



CATHOLIC LEGAL  
IMMIGRATION  
NETWORK, INC.



October 6, 2015

Megan Mack  
Office of Civil Rights and Civil Liberties  
Department of Homeland Security  
Washington, DC 20528

John Roth  
Office of Inspector General  
Department of Homeland Security  
Washington, DC 20528

**RE: ICE's Continued Failure to Provide Adequate Medical Care to Mothers and Children Detained at the South Texas Family Residential Center**

Dear Ms. Mack and Mr. Roth:

The undersigned organizations, Catholic Legal Immigration Network, Inc. (CLINIC), American Immigration Council (Council), Refugee and Immigrant Center for Education and Legal Services (RAICES), and American Immigration Lawyers Association (AILA), jointly file the present complaint on behalf of fourteen mothers and their children who received or are still receiving substandard medical care while detained at the South Texas Family Residential Center (STFRC), the family detention facility in Dilley, Texas.

Unfortunately, this complaint highlights the very same problems that we brought to the attention of the Office of Civil Rights and Civil Liberties and the Office of the Inspector General in our previous complaint, filed on July 30, 2015.<sup>1</sup> That complaint was filed on behalf of ten mothers and children who received inadequate medical care at the STFRC, as well as the two other family detention centers in Karnes City, Texas, and Berks County, Pennsylvania. Eight additional complaints, supplementing the original July 30 complaint, were filed with your offices between July 31 and September 15, 2015. Brief summaries of those eight cases, in chronological order of their submission to your office, are provided below:

- A seven-year-old boy who repeatedly sought medical care at the clinic in Dilley, but was repeatedly turned away. When a urine test was finally taken, he was rushed to a hospital in San Antonio where he was kept for five days and diagnosed with juvenile diabetes. Despite his condition, the boy and his mother were returned to the detention facility. When they went to the STFRC clinic for a scheduled follow-up appointment for his

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<sup>1</sup> On July 30, 2015, the four CARA Pro Bono Project partners, signatories to this complaint, along with Women's Refugee Commission and Immigrant Justice Corps, submitted a [complaint](#) regarding ICE's Failure to Provide Adequate Medical Care to Mothers and Children in Family Detention Facilities.

juvenile diabetes, they were told they would be called back because there were too many people in line. They were never called back to the clinic. *(Submitted August 20, 2015)*

- A four-year-old girl who presented at the medical clinic with a fever and a nosebleed. The nurse told the mother that there was only one doctor, who was too busy to see the child because it was not an emergency, but gave her acetaminophen. The child later vomited out the acetaminophen and remained ill. When the mother returned to the clinic, she waited another four hours with her child to see a doctor. *(Submitted August 20, 2015)*
- On the day of her arrival at Dilley, clinic staff examined a twelve-year-old girl identified her as potentially suffering from diabetes. She was promised a follow-up appointment with a specialist that was not scheduled until three months after she and her mother were first detained. On another occasion, she and her mother had to wait five hours to see a doctor for a scheduled appointment at the medical clinic at Dilley. *(Submitted August 21, 2015)*
- A child who lost weight during the more than two months she spent in detention. Her mother sought medical care for her at the clinic three times, but it was not until the child collapsed and the clinic held her overnight that her illness was properly treated. *(Submitted August 25, 2015)*
- A mother who suffered from a chronic condition involving the secretion of pus from her breast experienced pain and discomfort throughout her more than three months in detention at Dilley. During this time, her condition went untreated although she reported it to medical staff on three occasions. *(Submitted August 25, 2015)*
- A two-year-old girl who presented with a virus that a nurse at the clinic said “all of the children here” have. The child developed asthma in the facility, but the mother had to seek medical care on seven separate occasions before a doctor finally diagnosed her and prescribed medication that the toddler has to take twice a day, along with an inhaler, which she is now using four to eight times daily to treat her asthma. *(Submitted August 31, 2015)*
- A mother who waited for seven hours with her three-year-old child to receive pain medication for a migraine. She finally left the clinic without receiving any medication at three in the morning, when she was told she would have to wait another two hours to see a doctor. Later, when her daughter presented with cold-like symptoms, this mother felt it was pointless to return to the medical clinic. *(Submitted September 15, 2015)*
- A registered nurse with ten years of experience was detained at Dilley with her four-year-old child, who contracted a cough and lost eight pounds while detained. When this mother took her child to the clinic, a nurse told her that the child’s refusal to eat was normal and that “some days children eat, some days they don’t.” The nurse informed the mother that no doctor was on site, that she was not authorized to prescribe medication, and that she needed to attend to the long line of other mothers and children waiting. The nurse then advised the mother to have the child drink water and gave her Pedialyte. After this interaction, this mother, an experienced nurse, felt that there was no point in returning to the clinic. *(Submitted September 15, 2015)*

To date, we have received no meaningful response to the ten original complaints submitted to CRCL and OIG or to these eight additional complaints. Nor have we seen any improvement in the quality of medical care in the family detention centers.

The fourteen cases summarized below demonstrate that the level of medical care provided by Immigration and Customs Enforcement (ICE), and its contractor, the Corrections Corporation of America (CCA), in family detention facilities remains woefully inadequate. STFRC holds up to 2,400 children and mothers. At one point in mid-August, the number of detained individuals dropped to around 1,050, but at certain points in September, that number almost doubled. The sworn declarations attached to this complaint from fourteen detained mothers exemplify our concerns about the quality of medical care provided by the clinic currently operating at the STFRC.

The cases summarized in this complaint reflect the continuation of the following disturbing trends identified in our July 30, 2015 complaint:

- Children with fevers and infections or viruses are told to drink more water and, lately, prescribed Vicks Vaporub;
- Mothers and children must often wait between four to eight hours to receive medical attention;
- Lack of follow-up treatment and unavailability of specialist care.

In addition to these three ongoing trends, these cases also reflect the following problems with medical care at STFRC:

- Mothers are routinely asked to sign forms saying that they have refused medical care if they leave the medical clinic, even after waiting many hours to be seen;
- Pre-existing conditions, including anemia, vision problems, chronic pain from gun-shot wounds, and high-blood pressure, are not being treated;
- Doctors are not on site or available in the evening or during lunch.

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**Complainant #1: “Alma.”**<sup>2</sup> At six o’clock in the evening of September 20, 2015, suffering from a terrible migraine, Alma sought medical assistance at the clinic with her six-year-old daughter. By ten o’clock that evening, Alma decided that she needed to take her daughter home to sleep. She was unable to see a doctor to get a prescription for pain medication and was forced to sign a release saying that she had refused medical care after her four-hour wait. While she was waiting, Alma witnessed a child convulsing with a fever, who had already been to the medical clinic on two occasions. The mother told Alma that she was afraid her child would die because he was not getting adequate medical attention.

**Complainant #2: “Leonora.”** Around September 5, 2015, in the evening, Leonora and her two-year-old son went to the medical clinic because she and her son were both suffering from a cough, a cold, and a fever. The nurse who saw Leonora told her that nurses were not authorized to prescribe medicine and that doctors were not on site at nine o’clock. Leonora and her son returned to the clinic on four more occasions, still sick and in need of care. On one occasion Leonora and her son waited for four hours, but did not get to see a doctor because he was out to lunch. When Leonora sought help for the sixth time, she was given ibuprofen and Vicks Vaporub for her son, who had been vomiting and

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<sup>2</sup> Pseudonyms are used to protect clients’ identities in the publicly submitted version of this complaint, but all the complainants have agreed to share their names and Alien registration numbers with CRCL and OIG. Signed, sworn declarations that include this information are included with this complaint.

unable to eat for days. The doctor and nurses told Leonora that her son's sickness was "normal and just a virus going around" and that if he just "drank more water," he would be fine. Leonora was left with the impression that the medical clinic either does not "have medicine or they just aren't giving it out."

**Complainant #3: "Josefina."** Josefina's twelve-year old daughter, Ariela, received treatment in El Salvador for problems with her vision. The family was forced to flee without Ariela's glasses. Upon arrival at Dilley, Josefina indicated to STFRC staff that her daughter needed glasses. Her daughter underwent eye testing on August 15, after which doctors repeatedly assured Josefina that she would receive glasses. As of September 25, 2015, almost six weeks later, Ariela had not yet received them. In the meantime, she continues to suffer from headaches and has trouble seeing the computer screen at school. Her teacher sent a letter to her mother indicating that Ariela's eyes are tearing up because she cannot see the screen. Josefina is concerned that Ariela's vision will worsen without glasses.

**Complainant #4: "Carolina."** Carolina's three-year-old daughter, Grace, became sick with a fever, diarrhea, vomiting, coughing, and clutched her ear in pain. Carolina took Grace to the medical clinic, where she waited for more than five hours to see a nurse. The nurse examined Grace and said she looked dehydrated and like her eardrum had exploded. After examining Grace, a doctor concluded that she had either a virus or an infection that would go away in two to three weeks. The doctor prescribed Vicks Vaporub. Since that appointment, Grace has lost weight and is still sick. Carolina has not returned to the medical clinic because the doctor made it clear that they would not do anything to help. Still detained as of October 5, she remains very worried about her daughter's health.

**Complainant #5: "Mariana."** Prior to fleeing Honduras, Mariana's four-year-old son, Silas, experienced hair loss and a problem with his right eye. His hair loss has intensified in detention; his right eye is swollen, red, and painful, and tears continuously flow from that eye. On September 14, 2015, Mariana tried to get medical help for her son at Dilley. A doctor at the clinic did a vision test and told Mariana that Silas's problems were probably due to allergies. The doctor indicated further that a specialist would be required to treat Silas's hair loss. Another doctor told Mariana that the problem seemed urgent and that she should take her son to see a specialist immediately after they were released. Silas and his mother have already been detained for three weeks, and he is still not receiving the care that he needs.

**Complainant #6: "Sofia."** Sofia is a twenty-two-year-old mother from Guatemala who has been detained at Dilley since September 3, 2015. About a month before she left Guatemala, Sofia sought medical attention for a urinary infection and a hemorrhaging ulcer in her uterus. The Guatemalan doctor advised Sofia that these symptoms could be an indication of cancer and directed her to return to for a follow-up visit. Sofia was forced to leave Guatemala before her follow-up appointment. When she arrived at Dilley, she told a doctor about her ongoing stomach pain, infection, and possible uterine cancer. The doctor told Sofia that they could not treat her at Dilley, took a urine sample, but did not examine her.<sup>3</sup> Sofia also experienced delays in accessing medical care for her five-year-old daughter, who fell and hurt her lip. Sofia sought medical assistance for her daughter, whose lip was bleeding, around seven o'clock at night, but a doctor did not arrive until midnight. As of October 2, 2015, nearly a month after her arrival at Dilley, Sofia remained detained and did not know whether she has cancer.

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<sup>3</sup> Although the population at Dilley consists entirely of mothers and children, there was reportedly no gynecologist on staff at STFRC as of September 30, 2015.

**Complainant #7: “Mayra.”** Mayra’s three-year-old daughter, Aracely, experienced a severe earache, a headache, and knee pain. On September 8, Mayra took her to the clinic, where she was advised that her daughter was “going to be fine” and should drink water. On September 16, Aracely came down with a fever and a cough. This time, after Mayra and Aracely waited for six hours at the clinic, a clinic staff person told them Aracely would be rescheduled for the next day. The next day, after waiting four more hours with a sick three-year-old, Mayra left the clinic because she did not think they would do anything to help her child. To leave, she had to sign a document in English that she did not really understand. Still detained as of October 5, Mayra worries about her daughter’s health and has no faith in the medical care at Dilley.

**Complainant #8: “Johanna.”** Johanna’s four-year-old son, Andres, was diagnosed with anemia when he was an infant. In El Salvador, he received regular medical treatment. Upon arriving at Dilley, sometime on or around August 27, 2015, Johanna told the medical staff that her son needed assistance. As of September 24, 2015, Andres had not received medical care, despite Johanna’s repeated efforts to seek help for her son. Andres complains of pain in his head, his lips turn purple, and he shakes from being cold, even in the heat of South Texas. He vomits, is constantly fatigued and does not play with other children.

**Complainant #9: “Melinda.”** Melinda is detained at Dilley with her nineteen-month-old and five-year-old children. A few weeks after she arrived at Dilley, Melinda took her children to an appointment at the clinic to be vaccinated. She had to wait five hours to see the nurse. A few days later, Melinda became ill – her body ached, her ears and throat hurt, and she had chills, dizziness, and a fever. She went to the medical clinic with her children, but was not permitted to bring a stroller, in which her baby was sleeping, into the clinic. Though extremely sick, she held the baby in her arms and watched her five-year-old while she waited. When Melinda fairly quickly determined that she was too sick to wait and decided to return to her room to lie down, medical clinic staff made her sign a form saying that she did not want to wait and that she understood that she could not return that night. After she returned to her room, a guard saw that Melinda was still not doing well. The guard said she would send Melinda to the clinic as an emergency. When Melinda returned to the clinic, the guard who had made her sign the form laughed, shook his head, and told her to wait in the room. Melinda waited three hours, only to realize that the guard had not added her to the list of people to be seen. Distraught, Melinda left without getting medical attention. When she raised her treatment at the clinic the next morning with an ICE officer, the officer told her that he would investigate whether she was lying to him and, if so, he did not want to hear from her again.

**Complainant #10: “Heidi.”** Heidi is detained at Dilley with her two children. She did not find out that there was a medical clinic at Dilley until more than a week after she arrived. On September 7, she took her four-year-old daughter, Lidia, who had a fever of 104 degrees, to the clinic, where she waited five hours to see a doctor. The doctor gave the child ibuprofen. When the fever did not subside, Heidi brought Lidia back to the clinic for the next three days. Each time, they waited five hours to receive ibuprofen. After this, Heidi decided there was no point in returning, but a friendly guard saw that Lidia was sick and brought them back to the medical clinic. After a five-and-a-half hour wait, the doctor apologized that he did not have any medicine other than ibuprofen to give Lidia. On their sixth visit to the clinic, a doctor finally prescribed a medication to treat Lidia’s sore throat. The medication helped, but lost more than four and a half pounds while detained. According to Heidi: “Last Thursday when we went to the infirmary, they told me that [Lidia] had lost four and a

half pounds, but she has lost even more weight since then. Her ribs are visible, and the pants that fit her when she arrived here are so loose they fall down.” Subsequently, Heidi’s twelve-year-old son was sent home from school because the teacher thought he had conjunctivitis. Due to the delays she had encountered with Lidia, Heidi was reluctant to seek help at the medical clinic for her son.

**Complainant #11: “Suzanne.”** Suzanne is detained at Dilley with her children, ages seven and nine. Her nine-year-old daughter Emilia suffers from tachycardia, an excessively fast heartbeat. When Suzanne took Emilia to see a doctor on September 28, she experienced a four-hour wait. Because the doctors went to lunch before attending to Emilia, Suzanne missed her scheduled legal appointment and her children missed lunch. When Suzanne asked a nurse if she could leave the clinic to get lunch for her children, the nurse advised that the doctors were on their way. However, Suzanne and her children then waited another two hours. When a doctor finally arrived, he informed Suzanne that he would refer Emilia to a cardiologist, but Emilia has not yet seen a specialist and to Suzanne’s knowledge, as of October 5, no appointment has been scheduled. Emilia continues to experience chest pain. Suzanne also asked about her son’s two loose teeth and the doctor told her that it would take a month to see a dentist. Suzanne also has not received the care she herself needs. When she was detained at the border, she was not allowed to take a shower and developed a urinary tract infection. Although she was given medication to treat the infection, her condition has not improved. When Suzanne raised this with a doctor at STFRC on September 25, she was told to drink water and continue taking the medication.

**Complainant #12: “Brenda.”** Brenda is detained at STFRC with her five-year-old child. She fled El Salvador because gang members shot her twice in the stomach and back. Following the shooting, she underwent surgery in El Salvador, but continues to suffer pain because of the damage to her ribs and intestines. On September 27, six days after her arrival at Dilley, Brenda saw a doctor. Although she told the doctor about her constant discomfort and intense pain, the doctor did not prescribe any pain medication or advice on pain management. Sometimes when her pain is very intense, Brenda has trouble taking care of her young daughter, who becomes anxious when she sees her mother in pain.

**Complainant #13: “Cristina.”** Before fleeing El Salvador, Cristina took a daily medication, Enalapril, to manage her high blood pressure. Six days after her arrival at STFRC, on September 25, Cristina saw a doctor for the first time. Cristina informed the doctor about her condition and her need for medication. The doctor said that she would find out if the medication was available at Dilley and that a nurse would come to check Christina’s blood pressure on a daily basis. As of October 2, Cristina had heard nothing about the medication, and no one had checked her blood pressure. When Cristina attempted to go to the clinic to follow up, a guard turned her away, even after she explained her situation, because she did not have an appointment. Cristina has now been without her medication for more than three weeks and is experiencing chronic headaches, constant fatigue, and blurred vision. She has difficulty taking care of her four-year-old daughter in this condition.

**Complainant #14: “Ana.”** Ana is detained at STFRC with her thirteen-year-old daughter, Belin, and her six-year-old son, Marcos. Several weeks after they arrived at Dilley, Marcos began experiencing nausea, a sore throat, a fever, and vomiting. When Marcos’ fever reached 103, Ana took him to the medical clinic, where he was given a three-day supply of Tylenol. After the three days, however, Marcos’ condition did not improve. Ana took him back to the clinic at ten o’clock at

night, but no doctor was on site. After they had waited for three hours, the nurse on duty gave Marcos a few more Tylenol and told them to come back the next day for an appointment at one o'clock in the afternoon. That night, Marcos was inconsolable and did not sleep at all. The next day, Ana and Marcos arrived early for their appointment, but they still had to wait until four o'clock to be seen. The doctor quickly examined Marcos and determined that he needed to go to hospital. Ana requested that she be allowed to tell her thirteen-year-old daughter, Belin, that they were leaving for the hospital, but was denied permission to speak with her child. Desperate to get medical care for her son, Ana left for the hospital, after the guards assured her that they would notify Belin. Unfortunately, this never happened. Left alone at the detention facility with no explanation, Belin became distressed and concerned about her brother's condition and contacted a family member outside the detention facility. Only after the family member alerted CARA Project attorneys that Belin had been left alone was Belin able to speak to her mother and learn of her brother's condition. Meanwhile, the doctors at the hospital diagnosed Marcos with a virus and treated his symptoms.

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The fourteen complaints detailed above and in the attached sworn declarations represent only a sampling of the many stories of inadequate medical care that CARA staff and volunteers have encountered at STFRC since we filed our July 30, 2015 complaint. Several mothers have declined to officially share the problems they have encountered in accessing medical care for fear that it will negatively impact their immigration cases. The examples contained herein mirror the suffering of many other families who, like the complainants, lost faith in the medical clinic at the STFRC.

As discussed in our July 30 complaint, CARA staff and volunteers have seen mothers and children who entered family detention centers with injuries or illnesses that remained untreated throughout the duration of their detention. Many others have developed ailments while detained. The fourteen cases included in this complaint further illustrate that the detention of children and their mothers can result in serious and potentially irreversible damage to their health, development, and well-being.<sup>4</sup>

In addition to investigating the specific cases described above, we urge your offices to conduct a broader investigation into the adequacy of the medical care provided at the STFRC, as well as the other family detention facilities in Karnes City, Texas, and Berks County, Pennsylvania. While this follow-up complaint focuses solely on cases arising from the STFRC, the troubling practices and low standard of care at the other family detention facilities have yet to be addressed.

While consistent quality medical care is imperative for anyone in detention, our organizations do not believe that improved access to medical care would sufficiently mitigate the harm caused by family detention to justify this practice. Accordingly, we advocate that detained children and their mothers be released to sponsors in the United States or, in the rare case where none are available, to community-based support programs that would facilitate access to medical care and other services. Ultimately, we urge the Administration to end the heinous practice of detaining families.

Thank you for your renewed attention to this urgent matter. We look forward to your prompt response.

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<sup>4</sup> A previous [complaint](#), filed by AILA, the Council, and the Women's Refugee Commission on June 30, 2015, raises serious concerns about the psychological impact of family detention on mothers and children seeking asylum.

Sincerely,

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