowers](#), [the American Bar Association](#), and Immigration and Customs Enforcement's own [advisory committee](#) have condemned the detention of families as unjustified, unlawful, unnecessarily costly, and wasteful, and warned that it causes life-long damage to those detained. Family detention is an inhumane, failed policy that should never be resurrected.

Unnecessary and wasteful

Family detention is extremely costly and unnecessary. Instead of jailing families, the government has legal authority to release them to U.S. communities where they can safely wait for their cases to be decided. Providing community-based case support in place of detention where needed is far less costly, more humane, and effective.

In 2016, an ICE advisory committee [concluded](#) that family detention was harmful, inappropriate, unnecessary, needlessly costly, and never in children's best interest. Though it had been tasked with issuing recommendations on how to improve family detention, the committee recommended that it be discontinued generally and that the government release families seeking asylum with access to case management programs if needed.

Community-based case support [programs](#), which facilitate access to counsel and provide social and other services, have proved less costly than detention and ensured appearance at future court hearings. A family case management program piloted by the Department of Homeland Security (DHS) from January 2016 to June 2017 cost around **\$36** a day per family and resulted in a 99 percent appearance rate for hearings. In contrast, **detaining families costs the government almost \$320 a day for each bed in the jail**. The Case Management Pilot Program (CMPP), launched in Fiscal Year (FY) 2023, provides legal orientation programs and connections to social and other services, and it resulted in a [100 percent appearance rate](#) at immigration court hearings at the end of FY 2023. Community-based case management programs are more fiscally responsible and have successful outcomes.

As these outcomes confirm, detention is not necessary to ensure appearance in court. Asylum seekers overwhelmingly appear for hearings after they are released from government custody. From FY 2022 through November 2024, [99.5 percent](#) of all people whose asylum cases were decided by immigration judges appeared for their hearings, **with only approximately 0.5 percent in absentia (i.e. failing to appear for their hearing)**. For those released from detention and placed on "Alternatives to Detention" programs in FY 2023, [99.1 percent](#) appeared for scheduled immigration court hearings and [98.6 percent](#) appeared in FY 2024.

Devastating harm to families and children

[Medical](#) and other experts [have long documented that family detention](#) can lead to life-long damage to health and development, causing health problems including post-traumatic stress disorder, depression, developmental

regressions, suicidal behavior, weight loss, sleep disturbance, and frequent infections. The American Academy of Pediatrics [warned](#) the government that detention **“is associated with poorer health outcomes, higher rates of psychological distress, and suicidality making the situation worse for already vulnerable women and children.”** Studies have shown that immigrant children who were detained experienced a [tenfold increase](#) in **psychiatric disorders** while adults suffered a threefold increase.

Even detaining families for days or weeks [inflicts](#) severe harm. DHS’s own medical experts [stated](#) as whistleblowers in 2021 that **“any amount of detention can be harmful to children.”** Studies have shown that the experience of detention for children is [“acutely stressful...even when detention is brief”](#) and that [“any incarceration](#) is damaging for immigrant children, especially those with high levels of previous trauma exposure.”

Detaining families seeking asylum, including survivors of gender-based violence, sexual assault, and other harms, [exacerbates](#) symptoms of trauma and deprives survivors of access to medical and mental health care. Detention also often [deprives asylum seekers](#) of meaningful access to counsel and the ability to fairly participate in their asylum cases, violating due process and heightening the risk that they will be wrongly returned (refouled) to their countries of persecution, in violation of U.S. refugee law obligations.

Human Rights First has issued [multiple reports documenting](#) the harms of family detention and its impact on people seeking safety. When Human Rights First visited the Berks County Detention Center in 2016 with a delegation of mental health and legal professionals, mothers [reported](#) to the delegation — as well as in an open [letter](#) to the DHS secretary — that children had said they preferred to die than to continue their life in detention and mimicked suicide by grabbing and tightening the cords that hang around their necks to hold their ID cards. Parents and children have [suffered terrible abuses in family detention](#), including sexual assault, denial of medical and mental healthcare, lack of access to water and other necessities, and sleep deprivation.

Physicians who served as medical experts for DHS [filed](#) a whistleblower disclosure in 2018 that revealed horrific abuses, medical neglect, and other harms in family detention, including a child who lost a third of his body weight, an infant with bleeding of the brain that went undiagnosed for five days, children who were accidentally injected with adult doses of vaccines, and children who suffered lacerations and fractures when cell doors crushed their hands. They [wrote](#) that detention of children “should never occur in a civilized society” and that the “risk of harm to children simply cannot be justified.”

The government's detention of families also routinely [violated](#) the [Flores Settlement Agreement](#), which sets limits on the length of time and conditions under which immigrant children can be detained.

Violates international law

International law [prohibits](#) the [detention](#) of immigrant children because it is fundamentally inconsistent with the best interests of the child. International authorities have [repeatedly condemned](#) the United States for jailing immigrant families, urging an end to the policy. The Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment has [called](#) on states to completely cease detaining immigrant children, as it is **“grossly disproportionate and may constitute cruel, inhuman or degrading treatment of migrant children.”**

Additionally, detention of asylum seekers and migrants is generally prohibited under international law except as a measure of last resort. Given the availability of effective and humane alternatives, detention is rarely permissible as a last resort. International authorities have repeatedly warned that the United States' system of immigration detention runs afoul of international human rights law, which requires an individualized determination, subject to judicial review, before a government may deprive an individual of liberty and prohibits detention that is aimed at deterrence or is unreasonable, unnecessary, disproportionate, or otherwise arbitrary. Detention also cannot be imposed as a penalty for unlawful entry or presence under the Refugee Convention and Protocol.