

United States Senate

WASHINGTON, DC 20510

September 27, 2016

The Honorable Jeh Johnson
Secretary of the Department of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Johnson:

We write to reiterate our strong belief that the policy of family detention is wrong and should be ended immediately. Although we were encouraged to hear your announcement in August that the average length of detention for asylum-seeking mothers and children from Central America's Northern Triangle has been reduced to 20 days or less, the ongoing use of family detention remains unacceptable.

We are particularly concerned about the children who have been detained by U.S. Immigration and Customs Enforcement (ICE) for prolonged periods at the Berks County Residential Center in Pennsylvania. These children range in age from two to sixteen and many have been in detention for nearly a year or longer. Recent reports from a number of media sources indicate the children are exhibiting serious health problems and experiencing psychological harms associated with prolonged detention.

Detention of families should only be used as a last resort, when there is a significant risk of flight or a serious threat to public safety or national security that cannot be addressed through other means. We urge you to review these cases individually and release these children with their mothers immediately unless there is compelling evidence that they pose a specific public safety or flight risk that cannot be otherwise ameliorated through alternatives to detention.

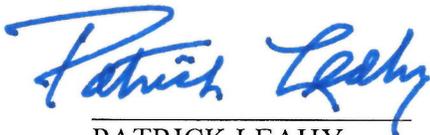
The mothers of these children fled three of the most dangerous countries in the world to seek refuge in the United States. The brutal physical, gender-based, and sexual violence in the Northern Triangle is well-documented. Many of these mothers have asylum claims based on rape, severe domestic violence, and murder threats, and the Third Circuit Court of Appeals has issued a stay barring the deportation of some of them until those claims can be fully resolved. The decision by ICE to detain these women and children while they pursue their claims has placed these mothers in the impossible position of choosing between their legal right to seek long-term refuge in the United States and the immediate well-being of their children. It is unconscionable to keep these children locked up and goes against our most fundamental values.

There is strong evidence and broad consensus among health care professionals that detention of young children, particularly those who have experienced significant trauma as many of these children have, is detrimental to their development and physical and mental health. This evidence has been reinforced by specific examples of children in the Berks County facility who are experiencing adverse health outcomes due to detention. Reports indicate that room checks conducted by facility staff every fifteen minutes lead to habitual sleep deprivation among the

children,¹ and a pediatric assessment of a six-year-old child suffering from chronic Post-Traumatic Stress Disorder indicates that after prolonged detention the child is now showing signs of extreme stress and anxiety.²

Last week, the President hosted the Leaders' Summit on the Global Refugee Crisis. During this summit, the United States asked other countries to follow our lead and provide protection and increased resources for the millions of people currently facing persecution around the world. However, this summit took place against the backdrop of a system of family detention in the United States that is inconsistent with our country's longstanding commitment to provide safe and humane refuge to those fleeing persecution. The ongoing use of family detention is wrong. The prolonged detention of the mothers and children in Berks is taking a significant toll on their mental and physical wellbeing. We urge you to review these cases immediately and use your authority to release these children with their mothers unless there is compelling evidence that they pose a specific public safety or flight risk that cannot be mitigated through alternatives to detention.

Sincerely,



PATRICK LEAHY
United States Senator



MAZIE K. HIRONO
United States Senator



RICHARD J. DURBIN
United States Senator



PATTY MURRAY
United States Senator



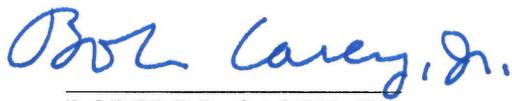
ROBERT MENENDEZ
United States Senator



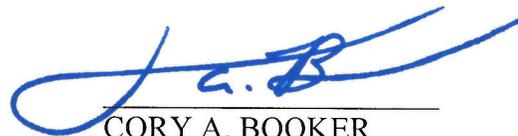
ELIZABETH WARREN
United States Senator

¹ Human Rights First, *Long-Term Detention of Mothers and Children in Pennsylvania* (2016), available at <http://www.humanrightsfirst.org/sites/default/files/HRF-Long-Term-Detention-Brief.pdf>.

² *Castro v. Department of Homeland Security, Petitioners-Appellants' Opposition to Government Motion to Transfer* (2016), available at <https://www.aclu.org/legal-document/castro-v-department-homeland-security-petitioners-appellants-opposition-government>.



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United States Senator



SHERROD BROWN
United States Senator



TAMMY BALDWIN
United States Senator

Enclosures

cc: The Honorable Sarah R. Saldaña
Director of Immigration and Customs Enforcement