

Human Rights on the Southern Border: US Immigration Detention Centers and Policy



In this handout photo provided by U.S. Customs and Border Protection, border crossers rest on mats on the floor at the Central Processing Center on June 17, 2018 in McAllen, Texas. Photo by CBP

Universal Declaration of Human Rights ([UDHR](#)):

- Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- Article 9: No one shall be subjected to arbitrary arrest, detention or exile.
- Article 10: Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.
- Article 25: (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Recent US Immigration Detention Policies:

- **Zero-Tolerance Policy:** Passed in April 2018, the policy implements zero-tolerance for attempts by an individual who is not a US citizen to enter the country at an improper time or place. Under this policy, when a child and parent were apprehended together by immigration authorities, the Department of Homeland Security separated the family, until separation was halted in June 2018. ([HHS](#))

- **Family Separation Policy:** Enacted following the implementation of the Zero-Tolerance Policy, this policy left children separated from their parents. Separation tore apart hundreds of families before it was stopped in June 2018, often leading to the deportation of parents without their children. ([HRW](#))
- **Indefinite Family Detention:** The US government claims family detention is needed to ensure families who have no right to remain in the country show up to court and are efficiently deported. ([HRW](#))

HRW Research:

- February 12, 2019: “Congress should reduce immigration detention bed space and should certainly not appropriate additional dollars to increase bed space: Every existing and additional immigration detention bed means one more person at risk of suffering due to harsh conditions and inadequate medical care provided by the Immigration and Customs Enforcement agency; Congress should grapple with the reality that taxpayer dollars are already being spent under the current detention bed mandate to arrest and lock up people who call the United States home—including mothers, fathers, and spouses of US citizens; tax-paying employees; and respected community members. The overwhelming majority of people detained with ‘criminal’ arrests or conviction records are people who committed minor infractions – including drug possession and traffic offenses – or who were criminalized for immigrating.” ([HRW](#))
- October 22, 2018: “Four months after President Donald J. Trump ended the worst aspects of his family separation policy, hundreds of children are still coping with the trauma of having their families being ripped apart. What’s more, the administration has turned to other damaging policies. Although its tactics have shifted, its assault on migrant children and families continues... According to The New Yorker, there are 13,200 children – ‘more than ever before’ – in immigration detention centers run by the U.S. Office of Refugee Resettlement. And unaccompanied children are now being detained an average of 74 days, more than double the length of stay at the beginning of 2016.” ([HRW](#))
- October 3, 2018: “Two doctors who have worked as government medical consultants warned in July that children in family detention centers faced a ‘high risk of harm.’ They based their conclusion on ten investigations between 2014 and 2017, revealing significant and unaddressed weight loss in infants, adult doses of medication being administered to numerous children, severe injuries from spring-loaded heavy steel doors, and widespread—possibly permanent—psychological harm. ([HRW](#))
- July 25, 2019: “Held down, injected, drugged – this is how immigrant children in need of mental health support, but detained in government facilities, are being treated... Children at the Shiloh Treatment Center in Manvel, Texas, were allegedly prescribed as many as 10 different shots and pills at a time and told they would never leave the center if they refused to take the medication... Lucas, a 12-year-old from Guatemala, is detained at the Shiloh center. According to his older sister, who lives in Los Angeles, when he was in Guatemala, Lucas was a happy and talkative child. However, his detention and the fear of not being reunited with his family have made him depressed. He was placed on psychotropic medication and transferred to Shiloh. The staff told him he won’t be released until they assess him as ‘psychologically sound.’” ([HRW](#))

As of February 20, 2019