



The Hon. John J. Specia, Jr.
Texas Department of Family and Protective Services
701 West 51st Street
Austin, Texas 78751

Mr. Trevor Woodruff
General Counsel
Legal Services-537
Department of Family and Protective Services E-611
P.O. Box 149030
Austin, Texas 78714-9030

Ms. Audrey Carmical
audrey.carmical@dfps.state.tx.us

December 11, 2015

Dear Judge Specia, Mr. Woodruff, and Ms. Carmical:

Catholic Legal Immigration Network, Inc. (CLINIC), the American Immigration Council (Council), Refugee and Immigrant Center for Education and Legal Services (RAICES), and the American Immigration Lawyers Association (AILA), known collectively as the CARA Family Detention Pro Bono Project (CARA Project), submit this letter urging the Texas Department of Family and Protective Services (DFPS) not to adopt the proposed amendments to the Texas Human Resources Code to facilitate licensing for Immigration and Customs Enforcement's (ICE) two family detention centers in Texas: (1) the South Texas Family Residential Center located in Dilley, Texas (Dilley), managed by Corrections Corporation of America (CCA), and (2) the Karnes Family Residential Center located in Karnes City, Texas (Karnes), managed by GEO, Inc.

Organizational Interest

The four organizations that comprise the CARA Project have expertise and experience in working with vulnerable immigrant populations, including refugees, asylum seekers, children, and survivors of trauma. The CARA Project provides legal services, representation, and pro bono placement to mothers and children detained at both Karnes and Dilley. In 2015, the CARA Project has provided legal services to over 6,000 families detained at Karnes and Dilley. CARA Project staff members and volunteers are physically present at Karnes and Dilley on an almost daily basis, and have worked with the majority of mothers and children placed at those centers.

Protecting the health, well-being, and safety of immigrant families and children is a critical component of the CARA Project's mission. Over the past year, the CARA Project has repeatedly advocated—through direct services, formal complaints, community organizing, and

litigation—for improved conditions at both Karnes and Dilley as well as an end to family detention.

Troubling Conditions at Karnes and Dilley

We write to vigorously oppose the licensing of these two detention centers. We continue to maintain that neither detention center meets the minimum standards for general residential operations¹ and that DFPS must therefore reject the proposed rule, which would weaken well-established standards in an attempt to facilitate the continuance of poor conditions. In particular, we write to highlight the continued provision of inadequate medical care at Dilley and Karnes, which has been well-documented in the past seven months. We previously submitted a letter opposing the emergency rule intended to permit the licensing of both detention centers. We now provide updated information showing that, even after the submission of that letter on October 27, 2015, conditions for the children and mothers detained at these centers remain inadequate.

ICE and its private prison contractors, GEO and CCA, routinely fail to provide adequate access to and quality of medical care, to obtain meaningful informed consent to medical treatment, and to exercise adequate oversight and accountability.

On July 30, 2015, the CARA Project, Immigrant Justice Corps, and the Women's Refugee Commission filed a complaint with the U.S. Department of Homeland Security's Office of Civil Rights and Civil Liberties (CRCL) and Office of the Inspector General (OIG). This complaint included examples of ten families denied adequate medical care at the three existing family detention centers, including seven cases from Dilley and one from Karnes. The complaint highlighted troubling trends, including a lack of meaningful informed consent to medical care by the parents of children receiving vaccinations; the administration of an adult dosage of one vaccine to 252 children held at Dilley; wait times of between three and fourteen hours to receive medical care, sometimes even with a previously scheduled appointment; the prescription of water to treat all types of ailments and illnesses; and a lack of follow-up care, including appointments with specialists and the provision of prescribed medications.

Unfortunately, mothers and children report that the provision of medical services has not improved since this complaint was filed at the end of July. Consequently, on October 6, 2015, the CARA Project filed a second complaint with CRCL and OIG, on behalf of twenty-two additional families detained at Dilley who had experienced inadequate medical care. This complaint reflected the continuation of problematic trends, including lengthy wait times to receive medical care, the prescription of water (or, more recently, Vick's Vaporub) to treat various illnesses, and a continued lack of follow-up treatment or available specialist care. In addition, the complaint highlighted other problems – doctors not being available during lunch time or in the evening; mothers being routinely asked to sign forms stating that they have declined medical care if they leave the medical facility (to get food, allow a child to sleep, or because they are too sick to wait) after waiting for hours to be seen; and failure to treat pre-existing conditions, including anemia, high-blood pressure, and ongoing pain and complications from gun-shot wounds.

The two above-referenced medical complaints were filed in addition to the June 30, 2015

¹ Chapter 748, Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services.

complaint submitted by the Council, AILA, and the Women's Refugee Commission, detailing the psychological effects of detention on families fleeing violence in Central America and seeking asylum in the United States. All three complaints mentioned herein are attached to this letter.

Even after sending CRCL and OIG our second complaint, which detailed continuing problems with medical care for detained families, the problematic trends have continued. Attached to this letter, you will find fourteen additional sworn declarations from mothers who report inadequate medical care that they or their children received at Dilley and Karnes. These individual cases, which have not been submitted to CRCL or OIG, are summarized below for your convenience:

- A ten-year-old child who had a fever for twelve days and repeatedly sought medical care at the Dilley clinic. When his mother took her son a third time for treatment, his ear was swollen and the staff person at the clinic advised that he should take ibuprofen and drink more water. The child eventually experienced liquid pus coming out of his ear. When he suffered with the same ailment in El Salvador, doctors successfully treated the ear infection with antibiotics. Ex. A.
- A four-year-old child who had to visit the medical clinic at Dilley seven times, with wait times sometimes as long as five hours, for a doctor to prescribe the necessary antibiotics, allergy medication, and eye medicine to treat her sore throat, irritated eyes, cough, and fever. Ex. B.
- A child with chronic stomach pain due to a hernia that was never investigated. His mother informed medical professionals at Dilley about his hernia and the doctor told the mother he would get back to her about it. She received no follow-up information or communication from the medical clinic. Ex. C.
- A mother whose allergy medication was confiscated when she entered the custody of Customs and Border Protection (CBP). Although she received medication while detained at Dilley, it did not relieve the symptoms manifested on her face, including swelling, redness, and a burning sensation. Ex. D.
- A three-year-old girl who fell from the top bunk, temporarily immobilizing an arm and a leg, did not receive any medical attention for three hours. Ex. E.
- A mother whose medication for anemia and a kidney condition was taken away when she entered Dilley. Doctors performed an independent medical examination to verify the diagnosis of these conditions. Eight days later, she had not received any test results or medication for her ongoing symptoms, including a chronic cough that caused pain in her kidney. Ex. F.
- A five-year-old boy with cold symptoms who waited from eight o'clock in the morning until three o'clock in the afternoon to see a doctor at Dilley and was then told to come back the next day. The following day, the boy and his mother again waited for three or four hours, only to be told to drink more water. Ex. J at ¶ 7.

The boy's mother also experienced bleeding from her mouth and nose for five days before receiving medication. *Id.*

- A six-year-old boy who went to the doctor at Dilley because he was vomiting. Although the doctor said he had a fever, he was only told to drink water and not given any medicine to reduce the fever. Ex. L at ¶ 9. His mother reported waiting at least four hours to see a doctor and being told, again, just to have her son drink water. *Id.*
- A mother detained at Dilley who reported being sick, with stomach problems, for two days before she was seen by a doctor. She described the medical care as “terrible” and reported many children sick with fevers. Medical personnel told her to drink more water. Ex. M at ¶4.
- Twin eleven-year-old girls detained at Dilley for a month and a half, and then transferred to Berks, who—according to their mother—suffered from constant diarrhea, stomachaches, and fevers. The family waited for more than four hours to see the doctor, who did not give them any medicine to reduce the fevers. Instead, medical personnel advised the girls to drink water that tasted of chlorine. Ex. N at ¶ 8.
- A mother who suffered from severe asthma but was not permitted to keep an inhaler with her in the Dilley facility until after she had experienced several asthma attacks and received oxygen for three or four hours. She constantly worried that her asthmatic eight-year-old son would experience similar symptoms. Ex. G.
- A four-year-old boy who suffers from asthma and a kidney condition for which he requires medication every six hours. This child was denied medical care while in CBP custody prior to being transferred to Dilley, and thus did not receive the necessary medications for his kidney conditions from November 6 to November 11. A doctor told the mother that the medical staff would try to get the son to a specialist in San Antonio, but could make no guarantees. Ex. H.
- A two-year-old boy with a cast on his fractured arm that was due to be removed on November 9, 2015, by a doctor in El Salvador. The boy and his mother saw doctors at Dilley a total of five times and repeatedly alerted the doctors that the cast should be removed. On one occasion when the mother raised her concern about the cast, a doctor was simply unresponsive. On another occasion, on November 12, a doctor asked when the mother would receive a decision on her immigration case. The mother had the impression that getting an appointment for her son's cast to be removed was dependent on the results of her credible fear interview. The cast was not removed until November 19, 2015, after attorneys from the CARA Project intervened and brought the case to the attention of ICE officials. Ex. I.
- A five-year-old boy transferred from Karnes to Berks who was vaccinated for varicella (chicken pox) at the Berks facility, despite having been vaccinated as an

infant. Ex. K at ¶ 19. He developed chicken pox two days after the vaccination, and he and his mother were held in medical isolation for a week. *Id.* The mother reported that her son seemed depressed, had stopped playing with other children, had become quiet, wanted to leave, and said that he was in prison. *Id.* at ¶23.

Recently, at least two families at Karnes have reported retaliation because they refused to sign their own deportation orders due to their legitimate fear of returning to their home countries. The families were placed in medical isolation units, similar to solitary confinement. As reported to RAICES, whose staff and volunteers work at Karnes on a regular basis, guards failed to notify medical staff of these placements, suggesting that these mothers and children were not displaying symptoms of contagious diseases that may have warranted medical isolation. While placed in those isolation rooms, guards verbally berated the mothers and children and threatened to put the mothers in jail and remove their children from their care. This practice is incredibly troubling because, under the proposed rule, these same guards could have supervisory and caretaking responsibilities for children. Furthermore, these incidents highlight the true nature of these centers: far from child welfare facilities, these centers are prisons in which mothers are punished and threatened for trying to assert their rights, while guards and officers assist with the enforcement and deportation operations.

Reasons the Proposed Rule Should Not Be Adopted

As you determine whether to adopt the proposed rule, we urge your careful consideration of the foregoing recent individual cases, along with the troubling trends addressed in the attached previously filed complaints. We also call your attention again to the statement by the Pennsylvania Department of Human Services that the use of the Berks County Residential Center (an ICE family detention center in Leesport, Pennsylvania) as a secure family detention center is inconsistent with its license as a child residential facility and that continuation of this practice would result in non-renewal of the license.²

The proposed rule contradicts the stated mission of DFPS, which is to protect children from abuse, neglect, and exploitation.³ As demonstrated above, neither the Karnes nor the Dilley detention centers were established or designed to provide childcare. Instead, both were created to secure the custody of immigrant detainees in order to enforce federal immigration law. The detention centers are operated by private prison companies and staffed by personnel who have backgrounds in law enforcement and lack formal training or experience in childcare. The detention centers are some of the largest in the country—the capacity at Dilley is 2,400, and the expected capacity for Karnes, once an ongoing expansion is completed, is 1,100. The combination of these factors creates conditions that pose fundamental threats to the health, safety and well-being of vulnerable children who have experienced trauma in their home countries, and fails to address their developmental needs.

We urge the Department to investigate the conditions and provide oversight of the Dilley and Karnes detention centers within the existing framework of its authority found in the Texas

² Pennsylvania Department of Human Services, “Department of Human Services Secretary Issues Statement on Berks County Residential Center” (October 22, 2015), <https://twitter.com/PAHumanServices/status/657300539164725248>.

³ Texas Department of Family and Protective Services, “Learn about DFPS,” https://www.dfps.state.tx.us/About_DFPS/default.asp (last visited Dec. 8, 2015).

Family Code, without licensing these centers. The DFPS rule, as proposed, will not improve the conditions in these two centers. The Department is already able and obligated to investigate reports of abuse and neglect by “a person responsible for a child's care, custody, or welfare,” including “personnel or a volunteer ... at a public or private residential institution or facility where the child resides” as outlined in Texas Family Code §§ 261.301, 261.001. Furthermore, the Department has the ability to work with relevant law enforcement entities in the investigation of abuse and neglect. Licensure is not needed in order to provide regular and comprehensive oversight. Because the proposed rule lowers preexisting standards, licensing would weaken the Department’s ability to ensure a child’s well-being. Given the aforementioned evidence that children at Karnes and Dilley have been deprived of adequate medical care, this is an unacceptable risk.

Should the Department wish to investigate individual cases, we would be happy to provide full names for each of the complainants referenced in the attached documents with pseudonyms.

Thank you for your attention to this matter.

Sincerely,

Ashley Feasley
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afeasley@cliniclegal.org

Amy Fischer
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amy.fischer@raicetexas.org

Lindsay M. Harris
American Immigration Council
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Karen S. Lucas
American Immigration Lawyers Association
klucas@aila.org

Exhibit A

I, [REDACTED] fled my country of origin, El Salvador, with my son [REDACTED] 10 years old [REDACTED] to seek asylum from the United States of America.

I arrived on September 8, 2015 to the South Texas Residential Facility in Dilley, Texas. I live in the residential area known as the Brown Bear at the facility.

My son [REDACTED] has had a fever since Thursday, September 24th. I went to the clinic the first day he had a fever and they gave him a 3 day treatment of liquid ibuprofen. It did not help his fever.

The following Monday I went back and they told me that he might have a virus and that they did not have the treatment for it so they gave him ibuprofen again for 2 days.

On Saturday, October 3rd, his ear began aching. I took him to the clinic and they gave him ibuprofen again, in pill form this time. The medical personnel told me it was a virus, not an infection.

[REDACTED]'s ear is now very swollen because of the virus. The person at the clinic said it should go away with more ibuprofen and if he drinks lots of water.

Now it is Monday, October 5th, and he still has an ear ache and this morning a yellow liquid came out of his ear. One time something like this happened to him back in El Salvador, but they gave him antibiotics and it went away.

"I declare under penalty of perjury under the laws of the United States that the above statements are true and correct to the best of my knowledge and recollection, followed by the date and signature.

[REDACTED] _____ 10/5/15
Date

I certify that I am proficient in the English and Spanish languages and that the foregoing was read to me in Spanish.

Alex Mensing _____ 10/5/15
CARA Volunteer Date

Exhibit B

Declaration of [REDACTED]

(A [REDACTED])

I [REDACTED] fled El Salvador with my daughter [REDACTED] (DOB [REDACTED]) to seek asylum in the United States of America. We were detained on September 25th, 2015 and are currently being held at the South Texas Family Residential Center in Dilley, Texas.

On September 28th, the day we arrived in Dilley, my daughter was healthy and was given a medical checkup.

After five days here, on about October 2nd, my daughter began to get sick. Her eyes were irritated, her throat hurt, she had a cough and a fever. I thought, though, that they only did a checkup. I didn't know I could go to the clinic here.

The other women told me I could go to the clinic, but that they would not give me medicine. But I went on October 9th anyways because she had a very high fever. They gave her ice to eat and on her head and gave her a tylenol.

Her fever got worse again later that day so I went back to the clinic. I waited five hours for them to see us, and meanwhile I tried to bring her fever down by dabbing her forehead with a moist towel. By the time a nurse saw her, the fever was a bit lower and they told me that there was nothing wrong with her, but they told me they had given me an appointment.

So on the 10th I waited from noon until 6pm for them to see us. They took her temperature, her pressure and her weight and told me they were not seeing any patients any more so I could come back the next day if I wanted to.

I was very upset, so I didn't go. They came to see me but I didn't go because they had done nothing. I filed a report with a woman with a blue uniform and orange letters to complain about the lack of medical service.

A couple days later someone who I think was an immigration official asked if I had filed the report and recorded the details of what had happened. She told me that if I went to the clinic again and they did not see me I should speak to a supervisor or anyone with a blue uniform.

But my daughter got worse. She had fever every night. It seems like she had an infection in her eyes. Her throat didn't hurt any more but her head hurt and she still had a cough. So I went back on the 13th or 14th and waited for three hours. I told them I was going to leave, and then they saw us. They gave her three days of tylenol.

On Saturday the 17th she had a very bad fever. I took her to the blue clinic at about 1:30pm just as the doctor was leaving and said that she would not be seeing anyone else, that I could go back at 4:30. I took her at about 6pm because she had fever again. They told me that they weren't seeing anyone anymore there and that I should go to a different clinic.

I was fed up so I didn't want to go. An official who had seen my daughter crying in our room saw us and said I should take her to the clinic. He offered to take us to the clinic. They took my ID and said they would see me. I dabbed her forehead with moist towels again and by the time they saw me her temperature was normal, so the nurse didn't give her anything except two small packets of honey for

the cough.

That visit on Saturday October 17th, while we were talking through an interpreter, whose name is Gloria, the interpreter got upset with me and told me only to answer what the nurse asked me. She said what I was saying was not what the nurse was asking me. So I began to answer only yes or no. She said they would make an appointment for me for the next day for a doctor to see my daughter.

Sunday the 18th I went at 10am which was when my appointment was. After twenty or thirty minutes the nurse took her weight, pressure and temperature and then said I had to go to another clinic in order to see a doctor. So I went to the other clinic. But it turned out that there was only a nurse there, not a doctor. I said I needed to see a doctor because I had seen lots of nurses and they all tell me the same thing. The nurse called me in and said only she was there. I was upset at this point and said that they had sent me from clinic to clinic, I had been to all of them, and that if she was going to see me that she do it and if not I was going to go. I am tired of my daughter being sick every night and getting up and needing water and having fever, and that the nurses don't give her anything.

So she asked if we had eaten. It was about noon. I said that not yet, and she asked if my daughter had been eating. I told her she had eaten almost nothing for four days. She said to go have her eat a bit and to come back at 2pm and she would see me.

I went back at 2pm and she saw us. She was very nice and gave my daughter ibuprofen and saline solution. She also made another appointment for me to see a doctor today at 10am.

Today, October 19th, I went to the doctor and gave her an antibiotic, an allergy medicine, an eye medicine and something for her nose.

I declare under penalty of perjury under the laws of the United States that the above statements are true and correct to the best of my knowledge and recollection.



_____ 10/19/15
Date

I certify that I am proficient in the English and Spanish languages and that the foregoing was read to me in Spanish.

Abr Mensing
CARA Volunteer

_____ 10/19/15
Date

Exhibit C

Declaration of [REDACTED] A# [REDACTED]

- On what I believe was September 30th (though it may not have been that exact day) I went to the doctor because my son was sick with a fever and an infection. Also my son had been told in Guatemala that he had a hernia and some related complications that required an operation, but I did not have the resources to have this done. He has chronic stomach pain and also in other parts of his body, I believe because of this problem.
- I told the doctor about the fever and infection, and also that my son was in need of treatment for a hernia or related issue. The doctor said he would get back to me about the hernia, but that my son did not have a fever and was fine. As his mother it was very obvious to me my son is sick so I told the doctor no that my son is definitely sick and needs help.
- Finally the doctor agreed to give my son medicine, and thank God after taking the medicine for six days the fever and infection are gone.
- However, the doctor never did tell me anything more about the hernia and no one from the medical office has followed up with me about that. I believe that my son at least deserves to have this problem investigated and if the doctor agrees that more treatment is needed my son should be allowed to see a specialist or go to a hospital.

I declare under penalty of perjury that the above statements are true and correct to the best of my knowledge and recollection:

[REDACTED]

10/07/2015
Date

I certify that I am proficient in the English and Spanish languages and that foregoing was read to [REDACTED] in Spanish.

David Mullins
David Mullins

10/07/2015
Date

Exhibit D

AFFIDAVIT

My name is [REDACTED] I am a citizen of El Salvador. I entered the United States on October 12, 2015. My Alien number is [REDACTED] My date of birth is [REDACTED] I was admitted to the South Texas Family Residential Center on Wednesday, October 14, 2015. At the time I entered the US I had in one of my pockets a little bottle that contained the medication I was using to treat an allergy condition on my face. Soon after entering the US, an Immigration Officer ordered me to take all my personal items and put them inside a plastic bag. At the time, I tried to explain to the Immigration Officers the reasons why I needed to keep using the medication (topical lotion) in order to treat the allergy on my skin. The Immigration Officer dismissed all of my demands, and took away my allergy medication. On Wednesday, October 14th of this year, I explained to a CCA staff that I was having issues with my allergy and that my face was swollen and that I was experiencing burning sensation on my face. The CCA staff referred me to the medical center and I was giving some pink liquid medication to treat my symptoms. The medication that was given to me on 10/14 has not have any effect on me and to this date, I am still experiencing redness and burning sensation on my face. I am in desperate need to retrieve the prescription medication I had on me at the time of entering the US.

[REDACTED]

CERTIFICATE OF TRANSLATION

I certify that I, MARTHA E. ARISTIZABAL, am proficient in the English and Spanish languages and that the foregoing was read to me in Spanish.

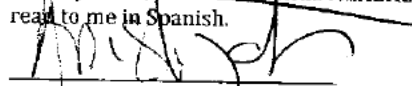

Martha E. ARISTIZABAL

Exhibit E

Medical Affidavit of [REDACTED]

I, [REDACTED] declare under penalty of perjury under the laws of the United States that the following statements are true and correct to the best of my knowledge and recollection:

1. My name is [REDACTED] (A# [REDACTED]) and I was born on [REDACTED] in [REDACTED] El Salvador.
2. Currently, I am detained at the South Texas Family Residential Center in Dilley, Texas with my daughter [REDACTED] (A# [REDACTED]).
3. On October 8, 2015 around 9:00 p.m., my three years old daughter fell from the top bunk hurting her right arm and leg.
4. I urged an officer to escort me to the medical facility. I checked in with one of the CCA officers and told him what had happened. He proceeded to tell me to wait while seated.
5. **I waited for three (3) hours without any type of medical assistance or triage intervention or assessment.**
6. I was very scared because my daughter was not able to move her arm or leg.
7. While I was there, another resident wanted to leave because she had been waiting too long because without getting any medical help. I overheard when one of employees informed the lady that if she wanted to leave she had so to sign a document attesting that she refused to get medical assistance.

This affidavit was read to me in Spanish and it is a true statement of what I have said.

[REDACTED]

I, Ana Camila Colón, certify that I am proficient in the English and Spanish languages and that the foregoing text was read to [REDACTED] in Spanish. I further certify that the English translation of the Spanish statement, to the best of my abilities, to be true and accurate.

Ana Camila Colón

Ana Camila Colón

10 / 26 / 15

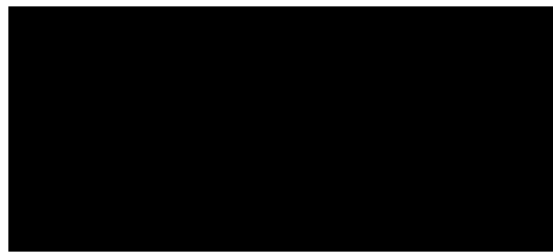
Exhibit F

AFFIDAVIT

1. My name is [REDACTED] I am from Honduras. I have one child, [REDACTED] who is with me today [REDACTED] is eight years old. We were first detained by immigration officials in the United States on September 27, 2015.
2. My daughter had a medical exam on the first that that we arrived in Dilley, on Sunday, but they only checked her vision and her cough—they did not do a full medical exam. I did not have a medical exam until Tuesday, two days after I arrived. When I first arrived, I told them about my medical condition, but they took away my medication and made me wait for an exam. They first gave me an appointment for first thing in the morning at 6 a.m. on Monday, but when I got there they told me to come back at 7 p.m. that same day. When I went back, they told me the doctor had left for the day, and that I had to come back at 6 a.m. on Tuesday.
3. My doctor in my country diagnosed me with a serious anemia, and a problem with my right kidney. My right kidney has fallen from its proper place, closer to my lower back. This means that if I cough a lot or if I move a lot, my kidney hurts me a lot. My doctor in my country had given me medication to protect the kidney from harm and to prevent infection because it is more susceptible to harm.
4. When I first arrived, I had medication with me that my doctor in my home country had prescribed. She had told me that this medication was necessary for my live, and to ensure my wellbeing. When I was detained, they took away my medication, even though I told them that I needed the medication. I was told I needed a medical exam first.
5. During my medical exam, I believe that I was meeting with a doctor. I had to speak with him through a telephone interpreter. I told the doctor about my condition and explained that I needed my medication. I told him that I had documents with me explaining my condition and the medication that I needed, and but the doctor never gave me the opportunity to show him the proof. I was told by the doctor that regardless of the documents, they needed to do their own tests to see if I have the medical condition that I'm claiming, and in order to get the medication that I need. I did not feel like I understood what was going on. They did not explain to me whether they're going to give me the treatment I need, or how long I'd have to wait.

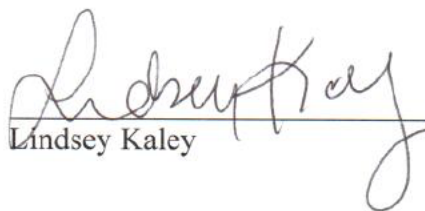
6. It has been eight days since I had the medical exam, and I still don't know the results. Eight days later I still don't have the medication that I need for my serious condition. I feel weak because of my anemia, and my kidney hurts me a lot. I also have a cough, and it hurts my kidney when I cough. I know my body, and I know that I'm not well and I need my medication. I have not gone back to the clinic because they told me that they would let me know when to return.
7. I feel that I haven't received any care here. All I had with the interview, but they haven't actually done anything for my health. I feel bad because I really need this care. It bothers me that I can't have my medication, even when I have the proof of my condition.

I declare under penalty of perjury under the laws of the United States that the above statements are true and correct to the best of my knowledge and recollection.



10/7/15
date

I certify that I am proficient in the English and Spanish languages and that the foregoing was read to me in Spanish.


Lindsey Kaley

10/7/15
date

Exhibit G

Medical Affidavit of [REDACTED]

I [REDACTED] declare under penalty of perjury that the following is true to the best of my recollection and knowledge, and that the following statement has been read to me in the Spanish language:

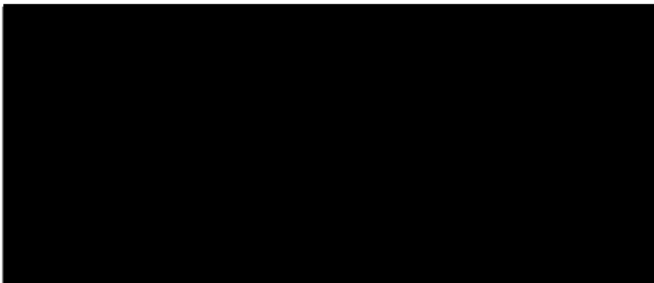
1. My name is [REDACTED] (A# [REDACTED]). I was born on [REDACTED] [REDACTED] in Honduras.
2. I arrived at the South Texas Family Residential Center on November 6, 2015 along with my two children: [REDACTED] (11 years old) [REDACTED] (8 years old).
3. I have suffered from severe asthma since I was five (5) years old. When I first arrived at this detention center I told the doctor my son and I both suffer from asthma.
4. Since **Saturday**, November 14th I felt sick. At first, I figured I just had a cold. The next day I started to have pain in my chest. Sunday night, around 8:00pm, I went to the clinic for help because I could tell the pain in my chest was a bad sign and I was having difficulty breathing.
5. When I got to the clinic, the nurse asked me why I had waited to come at night because there are no doctors at night. I told her that I was not aware that they didn't have doctors available at night and explained that I was suffering from pain in my chest and am having trouble breathing. The nurse gave me two pills for the pain in my chest. I think they gave me Tylenol.
6. I told the nurse I need an inhaler. I explained to her that this has happened to me before and that I have asthma attack. They told me that they cannot give me the inhaler unless I talk to the doctor. They gave me an appointment to see the doctor on **Monday** November 16th at 2:00 pm.
7. On Monday I came back to the clinic for my appointment at 2:00 pm. The doctor did a check up and asked me questions. I told him that I had asthma and what was happening to me and that I had a lot pain in my throat. He checked my lungs and noticed something was wrong. They took me to a room to put a mask on me to help me breath. After using the mask the doctor came back and prescribed medicine. They let me use the inhaler, but said that I would have to come to the pharmacy to use it. MI would have to come back in

the morning and afternoon as I needed it. I insisted that I need it with me because I know my case, but he wouldn't let me keep it with me. He wouldn't give me a reason why.

8. Tuesday and Wednesday I was able to go the clinic to take my medication. However, the pain in my chest never went away and I was still having problems breathing. I told them every time I came to the clinic. Every time I asked to keep the inhaler. They still would not let me keep it.
9. **Wednesday, November 18th** night I was not feeling well. I went to sleep and around 11:30pm I woke up because I couldn't breathe. I ran out of the room to seek help. I went out to the hall way, checked the laundry room and the game room and could not find anyone. I was very desperate since I could not breath. After this, I found an officer that didn't speak Spanish and could not understand that this was an emergency. Finally, another officer came along and took me to the clinic.
10. My children had to stay at the room because they were sleeping. I was very worried because my younger son also suffers from asthma and was sick and was using his inhaler.
11. Once at the clinic, I finally had access to the inhaler.
12. They asked me why I didn't keep the inhaler with me. I told them that I asked to keep it with me but my request had been denied and told that I had to keep it here. They asked me why they wouldn't let me bring the inhaler with me and I said I did not know.
13. After a few minutes in the clinic I think my lungs went into shock and things got worse. I started to turn purple in the face and could not breathe. I couldn't see the people around me. All I could see was the white light. I was taken to the machine to help me breath and someone ran to find oxygen to put in my nose. I was with the oxygen for three (3) or four hours.
14. During these three (3) hours while I was trying to breath I was worried for my children. Every breath I took I took it for them.
15. Once they thought my breathing was more stable they let me leave and finally gave me my inhaler to keep with me. I did not sleep at all that night. I thought I was going to die and all I could think about were my children. My son has asthma too and I'm petrified if this were to happen to him while we are here.


16. On **Thursday**, November 19th, 2015 I went back to the medical facility because I still do not feel good and feel like I am still having problems breathing. To me surprise, there was no record of my respiratory failure that I suffered just the day before.
17. I was not given the attention I need. I still feel like I have not been given the treatment I need and that I will continue to have problems breathing.
18. I have been dealing with my asthma problem since the age of five. I know when my body is in danger of shutting down because I can't breathe. That is what happened to me and I'm afraid it will happen again soon because I still am having problems.
19. In my country when that happens they give me an IV and take x-rays to see there is pneumonia. They also put a nebulizer on my face. They do the nebulizer three times every fifteen minutes. They did none of those things here. They gave me the nebulizer but only once. However, they have not done any x-rays or given me the IV, which I really think I need. I also think that if I was able to keep my inhaler with me that would have helped me, but they would not let me.

I declare under penalty of perjury under the laws of the United States of America that the above statements are true and correct to the best of my knowledge and recollection:



11/20/2015

Date

I certify that I am proficient in the English and Spanish languages and that foregoing was read to  in Spanish.



Ana Camila Colón

11/20/2015

Date

Exhibit H

Declaration of [REDACTED] (A# [REDACTED])
Regarding My Son, [REDACTED] Medical Condition


I, [REDACTED] (A# [REDACTED]) declare under penalty of perjury that the following is true to the best of my recollection and knowledge, and that the following statement has been read to me in the Spanish language:

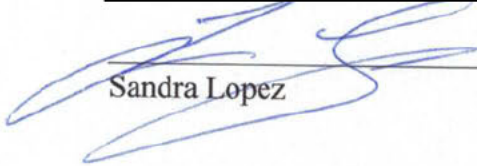
1. My name is [REDACTED]. I was born on [REDACTED] in Honduras.
2. I fled to the United States to seek asylum. After a long and challenging journey, my 4-year-old son, [REDACTED] and I arrived in Texas on November 6, 2015.
3. [REDACTED] has suffered from numerous medical conditions in his young life, one of them is asthma. I made sure to take his asthma medication with me when we fled Honduras, but we lost it when I was carrying [REDACTED] in the rain on the way here.
4. [REDACTED] also suffers from a dangerous kidney condition. His body makes too much calcium and too little potassium. [REDACTED] had two surgeries back in Honduras. The most recent one was January 28, 2015. [REDACTED] also must take medication every 6 hours in order for his kidneys to function properly. If he doesn't have medication, he can get very sick. [REDACTED] will experience fevers, urinary tract infections, and kidney stones. Because [REDACTED] body is so small, he cannot pass the kidney stones. In addition to taking medication, [REDACTED] has to follow a very specialized diet. For example, he cannot eat any foods with food coloring in them or consume milk and dairy products. After [REDACTED] last surgery, his doctor wanted [REDACTED] to come in for a follow-up ultrasound to make sure his scars were healing and that the medications were working. [REDACTED] doctor back home was supposed to see him on November 16, 2015.
5. [REDACTED] did not have access to a doctor, medical treatment, or medications the entire time we were at the hielera and la perrera. As a result, he has become very sick. While we were held by CBP, my son had trouble breathing, was coughing, stomach pain, and had a fever.
6. When we arrived in Dilley on November 10, 2015, I took [REDACTED] for medical treatment. They gave him Tylenol and a spray for his asthma, but nothing to treat his kidney condition.
7. Since we've been detained, I've also had trouble with [REDACTED] diet. He cannot eat many of the foods here, and has little appetite since he has been so sick.
8. Today, I was contacted by the pharmacy here at Dilley, and told to report before closing time at 7pm. I do not know whether they are going to have the medication my son needs, or if they are just giving me the Tylenol that my son also needs to treat his fever.
9. I am very worried about my son. He is so sick right now, and even if he has medication, there's no way for me to ensure that his dietary needs can be met while we are in detention. My son's doctor in Honduras said that [REDACTED] needs an ultrasound of his kidneys, which we were supposed to receive on by November 16, 2015. I'm afraid he won't be able to receive his ultrasound while we are in detention.

I declare under penalty of perjury under the laws of the United States of America that the above statements are true and correct to the best of my knowledge and recollection:



11/10/15
Date

I certify that I am proficient in the English and Spanish languages and that foregoing was read to
 in Spanish.


Sandra Lopez

Date 11/10/15

Exhibit I

Medical Affidavit of [REDACTED]

My name is [REDACTED] I was born in [REDACTED] El Salvador. My Alien Number is [REDACTED] I was detained by Immigration border patrol officials on November 4, 2015. I'm currently detained at South Texas Family Detention Center in Dilley, Texas 78017 with my two year old boy [REDACTED] (DOB: [REDACTED])

I entered the Detention Center in Dilley, Texas on November 6, 2015. On this first day, my son and I were examined by the detention center's doctor where I informed the doctor that my son's arm was fractured and that his cast needed to be removed by November 9, 2015 as it was instructed by the doctor in El Salvador. She told me that they were going to have him under observation and told me as well that tomorrow (Saturday, November 7, 2015) they were going to bring a specialist to look at [REDACTED] arm. [REDACTED] and I spent the night in one of the rooms of the facility's clinic because they were going to examine his arm in the morning. The next morning, the supposed specialist arrived and examined [REDACTED] s arm. She only checked to see that [REDACTED] could move his fingers and told me to be attentive that his fingers could move and won't turn purple. I told the specialist that [REDACTED] s cast needed to be removed on November 9th.

On the evening of Monday, November 9, 2015 I got the notification from the doctor telling me that [REDACTED] had an appointment at 1pm on Tuesday, November 10. I thought it was going to be to take his cast but when I arrived to [REDACTED] s appointment they told me that the appointment was for his vaccinations. The doctor saw [REDACTED] s cast and asked me what had happened and I told her that his cast was supposed to have been taken off yesterday. She didn't say anything about it. They only made copies of his vaccination card and told me to come back tomorrow.

On Wednesday, November 11, 2015 my son and I went to the doctor again and saw the same doctor who I had just seen yesterday. My son was given two vaccinations but the doctor didn't tell me anything about his arm again.

On the morning, Thursday, November 12, 2015 I took [REDACTED] to be examined by the doctor. I took [REDACTED] to the clinic because he was having problems breathing. I was only given vicks vaporub. I saw a different doctor during this visit, who also asked me about [REDACTED] s cast. I told her that it was supposed to be taken off on Monday Nov. 9th and asked me whether I had already received the judge's decision on my case. I told her that I had my interview Wednesday November 11, 2015 and that I was getting the results by Friday. She then told me that was probably why I hadn't received an appointment for [REDACTED] yet. She made me feel that getting an appointment for [REDACTED] depended on my interview results.

On Friday, November 13, 2015 I went to the clinic because [REDACTED] had a cough and I asked again about [REDACTED] s cast. I saw the same doctor who had asked me on Thursday

about my case' results. She asked me again about the results of my interview. I told her they were positive. She instructed me to ask the clinic's reception if [REDACTED] had a pending appointment but at the reception they told me that they didn't know anything.

The receptionist told me to go to the clinic in the "Oso Pardo" building clinic and ask when the doctors were going to be there. I ask my cousin [REDACTED] who is staying at "Oso Pardo" to ask for me if the doctors were going to be there Saturday. She was told that they were not going to be there on Saturday. I went to "Oso Pardo" on the morning of Sunday to ask if the doctors were there or if I have a pending appointment for [REDACTED]'s cast to be removed. They told me that I had an appointment for Monday, November 16. I went to this appointment only thinking that they were going to finally remove his cast when I found out that the appointment was a dental appointment. I told them again about [REDACTED]'s cast but they didn't say anything about it.

On Thursday, November 19, 2015 I had my court hearing at 8am. I was represented by one of the volunteer lawyers from the CARA pro-bono project. After the hearing, the lawyer who helped me (Maria Andrade) and I discussed my son's cast. I told Ms. Andrade about El Salvador's doctor note to take off my son's cast on November 9, 2015.

Finally on Thursday, November 19, 2015 an officer approached me and told me that I had a doctor's appointment for my son. They took me to the hospital where they finally removed his cast. If it wasn't for the CARA volunteer lawyer my son [REDACTED] would still had his cast on.

I declare under the penalty of perjury under the laws of the United States that the above statements are true and correct to the best of my knowledge and recollection.

[REDACTED]

11-20-15
Date

CERTIFICATE OF TRANSLATION

I, Gloria E. Jimenez, certify that I am proficient in the English and Spanish languages and that the foregoing was verbally expressed to me in Spanish.

[Signature]
Gloria E. Jimenez

11/20/2015
Date

Exhibit J

DECLARATION OF [REDACTED]

I, [REDACTED] swear under the penalties of perjury that the following information is true and correct to the best of my knowledge and belief:

1. My name is [REDACTED] I was born in El Salvador. I am 33 years old. I am detained at the Berks County Residential Center in Leesport, PA, with my son [REDACTED] who is five years old. He was born in El Salvador.
2. My son and I have been detained at Berks County Residential Center for more than twenty days. Before this, I was detained for twenty one days in Dilley, Texas and spent a day each in a Hielera and a Perrera. I have been in detention since October 10, 2015, so it has now been almost two months.
3. I fled El Salvador because members of my family were being threatened by gangs. My nephew, who is only fourteen years old, left the country because a gang was trying to recruit him. Another nephew of mine was beaten because the gang demanded that he give them money and he did not have any. The gang looks for young children to do their work and I am afraid my son will be recruited. They gang regularly meets at a house two doors down from me and are very present in my neighborhood. I am afraid of what will happen if I stay there.
4. When I first arrived in the United States, I was taken to a Hielera, an ice box or freezer in McAllen, Texas. It was crowded, about 60 or 70 people were there, and there were no mattresses or blankets. We slept on the concrete. It was very, very cold. We were given bread and frozen ham sandwiches to eat. The lights were on the entire night, never turned off. There were no windows and only one door which was locked. I did not get much sleep because there was no place to lie down. There were many young babies and children there. One little girl fainted, some children were vomiting. Some children were taken to the doctor, then they were returned. When I arrived, my clothes were wet and muddy from crossing the river. The officer made me take off and turn over the extra pair of pants I was wearing. There was one bathroom for everyone there to use and we were not allowed to shower.
5. I spent one day in the Hielera, before being moved to a Perrera, a warehouse where they hold people. We were given blankets that were like paper. I slept on a mattress but the floor was filthy. There were about twenty people in our small room, and a public bathroom with no privacy.
6. After one day in a Perrera, I was woken up and put on a bus. They did not tell us where we were going. When someone would ask a question about where we were going or what was happening, the officials on the bus would tell us that they didn't know. I thought they were taking me to see my family, who live in Denver.
7. They took us to Dilley, Texas. The experience there was horrible. Two or three days after I arrived, blood started coming from my mouth and nose. I wasn't taken to a doctor. They told me to drink hot water. About a week later, they gave me pills for a sore throat. I was bleeding for five days before I got medicine. At Dilley, I was able to take a shower. I had a

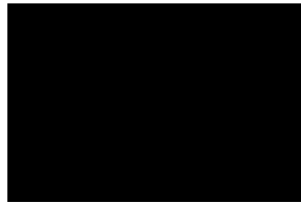
mattress, blanket and pillow. There was more food to eat, but it made a lot of us sick. Me and my son both had diarrhea for most of the time we were there. Eventually, my son got a cold and we went to go see a doctor at the office at Dilley. We waited from 8 in the morning until 3 in the afternoon and then they just told us to come back the next day. We waited for three or four hours the next day and then the doctor just told my son to drink water. We had no food to eat while we waited, so we went hungry all day.

8. I saw about four different lawyers at Dilley with the CARA Project. They sent a note that said we could request a lawyer and told us to get in touch with them. I went to the office at the center and filled out a request for a lawyer. Some of the other people at the center told me where to go; the staff didn't tell me anything about getting a lawyer. The attorneys were free, so I didn't need to get money to pay for them. I trusted the lawyers, and they helped file a request for re-interview but I didn't get to have one because I was taken from Dilley before it could happen.
9. Around November 1st, I was taken from Dilley. I didn't know where I was going, I thought they were sending me back to El Salvador. When I asked the officials where they were taking me, they said they couldn't tell me. They took my son's passport and my identification card. I didn't get them back. We left Dilley around 10:30 in the morning. We were taken to a room where they usually do vaccinations, and we were given a sandwich and water. We drove to the airport in a truck with another mother and child. We got on a plane with two agents, it was filled with regular passengers. We were only allowed to have water in the airport and on the plane, but the agents bought pizza. My son was crying because he was hungry, but they didn't have food for him. They never asked if I had a lawyer or what the status of my case was.
10. At Dilley, the consulate for El Salvador came to visit. The woman from the consulate was there to get documents if we had to return to El Salvador.
11. We arrived at the detention facility in Berks County around 3 am. My son and I didn't have anything to eat except for the sandwich they gave us in Texas all day. We were interviewed for about an hour and then we got to eat. They examined us, took blood pressure, and searched our belongings. A few days later, they took blood from my son.
12. When I first got to Berks County I was afraid that I lost my lawyer. They told me that I could contact a lawyer here but I didn't know how to do that.
13. My son has mostly been healthy in Berks but some of the other children have had facial swelling. When he had a fever and a cold, my son was taken to the emergency room. He had an infection in his eye but he hasn't been given medicine yet, we're still waiting for it. Staff members come in at night every fifteen minutes with flashlights. My son sleeps through the night but I don't. My son cries sometimes, he asks why we can't be free, why we're still here. He mostly listens to me but he gets in trouble here and there, he's mischievous.

14. When I was in Texas, an Official told me that I had to sign papers or that I was going to be in jail. I didn't know what I was signing and I thought they were deportation papers.
15. I'm scared now because in the middle of the night here, they take people and deport them. I'm afraid every night that I'm going to be taken next.
16. I feel frustrated and worried that all of my time spent getting here will not amount to anything, but I have hope that it'll work out because I am afraid to return to my country.
17. I keep fighting because I have hope. I have hope that my lawyer will present my case well.
18. I have heard your case goes better if you leave the center, and I would like to be with my family so they can help me.

11/30/15

DATE



CERTIFICATE OF INTERPRETATION

I, RICHARD MULLEN, certify that I am fluent in the Spanish and English languages and that the above DECLARATION, was read to [REDACTED] in the Spanish language and that she understood the contents of the Declaration.

Richard Mullen

[signature][name]

Exhibit K

DECLARATION OF [REDACTED]

1. I am a thirty two year old woman from El Salvador. I fled my home country with my five-year-old son because we were in danger.
2. I arrived in the U.S. on September 23, 2015. Immigration officials brought me to the hielera, where we were held for two days. The conditions were very bad -- they made my son and I sleep on the floor. The only thing we could cover us with is an aluminum blanket and they treated us badly. The officers were really mean. They yelled at us. When the cleaning crew would come around they made us sleep on the wet floor. Immigration officers screamed at us, "Get up you lazies/crazies."
3. The food was really bad. They gave us juice that gave us acid reflux. They gave us frozen sandwiches. Both kids and adults got sick from the acid.
4. I asked the officers if they could turn down the air conditioning because the kids were getting very chilly, but after I asked they actually made it colder. My five-year-old son was completely desperate. He was shaking and the only thing he had to cover himself was the aluminum blanket. Sometimes the officers yelled to the kids to shut up because the children were crying so loud because of the cold.
5. After two days, officers transferred my son and I to the perrera. They call it that because they put us into rooms that look like kennels. They put us behind bars. They're like prison cells. There are no walls anywhere. There are just bars. Anytime there was a transfer from the hielera to the perrera they took people in the early morning and they would not say anything -- we had no idea where we were going.
6. In both the hielera and the perrera, there were no windows. The lights were kept on all the time. After we crossed the river, our clothes were still wet. They wouldn't let us change clothes even though it was very cold. The whole time I was in the hielera I was in wet clothes. My son was dry because I carried him on my back to keep him dry when crossing the river. But there were other kids who were definitely wet. Some of them got sick with a fever and they received no treatment.
7. Also in the hielera and the perrera, the officials had guns and uniforms. My son would say "Oh, we're in prison." He would ask "Why are we detained? Why are we here if we didn't do anything?" I was sad, depressed, down because of what he said. Because I came here, trying to make a better life, I risked my life to leave danger in El Salvador and I thought that I would be free, but I ended up in prison.

8. In the perrera they gave us a mattress but still the same aluminum blanket and it was still very cold. They gave us frozen ham sandwiches. Three times a day it was the same thing, a frozen ham sandwich. My son did not eat. We were in the perrera about one day. It was hard to tell because I didn't know if it was day or night because there were no windows and the lights were on all the time.
9. After the perrera, I was taken to the detention center in Karnes, Texas. When they brought us to Karnes, they just gathered together a group of mothers and children and said they were being transferred, I wasn't sure if it was the morning or night but we got to Karnes at 8:00 a.m. on September 26, 2015. It was very difficult in Karnes because the officers did not treat us well. When people lined up for food, they just threw a tray at us. They didn't hand it to us, they would toss it at us.
10. They didn't treat the children well. Sometimes they would yell at them or scold them for playing with things. Guards and officers would say, "don't touch those toys. Don't touch that." For the kids who did not go to school, they would take their toys out of the room and just make them cry. They were just very mean to them.
11. In Karnes, I was given an interview by the asylum officer but I did not have a lawyer during that interview. My family contacted a lawyer. They paid her \$2,000. She met with me once and told me she thought I would get a negative result in front of the judge. She was supposed to be with me in front of the judge but she did not show up. I told the judge how my husband had physically abused me in El Salvador and about threats from the gangs. He said he understood but then he agreed with the asylum officer.
12. After I got my negative decision from the judge, I didn't know that I was able to get a lawyer. It wasn't until one of the staff at Karnes told me "you know you can get a lawyer" and gave me the number of RAICES but said "don't tell anyone that I gave you this number." So I contacted the attorneys at RAICES. I met with them many times and they told me they would request another interview. They also told me that if anyone in the prison gave me anything to sign to not sign it, that I already had a lawyer. I trusted the lawyers I worked with at RAICES. They gave me a lot of confidence in them. I thought they would be able to help me.
13. Around October 20, 2015, at 7:00 p.m., ICE officers told me that I was going to be sent to Pennsylvania because they needed more space in Karnes. At 11:00 that night they woke up me and my son and took us out. They told us that we were going to a "home type" place and that there would be a woman there to welcome us. To get transferred here they made me sign papers. They said "if you sign or don't sign it doesn't matter, you'll still be moved there." I was afraid that I was signing my deportation papers. I was scared

because a friend of mine from Guatemala had been told to sign deportation papers and she was sent back.

14. On the plane, we were mixed in with men. They gave us no food just the frozen ham sandwiches again. There were men who were handcuffed at the feet and at the wrist. We were really uncomfortable. We didn't know what class of person they were. We worried about what these men could do. Instead of having a relaxing trip, we wondered what would happen. We were worried the whole time. My five-year-old son tried to reassure me that it would be OK, he said, "No mommy, I'm a man, you don't have to worry with me." If we had to go to the bathroom, we had to pass by them. The officials working there told us "don't look. Look forward and you won't have problems."
15. My son is scared of going on trips or traveling so the plane from Texas to Pennsylvania was scary for him. In Mexico, the house we were in was when the Zetas and the Negros gang were forming. [REDACTED] had seen that these two gangs were encroaching on the territory because they were facing off. He saw a lot of people with guns. The gangs knew there were immigrants in the house, and they made the owner of the house pay for each head. My son saw everything and he was really scared. He almost never slept the rest of the way to the U.S. I was sorry to have to put him on a plane with more scary men again.
16. I thought that my case was closed, that coming here to Berks would mean deportation.
17. When we got here there were some people waiting for us, doctors, nurses, and caseworkers. I thought, "Oh, we're coming back to the same thing as Karnes." It was a little better in that the food was better but the officials here – some are good, some are bad.
18. I didn't know what was going to happen to my case because my lawyers were in Texas and I did not get to speak to them before I was transferred. My cousin here said he would look into getting me an attorney but there were already attorneys coming here.
19. Since I was here, my son got sick with chicken pox. He already had chicken pox when he was 1-1/2 years old. They gave him a vaccine for varicella here and two days later he got chicken pox. I told them he'd already had chicken pox in El Salvador but they said some times they can get it a second time. I think he got the chicken pox from the vaccine because before that he was fine.
20. Because my son was sick, we spent a week in isolation. It was horrible. It was too much; when the staff would deal with us they were all covered in gloves

and a suit, a hat. You could only see their eyes. I got really mad because it was over the top. Mothers feel really bad. My son was not able to leave the room, only me. Even if he had to leave the room, they would have to put a mask on him, he was not able to touch anything. Nothing near kids, he couldn't play with the kids. They would really discriminate. It was painful.

21. They put us in the isolation room, there was a window with a curtain and they would peep in all the time. They would always pass by and sit down and open the curtain and sit and watch. I felt like I had no privacy. We were locked in there for a week. Afterward, they would have some guy follow us around even when we were outside so my son wouldn't touch any chairs, don't touch wood, don't touch toys.
22. With the chicken pox, the only thing they would do is take my son's temperature. They would give him Tylenol and that was it.
23. Sometimes my son gets depressed. He's always been calm but he's almost just stopped playing with other kids. He's a lot quieter now since we have been detained. He says he wants to go. He says he's in prison. In the beginning, the officials told the children not to go near him as if something was wrong with him.
24. I did not expect that when I came to the United States my son and I would be put in a detention center. I wish that this never existed.

I, [REDACTED] declare under the penalty of perjury that the above declaration is true to the best of my belief and recollection.

11/13/2015

DATE

[REDACTED]

CERTIFICATE OF INTERPRETATION

I, Martha Sandoval Reyna certify that I am fluent in the Spanish and English languages and that the above DECLARATION, was read to [REDACTED] in the Spanish language and that she understood the contents of the Declaration.

Martha Sandoval Reyna
Martha Sandoval Reyna

Exhibit L

DECLARATION OF [REDACTED]

I, [REDACTED] swear under the penalties of perjury that the following information is true and correct to the best of my knowledge and belief:

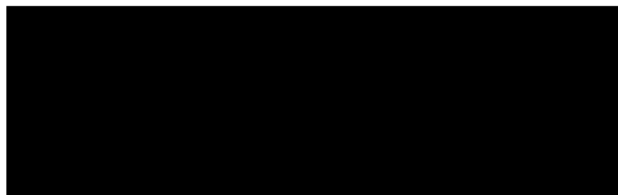
1. My names is [REDACTED] and my A number is [REDACTED]. I am 24 years old and I was born in Honduras. My son is here with me, he is six years old and he was also born in Honduras.
2. I have been detained since September 28, 2015. I was detained in Dilley, Texas for one month and then I was transferred to Berks on October 28.
3. I am still afraid of returning to Honduras because there are still death threats against me and my family, nothing has changed. I am also afraid for my son because he should have the right to live without being threatened and fearing for his life.
4. I entered the US on 28 of September. I don't know where we were, but it was somewhere by the river. I was picked up by immigration right away. They took us to the icebox or *hielera*.
5. It was a bad experience. They don't treat people well in the icebox. I was there for 2 days. It was cold, really cold. We had to sleep on a dirty floor. We were given frozen ham sandwiches. That is not healthy for children. There were so many children there, even little toddlers. The lights were on constantly. There are no windows, no privacy. The floor is disgusting. They mistreat people there. They tell us that we're all liars and that we should just go home. They took our identification and never gave it back to us.
6. They took us to another place after the icebox, what we called the "dog pound" or the *perrera*. We were still incarcerated, like inside of a cage. We didn't have beds, they just gave us these cots to sleep on.
7. After that they put us on a bus, which was also freezing. They told us we were going to a "family center." We had no idea what was happening.
8. We wanted to go to North Carolina to live with my uncle. He is ready to take us in whenever we are released.
9. Instead, they took us to Dilley and put us in detention. At Dilley, we had problems with the medical care. My son was vomiting and when we went to the doctor, they said he had a fever and that he should just drink water. We had to wait at least four hours to even see a doctor, and then they would just tell him to drink water again.
10. While I was at Dilley, I had a lawyer from the CARA Project. When we arrived at Dilley, the staff told us that we could submit a request for a lawyer, so I did that and I was

assigned to a legal team. It wasn't always the same person. I worked with a few different people. They were free lawyers. We probably met five different times. I shared my personal information with them, and one of the women I really trusted. She said she would help me.

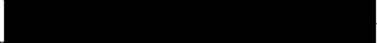
11. After I received my first negative asylum decision, the lawyers tried to help me. We went to court to see a judge, and I explained my fears again. The judge didn't believe me. After my hearing, the lawyers wrote a letter asking the judge to change his mind.
12. One of the immigration officials was always mean to me, I don't know why. If someone got a negative decision, they would tell them to give up and ask us what we were still doing there. They told me to give up and stop fighting my case because I would never win.
13. Before they transferred me to Berks, I told them that I had a lawyer from CARA. The day that they took me to Berks, I had an appointment with my lawyer to call my family in Honduras for the first time, but I didn't get to do that.
14. Immigration came to our bedroom around 1:00 in the morning and told us to pack. I had no idea what was happening. They told us we were going to see "our family." I didn't know what that meant. I had no idea where we were going.
15. We took a bus to the airport, and then we got on the plane. We were with other families, about eleven mothers and their children. We were put on the plane with a lot of men who were in shackles, we didn't know who they were. We had to change planes several times, so by the time we arrived in Berks it was dark outside. They had given us maybe one sandwich in 24 hours. They searched all of our bags and they washed all of our clothes. They inspected our bodies and searched our hair for lice.
16. My son was very sick by this time. He had been sick for weeks. He was having trouble breathing when we got here. We went to the hospital and he had to stay for three days. They prescribed medicine, but it hasn't arrived here yet.
17. When I got to Berks, I had no idea what was going to happen with my lawyers. After I came here, I met a lawyer who gave me her card. She is a great but I have to pay her.
18. A lot of people here are sick. There are two mothers here that have chicken pox, they're in quarantine. There is also a child here who has an infection in his eye that makes his eyes water.
19. Most of the staff here treat us ok, but some treat us like we're going to infect them. They wear gloves when they come in the room and they cross the hallway so they don't have to touch us. They act like we're dirty. At night, we have to leave the door open and they come in every fifteen minutes and shine a flashlight on us.

20. My son doesn't eat much here. He cries a lot because he doesn't want to be in jail. He asks me why others get to leave and we don't. He gets picked on by the other kids so I don't want him to play sometimes and he gets upset. I feel like I have to watch him all the time. I'm so worried that something is going to happen to him.
21. You just feel so terrible to be here. You feel like you must be the worst criminal in the world to be here, or else why would they do this to us. I worry that my son will be traumatized and think there is something wrong with him. He asks why we're in imprisoned all the time. They call it a family care center, but it's a prison. They don't take care of us, they monitor us and make us feel like criminals. Why would you put someone in prison just for being afraid?
22. I am still fighting because I don't want to go back to Honduras, but I think what they are doing to the families is so wrong.

4/19/15
DATE



CERTIFICATE OF INTERPRETATION

I, Cristina Barry, certify that I am fluent in the Spanish and English languages and that the above DECLARATION, was read to  in the Spanish language and that she understood the contents of the Déclaration.

A handwritten signature in cursive script, written over a horizontal line.

Exhibit M

DECLARATION OF [REDACTED]

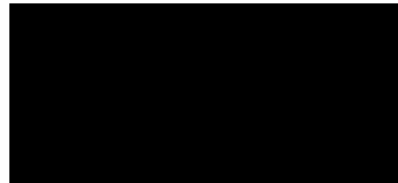
1. My name is [REDACTED] A [REDACTED] I was born on [REDACTED] in [REDACTED] El Salvador. I am detained with my sixteen-year-old daughter, [REDACTED]. My daughter and I have been detained since August 24, 2015, it has been more than three months now.
2. We were encountered by immigration in McAllen, Texas. They took us to the detention center at Dilley. They never told us why we were detained, or how long we would be there. First they took us to the icebox or the *hielera*, then we came to Dilley and were put in prison.
3. My first interview with immigration was on September 25, 2015, one month after I was detained. I did not have a lawyer, I was by myself. I never talked to a lawyer or knew how to find one. I told them why I was afraid of returning to El Salvador. I received a negative decision. After I was interviewed, I was able to find a lawyer when they came to the detention center. I talked to the lawyers, and they told me that I would see a judge and they could represent me. They worked with CARA Project. There were two lawyers, I think their names were Alex and Brian. They worked for free and said I didn't have to pay them anything. I liked the lawyers that we had, they were so helpful and they spent time explaining what was happening and what to expect. They listened to our story and said they would try to help us.
4. In Dilley, the medical care was terrible. I got sick, something in my stomach, and went to see the doctor. They made me wait two days because no one was available, then they just gave me something to drink. There were so many sick children there, with fevers, and they always just tell them to drink water.
5. In the court hearing, the Judge asked me the same questions. The lawyers were not allowed to say anything, they could just take notes. The hearing on was on October 5, 2015. Afterwards, I hoped that I would get a new interview, but it still hasn't happened.
6. We were moved to Berks on October 28, 2015. We were given no notice and ICE officials never told us why. We were never even given a phone call to call our lawyers and tell them that they we were being transferred. They just put us on a plane. They came to our room about 7 at night and told us to pack our things. I hoped they were moving us to be closer to our families, but I had no idea what was happening. One lady asked why they were moving us, and they told us that we were going to Pennsylvania to wait for the judge's decision, and that if we received negative decisions, we would be deported.
7. Two weeks after we arrived in Berks, they took us and put us on a plane. They were going to deport us. They woke us up at 3 in the morning. We had no opportunity to call our lawyers, they just said we were leaving in thirty minutes. It was me, my daughter and another woman and her kids. My daughter tried to ask why we were leaving and they told

her to shut up. We packed our things and they took us to an airport. Then they told us we were going back, with no explanation. Apparently a lawyer found out what was happening and had called immigration and stopped it. The other woman was deported. They have taken many families away at 3 in the morning.


8. I am still waiting for my new interview. They haven't told me when it will happen. My lawyers in Texas can't help me anymore. I was able to find a lawyer in Pennsylvania, but I have to pay her. There are no free lawyers at Berks like there are in Texas.
9. I was in Dilley for two months, and now I have almost one month at Berks. There are many families trapped like this.
10. I have a sister in Maryland and cousins and uncles across the US, and my husband is in Dallas. If we are released, we want to join my husband, but we could go live with any of my family. They would all take us in.
11. Last week, they gave us a letter saying they will review our detention on December 18, 2015, which will be almost four months.

11/19/15

DATE



CERTIFICATE OF INTERPRETATION

I, Caitlin Barry, certify that I am fluent in the Spanish and English languages and that the above DECLARATION, was read to  in the Spanish language and that she understood the contents of the Declaration.

A handwritten signature in cursive script, appearing to read 'Caitlin Barry', written over a horizontal line.

Exhibit N

DECLARATION OF [REDACTED]

I, [REDACTED] declare under penalty of perjury that the following is true to the best of my recollection and knowledge, and that the following statement has been read to me in the Spanish language:

1. My name is [REDACTED] My A# is [REDACTED] I am thirty-years-old and I am detained at the Berks County Residential Center with my twin eleven-year-old daughters, [REDACTED] and [REDACTED]
2. I have been in the U.S. since September 19, 2015. I know that I am currently detained in Pennsylvania, but this is the fourth place that my daughters and I have been detained.
3. My daughters and I are still afraid of returning to El Salvador. I am especially fearful for my daughters because of their age and because of our contact with gangs in El Salvador. I fear that they may suffer severe physical and sexual violence if returned.
4. We are a devout religious family. I am the daughter of a pastor and a devout Christian.
5. The three of us were apprehended in Texas on September 19, 2015. When immigration apprehended us they took us to a hielera where we stayed for seven days. The condition in the hielera were cruel for my children. It was as cold as a freezer. It was so cold that the children were crying and turning purple. There was nowhere to lay down. There were only cement benches. The lights were always on. There were no windows. There were a lot of people in this hielera. I would guess more than thirty women and children. Only the very young children received foil blankets. The only food we were given was a small piece of bread and ham. There were no showers. There was one toilet in the room for everyone. There was no privacy. My children suffered.
6. While I was in the hielera, I saw a woman go into labor. They took her out of the hielera to give birth, but then she was immediately returned to the hielera with her newborn. She was not gone long enough to receive any kind of proper treatment. I was under the impression that all they did was clean her and the baby off and returned them to the center.
7. During this time we were taken to a place we called the dog pound, or the "perrera". We called it the dog pound because it was a room with a lot of cages like you were trapping animals. When we were in the dog pound, they gave me a mattress, but they took my children away. I believe it was so that they could shower.
8. An officer then came in and took us to a place they called a family ranch in Dilley, Texas. I was at that center for about a month and a half. At the center there was a lot of sickness. My children suffered from constant diarrhea, stomachaches and fever. We would wait for four hours or more to see and doctor and we still would not receive

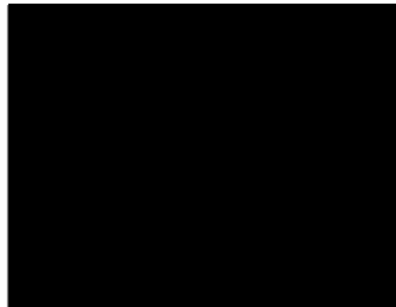
medicine. Even when my daughters had high fevers they were not given medicine. They were told to drink water. The water was disgusting and tasted like pure chlorine. All me and my children could do was pray.

9. When I was at the family ranch, I was able to meet lawyers and other staff of the CARA Project who were willing to help me for free. I remember their names were Ian and Brian. They were very nice to us. And I wanted a lawyer to help me. I only knew I had a right to a lawyer because I was told by other detainees. The staff refused to talk to me. They also refused to read papers to me that I was given in English. That is why the lawyers were helpful. I would see these lawyers often, more than several times a week. I trusted my lawyers and I told them everything, all of my personal details and everything that I was afraid of for my daughters. These lawyers appeared in court on my behalf.
10. There came a time when I was threatened by an immigration official in the Dilley facility. His name was Officer Mendoza and he was a deportation officer. One day I was called down to court. I assumed that I was going to see the judge. However, when I got there, Mendoza took me into a room. My attorney wasn't there. He put papers in front of me that I could not read because they were in English. He told me that I had to sign some papers for my removal. When I refused, Officer Mendoza became very angry and he threatened to put me in jail and to take my children away. I was scared, so I signed the papers. I did not want to sign for my deportation, but I was afraid that immigration would take my children. I know now that the document was so that they could get a passport to deport me, but my daughters cannot be deported because I fear for their lives and safety.
11. I was then transferred to another detention facility away from my lawyers with no warning. On or about October 31, 2015, I was moved to the Berks County Residential Facility where I am still detained to this day. My daughters and I were taken from the facility at night and put on a plane with other detainees. It was frightening for my daughters to be in front of other male detainees who were shackled and in handcuffs. It did not matter to Immigration officials that I had a lawyer or that I was fighting my case. They still moved me.
12. When my daughters and I got to Berks we again had to go through an admission process. They checked my daughters' bodies again. My daughters were embarrassed because they were for the first time talked to about whether they had sexual intercourse. They made my 11 year old daughters take a pregnancy test.
13. When we were transferred here I was afraid that I had lost my lawyers. I felt like my case was over and that I would have no help. Here in Pennsylvania I heard that there were no lawyers here like in Texas. I was lucky enough to receive information about a lawyer from another detainee. We do not get legal access here in Berks like we did in Texas. The staff will not help up access legal help.


14. I am fighting for my daughters' lives and for their safety. I fight to be strong for them. I try to encourage them to respect others and to be well despite the fact that it kills me to see them trapped in detention. If we were to be released, we could live with family in the United States and continue our case. The father of my daughters is here, and so is my sister and brother in Kansas. That is where we would go and wait for our turn to present our immigration case.
15. My daughters and I are currently in detention with a stay of removal granted by a Federal District Court. Although I have received a negative decision from the Asylum Office, I am supposed to have the right to see a judge to consider that negative decision. From what I understand, Immigration does not want to give me that hearing, even though I was told by the Asylum office that I would have that opportunity.
16. Instead, my daughters and I have been in detention for almost three months. I know my children are depressed and suffering but I will do my best to comfort them, and let them know that one-day we will be free.

11/30/2015

DATE



CERTIFICATE OF INTERPRETATION

I, Martha Sandoval-Reyna certify that I am fluent in the Spanish and English languages and that the above DECLARATION, was read to  in the Spanish language and that she understood the contents of the Declaration.

Martha Sandoval-Reyna

Exhibit O

Declaration of [REDACTED] A# [REDACTED]

I declare under penalty of perjury that the above statements are true and correct to the best of my knowledge and recollection:

1. My name is [REDACTED] A# [REDACTED] and I was born on [REDACTED] in [REDACTED] Honduras.
2. My daughter [REDACTED] A# [REDACTED] and I have been detained in the US since November 14, 2015.
3. My daughter and I arrived at the South Texas Family Detention Center on or around November 17, 2015.
4. Since my daughter and I arrived at the detention center, I have been to the medical clinic about ten times. Every time I go to the clinic, I am always dissatisfied with the medical service my daughter and I receive.
5. On or about November 18, 2015 we went to the medical clinic for our first physical examination. My daughter and I were both sick with cold and a cough, and my daughter had a fever after having spent days in the holding cell at the US-Mexico border. The nurses asked us questions and I told them that my daughter had a fever, but they said it wasn't a fever and didn't give us anything to help our sicknesses.
6. The next time I went was a few days later, because my daughter's fever had gotten worse. The just gave us honey and Vicks VapoRub.
7. We went back to our room and I gave her the Vicks VapoRub but my daughter didn't get any better and she wouldn't stop crying.
8. That same night, in the early morning at 2am, CCA agents came to my room because my daughter wouldn't stop crying. They told me that the other women and children were having trouble sleeping because my daughter was crying so loud. They took me back to the clinic to see what was wrong.
9. One nurse checked my daughter when we got to the clinic and said that she didn't have a fever. The nurse just told me to give my daughter a bath and put wet towels with cold water on her.
10. Two days later the medical clinic called us back to check on my daughter and they said that she was fine other than a small virus that she had. They told me that she just needed to drink more water.
11. On November 29, 2015 my daughter began vomiting. She vomited four times in the early morning.
12. On November 30, 2015 she vomited three times in the early morning.
13. On December 1, 2015 my daughter woke up and vomited three times in the early morning. I called a CCA agent over to see how sick she was. The CCA agent told me to take her to the clinic. I told the CCA agent that I wasn't going to take her to the clinic because they weren't going to help her or give her anything for her sickness.
14. On December 2, 2015 I took her to the clinic. Her stomach was hurting a lot so they gave her a suppository to try to help her have a bowel movement. My daughter left the clinic feeling a little better, but she still had gas in her stomach.
15. On December 3, 2015 my daughter woke up in the early morning and vomited two times. I gave her water and cleaned her and we went back to bed.

16. Later the same day I took my daughter back to the clinic and the looked at her stomach. There was a doctor present and the doctor asked me when the last time my daughter had a bowel movement and I told her it was when she was given a suppository the day before. The doctor then gave my daughter some Pedialyte.
17. My daughter is still constipated and in a lot of pain. She cries all day.
18. There has not been a day in the South Texas Family Detention Center when my daughter hasn't cried extensively.
19. It is so hard to know my daughter is in so much pain and there is hardly anything I can do about it. I feel like no one else really wants to help my daughter and I often cannot help but cry with her.
20. I have been feeling a lot of depression lately because I feel like nobody wants to help me.
21. I have seen the psychologist five times because of my depression.
22. I told the psychologist that I feel incapacitated for my inability to do anything to help my daughter.



12/4/15
Date

I certify that I am proficient in the English and Spanish languages and that the foregoing was read to [redacted] in Spanish.

[Signature]
Ian Philabaum

12/4/15
Date

Attachments



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

June 30, 2015

Re: The Psychological Impact of Family Detention on Mothers and Children Seeking Asylum

Dear Ms. Mack:

We submit the attached complaint to register our serious concerns over and begin to document the impact of confinement in Immigration and Customs Enforcement's (ICE) family detention facilities on the physical and mental well-being of the mothers and children detained there. Attached you will find affidavits as well as evaluations by mental health professionals documenting in detail the traumatic psycho-social impact of detention in any of ICE's family detention centers. These evaluations confirm what numerous studies and other expert testimony have long attested: that the detention of families has serious consequences for detained families' well-being, and either creates or exacerbates trauma in the women and children detained there.

We urge your office to immediately and thoroughly investigate these cases of trauma in family detention. We further request a complete investigation into psychological and physiological impact that family detention is having on children and mothers. While we recognize that increased access to meaningful mental and medical health services is crucial to the currently detained population, we are confident that even an improvement in access to services would be insufficient to address this urgent situation.

There is no humane way to detain families. No amount of services in family detention could mitigate the traumatic impact of confinement on children and mothers, especially given that many are survivors of trauma, violence, and are seeking protection in the United States. This cost is particularly unacceptable given that there are established alternatives that could address the government's legitimate interests in managing immigration and ensuring appearance without inflicting this trauma and at a lower financial cost.

The concerns outlined in the attached cases relate to all family detention facilities. ICE's rapid expansion of its family detention has resulted in an over 3,000 percent increase in the detention of mothers of children in the last year, with a doubling of the detention capacity anticipated at both Berks and Karnes. Given the difficulty that mental health care providers face in accessing individuals in family detention, as well as the sensitivity around the nature of these cases, it is likely that these cases represent only a small fraction of those experiencing trauma in and as a result of family detention.

Impact of Detention on Asylum Seekers

Numerous studies have documented the traumatizing impact of detention both in the U.S. and international context.¹ This impact is particularly acute for children, asylum-seekers, and other vulnerable populations. A 2003 study of the detention of asylum-seekers found that 77 percent had "clinically significant symptoms of anxiety," 86 percent exhibited symptoms of depression, and 50 percent of post-traumatic stress disorder.² In follow-up, those who continued to be detained showed even more "distress," and the study's "findings suggest detention of asylum seekers exacerbates psychological symptoms." A Canadian study on the impact of detention on the mental health of asylum seekers compared to non-detained asylum seekers found that "depression levels were 50% higher among detained than non-detained participants, with 78% of detained asylum seekers reporting clinical levels of depressive symptoms compared with 52% of non-detained asylum seekers."³ A 2013 report by the Center for Victims of Torture of asylum seekers in U.S. immigration detention facilities found that detention is often re-traumatizing for survivors of torture, and "may lead survivors to relive their horrid experiences of torture, including the profound sense of powerlessness and loss of sense of self, contributing to further psychological damage."⁴

Impact of Detention on Children and Families

Detention has a particularly acute impact on children. The trauma and re-traumatization of children in ICE family detention settings described in the attached case stories consist not only feelings of hopelessness, but also severe cases of mental health concerns including anxiety, depression, and post-traumatic stress disorder. These cases, combined with existing research,

¹ See, e.g., Coffey, G.J., et al. "The Meaning and Mental Health Consequences of Long-Term Immigration Detention for People Seeking Asylum." *Social Science and Medicine*. 70(2010): 2070-2079. See also, U.S. Commission on International Religious Freedom, *Report on Asylum Seekers in Expedited Removal*, Volume 1: Findings and Recommendations, and Volume II: Expert Reports. February 2005.

² Keller, A., Rosenfeld, B., et al. "Mental health of detained asylum seekers." *The Lancet*. 2003 (362). P. 1721. See also, Physicians for Human Rights and Bellevue/NYU Program for Survivors of Torture: *From Persecution to Prison: the Health Consequences of Detention for Asylum Seekers*. June 2003.

³ Cleveland, Janet. "Psychological Harm and the Case for Alternatives." *Forced Migration Review*. September 2013. 7-8.

⁴ Center for Victims of Torture, Torture Abolition and Survivor Coalition, International, and Unitarian Universalist Service Committee. *Tortured and Detained: Survivor Stories of U.S. Immigration Detention*. November 2013. P. 10.

underscore that this impact can be reduced and healing can begin only in environments in which individuals feel safe and empowered. We believe strongly that long-lasting reversal of these conditions cannot be achieved while the family remains detained.

In the 2007 report *Locking Up Family Values*, Women's Refugee Commission and Lutheran Immigration and Refugee Service documented extensively the inadequacy of mental health services for trauma-survivors and others in family detention settings and interviewed several current or former detainees. The report found that "all exhibited symptoms of psychological distress that have been previously linked to the trauma of detention, including visible fear, crying and expressing desire for medication to alleviate their depression and anxiety."⁵ These concerns were echoed in the follow-up report *Locking Up Family Values, Again*, describing the resurgence of family detention as of June 2014, as well as other recent reports on family detention.⁶ This matches what experts describe as the impact that detention has on women and children, in particular because detention triggers feelings associated with helplessness and disempowerment in the situations they fled.⁷ In May 2015, Human Rights Watch released findings based on interviews in which detained mothers shared that "all their children were exhibiting signs of depression, which they attributed to being detained," including one case of a mother describing her daughter's desire to hurt herself.⁸

Indeed, the impact of detention on children has been extensively documented in the U.S. and the international context. The International Detention Coalition's (IDC) 2012 report *Captured Childhood* found that the unique vulnerabilities of children place them especially at risk of health and development issues, and that evidence exists of a "detrimental effect on mental and physical health of children held in immigration detention *for short periods*"⁹ (emphasis added). IDC found that "detention itself causes or reinforces children's mental and emotional health problems," and that detained children can exhibit various signs of anxiety, inability to sleep and

⁵ Lutheran Immigration and Refugee Service (LIRS) and Women's Refugee Commission (WRC). *Locking Up Family Values*. February 2007. P. 23; fn 27.

⁶ See, e.g., Detention Watch Network: *Expose and Close: Artesia Family Residential Center*. September 2014 and LIRS and WRC: *Locking Up Family Values, Again*. October 2014.

⁷ See remarks of Dr. Giselle Hass, "Statement regarding the Mental Health Needs of Women and Children Detained in Immigration Facilities," at a briefing entitled "Re-traumatizing and Inhumane: Detaining Immigrant Survivors of Violence Against Women and Children." January 2015. "The sole confinement, surveillance, security controls and harsher regime of detention aggravate the mental health problems of immigrant women and children because they replicate the dynamic of control and coercion that victims suffered in the past and induce the same sense of helplessness and victimization." P. 5, available at: http://www.asistahelp.org/documents/news/Mental_Health_Statement_GH_E49E41BF6BFF5.pdf. See also "Psychological Harm and the Case for Alternatives," FN 3 above.

⁸ Human Rights Watch. *US: Trauma in Immigration Detention*. May 2015. <http://www.hrw.org/news/2015/05/15/us-trauma-family-immigration-detention>

⁹ International Detention Coalition. *Captured Childhood*. May 2012. P. 50, emphasis added.

night terrors or nightmares, impaired cognitive development, or even more extreme psychological distress.¹⁰

The complaint we submit to you today is based on several evaluations that illustrate that family detention creates or exacerbates trauma for detained mothers and children. Many cite to severe anxiety, post-traumatic stress disorder, suicidal ideations and other symptoms of profound trauma in their clients. Multiple evaluations explicitly stated that these individuals would best be served by release from detention, yet these mothers and children continued to be detained for long periods of time – either they were offered no bond or humanitarian release or they were given excessively high bond amounts that they could not afford.

Describing the impact of detention on the mental health and development of immigrant families at the Karnes County Family Residential Center, Luis H. Zayas, the dean of the School of Social Work at the University of Texas at Austin and a licensed psychologist and clinical social worker, found that profound consequences on the well-being of detained families at Karnes manifested even though families had been detained only two to three weeks. Mothers and children of all ages generally showed high levels of anxiety, depression, and despair, and children showed signs of developmental regression. He writes that:

*The psychological traumas experienced by these mothers and children—in their home countries, during their travel to the United States, and upon their detention in the United States—will require years of mental health services to alleviate. Moreover, the ongoing stress, despair, and uncertainty of detention—even for a relatively brief period of time—specifically compromises the children’s intellectual and cognitive development and contributes to the development of chronic illness in ways that may be irreversible.*¹¹

Names in quotation denote pseudonyms

Complainant 1: “Cecilia” Cecilia was raped at 13 years old. She fled El Salvador because her life – as well as the life of her daughter – was being threatened by her own family members, as well as gang members demanding sex. At the time of Cecilia’s psychological assessment in detention, her daughter was constantly sick, could not eat and was vomiting. The psychiatrist summarized the emotional and behavioral impact of detention on both mother and daughter:

[Cecilia’s] daughter is getting more aggressive and is having fights with other children. This behavior she had never seen her daughter have before this imprisonment. [Cecilia] is very sad. [S]he doesn’t want to do anything. She is upset all the time. She says this with tears flowing down her cheeks. Her head hurts. ... [S]he is not suicidal as she was when she was raped at 13, but she is very depressed. ...

¹⁰ *id.* P.51, fn 104.

¹¹ Declaration of Luis H. Zayas, PhD. December 10, 2014, *available at*: https://lofgren.house.gov/uploadedfiles/declaration_of_luis_zayas.pdf.

[Cecilia's] daughter cries every night. After her daughter goes to sleep she herself weeps every night. She cannot sleep. It is a mixture of awful memories and dread about being trapped in this prison. She eats not at all and then finds herself eating frantically. She demonstrates psychomotor retardation and agitation. She reports feeling exhausted. She feels worthless and hopeless. She feels extremely guilty about what her daughter has to go through. Sometimes during the interview she is crying so hard she can hardly talk. While [Cecilia] definitely has longstanding issues this depression is a result of being trapped and imprisoned in the prison at Artesia.

The psychiatrist diagnosed Cecilia with “severe Post-Traumatic Stress Disorder,” stating: “She has been threatened with death as has her daughter. She has been raped at 13 years old and again in her recent history she has been threatened with sexual violence and had to repulse an attempted rape. She has watched her sister sustain physical harm and been subjected to it herself. ... She has recurrent, intrusive, and involuntary memories of the trauma she has had.”

The psychiatrist concluded: “In addition she has a very troubled child and she herself is in a full-blown depressive episode which is worsening because there is no viable way out. She needs release as soon as possible. Her [\$20,000] bond appears to me to be unreasonable and quite destructive to her mental health.”

This assessment was issued November 24, 2014. Cecilia and her daughter were not released until January 29, 2015.

Complainant 2: “Juliza” Juliza is an indigenous Guatemalan woman who suffered persecution throughout her whole life due to her indigenous ethnicity. Beginning at the age of 13, Juliza was raped by her father’s family members, who referred to her as a “dirty indian” while they assaulted her. When she finally gained the courage to go to the police, she was sexually propositioned by the officers. After a family member continued to threaten her with death and more sexual violence, Juliza fled to the United States. When she told the Border Patrol officer that she feared returning, he said she was lying and deported her without a credible fear interview. Within a month of being back in her country of origin, Juliza was drugged, raped, and thrown into a river by the ladino family member who had been threatening her. Juliza fled to the United States again. She told the CBP officer again that she was scared, but was deported anyway.

Back in Guatemala and caring for her 8 year old son, gang members attempted to kidnap him. Juliza fled again, this time taking her son on the perilous journey with her. After more than eight months of detention, Juliza was granted relief by an Immigration Judge.

The licensed mental health counselor who evaluated Juliza concluded that she was suffering from PTSD in detention:

Difficulty sleeping and eating; recurrent nightmares related to various aspects of her experiences, a miscarriage brought on by the violence after one of her deportations is particularly distressing to her and the cause of many of the nightmares; intrusive memories of the fetus which she saw after the miscarriage; pervasive fear, shame and

guilt from the many sexual assaults which make eye contact difficult; cognitive distortions typical of victims of such violence, i.e., being “worthless,” and internalization of the horror so that she herself feels “horrible.”

The counselor concluded that detention was the wrong environment for her:

In order to process the traumatization that [Juliza] has experienced, she will need an extended period of time in a safe environment, free from harm. In her current situation, where she lives with fear of being returned to her country of origin where the violence took place, and is most probably going to continue, does not accord her the safety needed to heal from what has happened to her and keeps her PTSD symptoms active.

Complainant 3: Celia Celia is an indigenous Guatemalan woman whose entire family has been persecuted because her father married outside his ethnic group, and for more than two decades she, her parents and her siblings endured serious physical attacks and death threats at the hands of her paternal relatives. At the age of sixteen, Celia married and moved into her husband's parents' home; after witnessing her father-in-law repeatedly abuse her mother-in-law, Celia intervened to stop a beating and then escorted her mother-in-law to the police. After reporting the domestic abuse, Celia's father-in-law attempted to attack her and threatened to murder her in the middle of the night. Celia fled to the United States, but she was deported without having an opportunity to speak to an asylum officer about her fear of returning to Guatemala. Upon returning to Guatemala, Celia received death threats from a paternal cousin, while her husband was personally threatened by gang members with connections to her paternal relatives. Celia also received renewed death threats from her father-in-law, who promised to kill her when she least expected it for previously reporting his domestic abuse to the police.

Celia again fled to the United States, this time with her 10-month-old son. Over nine months of detention, Celia suffered immense stress caring for a breast-feeding infant in jail-like conditions. Her hair started falling out. She was exhausted from staying up nights alone crying and caring for her infant son who had become listless. According to the licensed mental health counselor who evaluated her, Celia's prolonged detention extended the "reign of terror" she suffered in her home country, aggravating her PTSD.

While detained, Celia suffered from a painful chronic intestinal condition and an infected tooth but has received no treatment or medication in detention. Her son's physical well-being and emotional development were severely negatively impacted by prolonged detention. He became irritable, aggressive and was suffering from a chronic ear infection, congestion and diarrhea.

The counselor who evaluated Celia – with over 25 years of experience working in the field of family violence and sexual assault – found that detention was re-traumatizing her:

Detention has the effect of creating an environment that forces Celia to re-experience her trauma on a daily basis, which serves to re-traumatize her. ... She is experiencing intrusive memories night terrors and physical symptoms. ... The impact of detention on Celia is to create a situation that exacerbates the trauma she is already struggling with. ... The fear, uncertainty, and lack of control over her life that [she] lives with while being detained mimics the fear, uncertainty, and lack of control she experienced in Guatemala.

The counselor described other psychological consequences for detained women and children:

It can be said that detention provides for women and children's basic needs; food and shelter. It is equally true that detention disempowers women and children. This lack of control over their future places women and children in positions of uncertainty, fear and isolation. ... [M]inimization of time spent in detention is strongly recommended.

“Women like Celia who are trauma survivors are psychologically vulnerable and thus at increased risk for developing mental health problems in response to being detained,” the counselor noted.

While parents often recall their child's first steps with joy, Celia felt only despair when her son learned to walk behind chained fences in Artesia and Dilley as it was, to her, a measure of how much of his young life was spent detained.

On April 9, 2015, an Immigration Judge granted Celia a form of humanitarian relief related to asylum (“Withholding of Removal”), and her son received asylum based upon the evidence of persecution to his mother.

Complainant 4: Suny Suny and her 8-year-old son Angelo suffered almost six months of unnecessary detention at Dilley before she was granted relief by an Immigration Judge. Suny fled Honduras in January 2015 with her husband and her son after being persecuted for her vocal denunciations of police corruption, abuses and impunity. Her mother had also been an outspoken critic of police corruption and was murdered in 2006. Suny was also vocal at Dilley in her criticism of DHS and CCA practices.

Her son Angelo was scarred by the persecution his mother was receiving in Honduras. He was inside their home when his mother was beaten by a police officer just outside. After the attack, he saw his mother with injuries and was deeply upset. Seeing her crying, he started crying himself and asking what was wrong. When Angelo himself was interviewed by an asylum officer, he stated that he is afraid of Honduras because “there is a lot of death” there. At age six, Angelo saw a dead body while staying with his grandparents. He was evidently scarred by this experience, as the Asylum Officer during the interview noted how hard it was for him to discuss this incident, and how he laid his head on the desk when thinking about it.

Angelo’s trauma was significantly exacerbated by his experiences in detention. Angelo was denied reunification with family members in the U.S. and nearly separated from his mother by ICE to be placed in Office of Refugee Resettlement (ORR) custody. An immigration judge ordered ICE three times to release Angelo from their custody to his aunt in the U.S. – first on March 12, 2015, then on April 9, 2015, and then on April 16, 2015. However, ICE inexplicably refused to release him directly to his aunt. Instead, on Saturday, April 4, 2015, with just thirty minutes notice to him and his mother, and no notice to his counsel, ICE tried to take Angelo from his mother and transfer him to what was described as an orphanage, i.e., the Office of Refugee Resettlement, for an indefinite period of time without providing any information on whether and when he might be released to his aunt.

When he heard that ICE was taking him away, Angelo began sobbing inconsolably. He could not bear to be separated from his mother and taken to an unknown location with strangers for an indefinite period of time. Shocked and distraught by the circumstances, Angelo and Suny chose to stay together at the Dilley family detention center, instead of being separated indefinitely without any guarantee that Angelo would eventually be released into his aunt's custody.

Angelo and Suny suffered terribly in detention. But on May 14, 2015, Suny won relief before an Immigration Judge.

Complainant 5: "Natalie" Natalie fled with her 4-year-old son "David" after gang members had threatened to kidnap her little boy if she could not meet their extortion demands. Natalie sought safety with her U.S. citizen child in Texas and a lawful permanent resident (or "green card") sister. Instead, ICE detained her for seven months with her son while he suffered emotionally and received insufficient medical treatment for his eye condition, and while she herself suffered untreated, undiagnosed continuous vaginal bleeding.

The Ph.D. clinical and forensic psychologist who evaluated Natalie and her son summarized the combination of re-traumatization and new traumatization she experienced – the sense of helplessness she felt at watching her son suffer bullying and being unable to obtain proper care for his "lazy eye" condition, which needed surgery: "Now she awakens at night tormented by painful images of the horrors she has experienced as well as from a sense of hopelessness and despair at about the deterioration of her son's condition and her inability to take action on his behalf."

The psychologist saw immediately that Natalie's prohibitively high bond had directly contributed to her deteriorating mental state: "Since arriving at the Artesia center, she has grown increasingly depressed and anxious, particularly after she was given a prohibitively high bond. As their detention has continued for so many months, [she] is witnessing the progressive deterioration of her son's emotional condition and feels a desperate level of frustration that she cannot provide the security that he needs, nor get medical help for his strabismus."

Five months into her prolonged detention, the psychologist diagnosed Natalie with "Major Depressive Disorder," "Post-Traumatic Stress Disorder," and Anxiety.

The psychologist further evaluated her 4-year-old son, David. She found that his anxiety was the 98th percentile compared to other boys his age and his depression is in the 95th percentile compared to other boys his age. He also tested at 99th percentile for Post-Traumatic Stress Disorder: "[Natalie] is witnessing the progressive deterioration of her son's emotional condition and feels a desperate level of frustration that she cannot provide the security he needs, nor get medical help for his strabismus." Furthermore, because of his eye, David "is the victim of bullying by other children and is socially withdrawn. His severe emotional and social problems put his cognitive functioning at risk as well."

Natalie and David were detained in early July 2014 and were not released until February 2015, after the federal court injunction was issued in *R.I.L.R. v. Johnson* preventing DHS from detaining mothers and children for the political purpose of deterring others from coming to the U.S. When Natalie's attorney first met the family early in their detention at Artesia, David always had a smile, never complained, and was always a good kid. By the week before

Thanksgiving 2014, the attorney could see he was changing. Natalie confirmed that David was crying at night, not eating, being very clingy. Then Natalie told her attorney something that broke her heart. When they were taken into Roswell to see the doctor, as they were leaving the detention center in the white ICE van, he said, “Look mom, we are leaving.” Natalie was forced to explain to her 4-year-old that no, they were not being allowed to leave. Instead, they were transferred to Karnes a month later.

Complainant 6: Melida Melida and her 4-year-old daughter Estrella were detained for 11 months and 2 days. Estrella celebrated her fourth birthday at Artesia and spent roughly 20 percent of her young life in detention.

Melida also has a 10-year-old U.S. citizen daughter, a sister with a green card, and other U.S. citizen family and friends who were all waiting for her and Estrella in New York and willing to care for them while their case proceeds. Melida is terrified of returning to Guatemala, where the family of the gang member who was convicted of murdering her sister-in-law wants retribution.

Melida and Estrella suffered horribly in detention. Little Estrella was hospitalized for acute bronchitis and also suffered from acute pharyngitis, ear aches, fevers, diarrhea, and vomiting. Melida was diagnosed with PTSD, adjustment disorder with anxiety, and major depressive episode.

Then on May 15, 2015, the Dean of the University of Texas School of Social Work, Luis H. Zayas, personally evaluated Melida and Estrella. “The scientific literature is very uniform in its findings,” he writes, on how detention – and experiencing their mother being detained – affects children. “Detention and child-rearing in prisons are major childhood traumatic stressors,” he continues, “even under conditions of short or brief detentions.” Science shows that such toxic stress has lifelong effects on the developing brain:

Adverse childhood experiences, such as trauma and detention, have detrimental effects on children’s brain growth and neural development: childhood adversity increases the likelihood of psychopathy. Institutional rearing, that is, growing up in detention even for short periods of time – and particularly following the traumatic circumstances of migration – is one of the most adverse experiences for children. ... Stress under prolonged and intense conditions leads to structural and functional changes of some brain regions that are essential for self-regulation and other behaviors. As a result of the ongoing stress, despair and uncertainty of detention, children’s brain development is compromised, impairing not just their intellectual and cognitive development but also contributing to the development of chronic illnesses that can last into adulthood.

The psychological state of Melida and Estrella was especially dire. Estrella indicates “early childhood anxiety,” Dean Zayas writes. “When asked to step outside while the examiner met with her mother, E- did so but returned within several minutes,” Dean Zayas recounts. “She would not leave again even when urged by her mother. Estrella appeared anxious. Of note also is that when Melida spoke of the challenges of living in detention, Estrella was very keen in looking at her mother and showing a worried expression on her face.”

Dean Zayas concludes:

The child is exquisitely attuned to her mother's emotional state. The fear of separation from her mother and the hypervigilance necessary to follow her mother's emotional moods are having corrosive social and emotional effects on Estrella.

Melida herself "is extremely depressed" and is a suicide risk, Dean Zayas states. "While she denied any tendency to act on her suicidal ideation, it was not a convincing or animated negation and should give pause for the potential of a suicide attempt."

"It is my considered opinion that the continued detention of this child and her mother is jeopardizing Estrella's developmental trajectory as well as Melida's capacity to provide adequate parenting to her daughter," he writes, and explicitly recommends that both mother and child should be released.

Complainant 7: "Vilma" Vilma has been detained with her 11-year-old daughter "Delmy" at Berks for more than 10 months. Last month, Vilma discovered that Delmy had been sexually abused by her ex-boyfriend. This news was completely devastating to Vilma, and she felt extremely guilty that she had not been able to prevent it. She began to contemplate suicide. She thought about hanging herself in the detention center bathroom. Instead of releasing Vilma and Delmy to receive the help and safe surroundings they needed to heal, ICE refused to release them and instead placed Vilma in solitary confinement, away from her daughter, for 3 straight days.

Vilma was first sexually abused at about age 8, by her father's cousin, who lived with her. Her mother did not believe her. The abuse continued many years. She left at age 16 to escape the abuse.

The father of her eldest child abused her physically and sexually and often tried to take her daughter from her. The father of her two younger daughters was also abusive. For example, he tried to choke her once while she was pregnant. After her second daughter was born, she did not want any more children and began taking birth control pills. Her partner found out and labeled her a "prostitute" and began raping her. When she later became pregnant, he publicly denied the child was his and humiliated her.

"[Vilma] was very emotional throughout the interview," the licensed psychologist who performed her evaluation explained. "At times, she was sobbing so hard that she had difficulty speaking. She cried, wrung her hands and rubbed her forehead and neck repetitively during the interview." The psychologist found her responses to be "indicative of severe depression."

The psychologist diagnosed Vilma with Post-Traumatic Stress Disorder as well as Recurrent and Severe Major Depressive Disorder:

[Vilma] presents with a history of repeated trauma dating back to childhood, when she was the victim of sexual abuse by a family member. She went on to experience intimate partner violence by both of the fathers of her children. The cycle of abuse described by [Vilma] is, unfortunately, quite prevalent in victims of child sexual abuse. In fact, two out of three sexual abuse victims will be re-victimized. Specifically, child sexual abuse is also associated with rape and sexual victimization by a partner in adulthood. The experience

of repeated trauma and re-victimization increases feelings of shame and hopelessness, as endorsed by [Vilma].

Moreover, the psychologist found that “[Vilma] is at extremely elevated risk for suicide, due to multiple factors, including her recent suicidal ideation and intent.”

The psychologist concluded that Vilma is suffering from “serious and chronic mental health problems,” and that “her detention likely exacerbates her mental health problems.” The psychologist further concluded: “Given that her daughter may also be a victim of abuse, it is essential that [Vilma] receive the support she needs to heal, and to support her daughter’s recovery as well.”

On Friday, June 19, at 3 a.m. in the morning, Vilma and her daughter were pulled from their beds at Berks and wrongfully deported. In a rare move, a U.S. Court of Appeals judge has [ordered ICE to immediately return the family to the United States](#). Vilma has pending proceedings before that court, and ICE’s lawyer had assured the judge that they had no intention of deporting the family.

Earlier this year, Vilma had been one of the witnesses to the [“institutional sexual assault” of a 19-year-old Honduran woman by a 40-year-old guard](#) at the Berks detention center.

Complainant 8: “Kira” Kira and her four-year-old son “Luis” were detained for 5 months at Artesia Family Residential Center. Kira and her son fled Guatemala after suffering four years of horrific violence and constant threats at the hands of a powerful gang. The gang had previously targeted Kira’s husband, “Andre,” a deacon in the local church, for preaching his religious message of non-violence—in their eyes, a message of disloyalty and dissidence. Kira and Andre decided that he should flee to the United States in an attempt to save the family from harm. Immediately following Andre’s escape, the gang began to persecute Kira. They threatened her with rape and murder, beat her face bloody on multiple occasions, threatened to cut her unborn child out of her belly, threatened to kidnap her son after he was born, and grabbed and held her son at knifepoint on multiple occasions. Kira went to the police for help twice, but they turned her away. Kira and her son fled to the United States in search of protection, but were instead detained.

A Ph.D. clinical and forensic psychologist diagnosed Kira with “very severe Post Traumatic Stress Disorder.” The psychologist found that Kira was experiencing “very intensely” all five listed intrusive symptoms: unwanted thoughts and memories; distressing dreams of trauma; flashbacks; intense distress when reminded of events; physical reactions like palpitations or constricted breath.

The psychologist diagnosed Luis with “severe anxiety and depression.” Luis’s “condition has worsened physically and emotionally in the nearly five months that he and his mother have been in detention,” the psychologist concluded:

[Luis] eats little and is losing weight. He has had a series of copious nosebleeds, the cause of which is still undiagnosed. He is socially withdrawn and keeps asking his

mother if they can leave this place. ... When his mother was emotional, he leaned against her as if to comfort her and reassure himself.

Continued detention is “exacerbating her suffering and that of her young son.” It is also putting Luis “at risk for lifelong emotional problems.” The psychologist recommended that Kira and Luis “be released from the Artesia center immediately and helped to reach a safe, supportive family environment.”

Complainant 9: “Olivia” Olivia and her 3-year-old son were detained for over 3 months at the Artesia Family Residential Center. Olivia and her son fled Honduras to escape the violence perpetrated by her son’s father. He repeatedly beat and raped her, sometimes twice a day and often in front of her son. The police did nothing to help Olivia and each time she tried to escape her abuser sent members of his gang to force her to return home. When her 3-year-old son interfered with his acts of abuse, Olivia’s partner beat him with a belt and held a gun to his head before forcing the gun into Olivia’s mouth.

Their detention had a detrimental impact on both of them. Her son would ask his mother if the ICE officer was going to shoot him when the ICE officer would reprimand him. His weight decreased dramatically throughout the time he was detained; he weighed 55 pounds when they left Honduras, and after a month in detention weighed 39 pounds. Olivia had nightmares and suffered from hair and weight loss.

Olivia was diagnosed with severe Post Traumatic Stress Disorder and Major Depressive Disorder in detention. One of the two psychologists who evaluated her concluded:

She has been repeatedly beaten and sexually violated. The beatings and sexual assaults became increasingly violent. The threats to her life were increasingly intense. ... She has profound shame about what has happened to her. She feels fear, horror, guilt and other trauma related emotions persistently. ... [She] is a profoundly traumatized young woman who has all the symptoms and more required to meet the criteria for a diagnosis of Post Traumatic Stress Disorder.

Her son was diagnosed with Post Traumatic Stress disorder at age 3. His scores were above the 99th percentile for symptoms of Anxiety and Depression, and for post-traumatic symptoms in the Intrusive, Avoidant and Arousal/Reactive criterion clusters. “[He] also had a significantly high score for Sexual Concerns. This likely is another reaction to his traumatic witnessing of the repeated rape of his mother.”

The second psychologist concluded: “[I]t is my opinion that both mother and son will continue deteriorating emotionally until they are in a safe family environment. [Olivia] is distraught to see her son becoming more anxious and depressed in spite of her best efforts to keep him happy.”

Complainant 10: Maria Maria and her 9-year-old son “Daniel” were detained for 6 months at the Karnes County Residential Center. Maria and Daniel fled Honduras for the United States because of severe domestic violence that included the rape of Maria at knifepoint with Daniel

nearby. During their months in detention, Maria relied on her Christian faith to maintain hope and prayed constantly. Daniel lagged in school and regularly felt sick to his stomach.

In detention, Maria experienced “inconsolable crying, lack of appetite, headaches, extreme fear, and inability to sleep and to stay asleep.” She shared with the counselor “the immense sadness and guilt she often feels about the abuse she has experienced.”

Maria struggled to speak to her attorneys about the intimate violence she suffered. “I strongly believe she has been a victim and has survived severe domestic abuse,” the licensed mental health counselor who evaluated Maria at Karnes concluded.

Throughout their session, Maria spoke of “her intense fear of her most recent ex-partner carrying out his threat of killing her for having him reported to the police, leaving him, and disobeying his threats.” “In fact, leaving the abusive relationship considered the most dangerous part of domestic abuse,” the counselor noted. “I fear that Ms. Lopez is in particular danger now that she has fled to the United States in an effort to escape her recent ex-partner and his abuse.”

Young Daniel had witnessed many of the incidents of abuse and had been assaulted when he came to his mother’s aid. A survivor of severe trauma in his own right, Daniel suffered further traumatization in detention. He “cries inconsolably, continues to have nightmares, has experienced enuresis and headaches, was set back a grade in school, and has ear pain.” During his nightmares, he often cried out, “Let’s go, don’t leave me.”

“[D]etention is related to negative and persistent mental health outcomes, including depression, PTSD, and anxiety,” the counselor noted. “Detention is neither developmentally nor socially appropriate for children.” The “controlling factor” of living in a detention center “leads to re-traumatization and intensifies fear in the survivor,” she explained. This research was perfectly reflected in Daniel’s case:

[Daniel] specifically reported an inability to understand the reasons why they are locked up and cannot leave. [Daniel] expressed his immense sadness at seeing his friends leave the detention center and being left to wonder why he and his mother cannot leave.

“It is clear that [Daniel] needs therapeutic services related to the trauma he experienced and that detention impedes recovery for Ms. Lopez and her son,” the counselor concluded.

Conclusion

The United Nations Committee on the Rights of the Child has found that “[t]he detention of a child because of their or their parent’s migration status constitutes a child rights violation and always contravenes the principle of best interests of the child.”¹² We urge your office to consider

¹² Recommendation 79, General Day of Discussion, 2012, available at: http://www2.ohchr.org/english/bodies/crc/docs/discussion2012/2012CRC_DGD-Childrens_Rights_InternationalMigration.pdf

the extensive evidence of the detrimental impact of detention on children and families, both internationally and in the current U.S. family detention context, as you investigate the attached complaints. These and similar cases so profoundly illustrate that the detention of children and their mothers in ICE's family detention facilities cannot be carried out humanely and without seriously damaging, potentially irreversibly, their health.

Respectfully submitted,

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CATHOLIC LEGAL
IMMIGRATION
NETWORK, INC.



July 30, 2015

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Department of Homeland Security
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RE: ICE’s Failure to Provide Adequate Medical Care to Mothers and Children in Family Detention Facilities

Dear Ms. Mack and Mr. Roth:

The undersigned organizations, American Immigration Council (“the Council”), American Immigration Lawyers Association (“AILA”), Catholic Legal Immigration Network, Inc. (“CLINIC”), Immigrant Justice Corps, Refugee and Immigrant Center for Education and Legal Services (“RAICES”), and the Women’s Refugee Commission (“WRC”) jointly file the present complaint on behalf of several mothers and their children who received substandard medical care while detained at the family detention facilities in Dilley and Karnes City, Texas, and Leesport, Pennsylvania. The cases summarized herein demonstrate that Immigration and Customs Enforcement (ICE) has failed to ensure adequate medical care for mothers and children in family detention facilities. In particular, they illustrate the myriad ways that mothers and children have suffered due to inadequate access to and quality of care, a lack of opportunity for informed consent, inadequate oversight and accountability, and questionable medical ethics.

The complaints detailed below provide only a sample of the many stories of inadequate medical care that our organizations have encountered at the three family detention facilities.¹ Other women have declined to share their problems in accessing medical care for fear that it will negatively impact their immigration cases. These examples mirror the suffering of so many other mothers who, like the complainants, do not understand the medical decisions that are being made for them and their children, and who feel powerless to object or seek alternate help.

Mothers and children often enter the detention centers with injuries or illnesses that remain untreated throughout the duration of their detention. Others develop ailments throughout their stay. The detention of sick mothers and children, when they could be released to families, friends or community-based organizations willing to take them in, is inhumane. The examples detailed below, along with similar cases, so profoundly illustrate that the detention of children and their mothers cannot be carried out humanely, but instead causes or exacerbates serious and potentially irreversible damage to their health. We urge your office to conduct a prompt and thorough investigation into these complaints and to take swift action to fully address the systemic problems highlighted by these complaints.

The cases summarized in this complaint reflect the following disturbing trends:

- **Medical professionals provide insufficient information about medical care to mothers and disregard their concerns, the information they provide, and their complaints.** For example, mothers reported not receiving information about the types of vaccinations their children received and being ignored when informing medical staff that their children had already received vaccinations. In one case from the Berks facility, a mother suffered from a heart condition and was never given a diagnosis.

¹ A previous complaint, filed by AILA, WRC, and the Council on June 30, 2015, raises serious concerns about the psychological impact of family detention on mothers and children seeking asylum.

- **Medical staff frequently direct mothers and children to “drink more water” regardless of the illnesses or injuries presented**, including in cases of broken bones, concerns over weight loss, and following fainting spells. As described further in the complaints below, water was prescribed to treat a variety of ailments, including for a mother detained at Dilley who was vomiting with a fever after having her appendix removed at a hospital offsite. Similarly, another mother at Dilley was told to drink water after she presented with broken bones in her hand. Another child at Dilley suffering with diarrhea for over two weeks was told to drink water by a nurse after waiting in line for 6-7 hours a day for 7 days in a row. At Berks, a toddler who was vomiting blood was advised to drink hot or cold water.
- **Women and children reported wait times of three to fourteen hours to receive medical care.** These wait times routinely occur in cases of serious and urgent conditions. In at least one instance, a mother who had to leave the medical line after waiting for hours was forced to sign a letter stating she refused medical care.
- **Lack of Appropriate Follow-Up Treatment:** For example, one mother detained at Dilley had been diagnosed with breast cancer and was promised an appointment with a breast cancer specialist that never took place. A prescribed follow-up appointment for a mother who had gallbladder surgery while held at Dilley also did not happen. The facilities have also failed to provide prescribed medications to some detained mothers and children. For example, even after two different outside doctors prescribed antibiotics for a five-year-old girl with a vaginal infection who was detained at Karnes, her medication never arrived.
- **Vaccinations were administered to children without meaningful informed consent from their mothers.** In early July, guards and medical staff woke families detained at Dilley between 4 and 6 am and directed them to the chapel, where vaccinations were administered to children. The mothers had received no prior notice of the appointments, were not told which vaccinations would be administered, and were denied any opportunity to provide existing vaccination records. Moreover, medical staff ignored mothers who attempted to explain that their children had already received vaccinations.² Over 250 children were subsequently injected with an adult dose of Hepatitis A.³ Further, the manner in which these vaccines were administered during the night without advance notice or informed consent by the mothers raises serious ethical issues.

In addition to investigating the specific cases described above, we urge your offices to conduct a broader investigation of the medical care provided at ICE’s family detention facilities. 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. Family detention is especially inappropriate given that most of the women and children detained at Dilley, Karnes and Berks could be released to

² See U.N. Children’s Fund [UNICEF], State of the World’s Children 2015 Country Statistical Information (last visited July 23, 2015), available at http://www.data.unicef.org/corecode/uploads/document6/uploaded_pdfs/corecode/SOWC_2015_all-countries-update_214.xlsx (showing at least 90% immunization coverage in El Salvador, at least 87% in Honduras, and at least 81% in Guatemala of the standard vaccines administered worldwide according to UNICEF).

³ See, e.g., Michael Bajasas, Houston Press, *Hundreds of Detained Kids in Texas Accidentally Given Overdose of Hepatitis A Vaccine*, (July 7, 2015), available at <http://www.houstonpress.com/news/hundreds-of-detained-immigrant-kids-in-texas-accidentally-given-overdose-of-hepatitis-a-vaccine-7570228>; Amy Silverstein, Dallas Observer, *Texas Immigrant Prison Accidentally Gave a Bunch of Kids an Adult-Strength Vaccine*, (July 9, 2015), available at <http://www.dallasobserver.com/news/texas-immigrant-prison-accidentally-gave-a-bunch-of-kids-an-adult-strength-vaccine-7381479>; Natalie Schachar, *Children at detention center given adult doses of hepatitis A vaccine*, L.A. TIMES (July 4, 2015), available at <http://www.latimes.com/nation/nationnow/la-na-detention-center-hepatitis-20150704-story.html>; Jason Buch, *Children at Dilley immigration detention center get adult dose of vaccine*, MYSANANTONIO.COM (July 3, 2015) available at <http://www.mysanantonio.com/news/local/article/Children-at-Dilley-immigration-detention-center-6365815.php>; Christina Costantini, *‘Drink more water’: Horror stories from the medical ward of a Texas immigration detention center*, FUSION.NET (July 14, 2015), available at <http://fusion.net/story/165837/dilley-detention-center-horror-stories-from-the-medical-ward/>.

sponsors in the United States or—if none are available—community-based support programs that would facilitate access to medical care and other services. In the wake of U.S. District Court Judge Gee’s recent ruling that family detention is incompatible with the standards set forth in the *Flores* Settlement Agreement, we further urge DHS to take this opportunity to end family detention once and for all.

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

Sincerely,

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Complainant #1: “Jessica”¹ Jessica is a 29-year-old mother of two who fled Honduras after the M-18 gang targeted her as a woman living without a male protector. Jessica and her two children, ages 4 and 6, received the varicella vaccination approximately five days after arriving at Dilley. When Jessica advised medical staff that her children had already received the varicella vaccination in Honduras, she was told that everyone detained at the facility had to get the vaccination. On July 1 or 2, two officials woke Jessica and her young children at 4:30 am and told them to go to the chapel for a medical appointment at 5 am, where they waited for two hours before being seen. Jessica took her children’s vaccination cards with her to show the officials that their vaccinations were current. A uniformed official told Jessica that her children were still missing vaccinations, although he did not specify which vaccinations needed to be administered. Shortly afterward, women wearing white gave Jessica’s son and daughter vaccinations, but did not tell her which ones or provide any documentation containing that information. The next day, around 5:30 am, two officials woke the family and asked if the children had any fever or other problems. After Jessica indicated that the children were fine, the officials left.

When Jessica was forced to flee Honduras, she had been recently diagnosed with breast cancer. At Dilley, Jessica went to the clinic to try to speak to a doctor about her medical concerns. After waiting for five hours, in pain, in a cold room, clinic staff told Jessica that the doctors were there to see the children and there was nobody there to see her. She did not receive any pain medications. That night, a staff member told Jessica that a specialist would attend to her the next day. The following day, Jessica inquired at the medical clinic about the specialist, but an officer and a nurse confirmed that there was no specialist and sent her back to her room without any medicine. The next day Jessica had a headache so painful that she was vomiting, but having lost hope in the clinic, she decided not to return to attempt to seek treatment because she did not want to wait in the cold room and be turned away again. Jessica later suffered from vomiting for nine days, non-stop. When she first started vomiting, she waited to see the doctor for six hours without being seen. She returned, after seven days of vomiting, and waited seven hours to see the doctor. Jessica has lost thirteen pounds since being detained.

Complainant #2: “Mira.” Mira is a 22-year-old Salvadoran woman detained with her three children, ages 6, 4, and 2. She is engaged to a U.S. citizen and had planned to enter the U.S. legally, but was forced to flee suddenly when gang members threatened her life in El Salvador. Before Mira even arrived at Dilley, she was held for a week by CBP and was sick, vomiting, and unable to eat, but refused medical care upon her request. At 5 am on June 30, CCA officials at Dilley woke Mira and informed her that her children had to go to a doctor’s appointment. When Mira asked why, the officials did not respond, instead ordering her and her children to follow him. The official led them to a place outside the communal bathroom where more than 20 other mothers and children were gathered, having also just been woken up. The official then led the group to the chapel, which was filled with women and children. Mira learned from other women that the children were going to receive vaccinations. After they had waited for almost five hours, medical staff informed Mira and the other women that the vaccines were mandatory and handed them a list of vaccines the children would receive. When Mira informed medical staff that her children had already received all of the listed vaccines, the doctor told her that they would be administered again. Within two or three days, Mira’s two-year-old child was vomiting, with a

¹ Pseudonyms are used to protect the identities of the mothers submitting this complaint. Full names and Alien registration numbers will be provided concurrently with this complaint to CRCL and OIG.

high fever and a terrible cough. Mira has tried three times to take him to the clinic, but has been repeatedly told that she could not see a doctor without an appointment and advised to return the next day.

Complainant #3: “Irena.” Irena is a 27-year-old woman from El Salvador who fled after gang members threatened to cut out her tongue because they believed she was reporting their activities to the police. She and her two-year-old son Oscar are detained at Dilley. Officers woke Irena and Oscar at 5:30 am and ordered them to go to the medical clinic. There, Oscar received five vaccinations. Although Irena told the officer that her son was up to date on his vaccinations, the officer responded that there was no way to prove that and her son thus needed to get all of the vaccinations. A nurse roughly administered the vaccinations into Oscar’s leg. After the vaccinations, he could not walk. That night, he spiked a high fever. Irena did not take him to the clinic because she had heard from other women that the clinic staff would not do anything for a child with a fever following vaccinations. After a few days, a nurse came early in the morning to see if any children had developed fevers following the vaccinations and indicated that the children had received an adult dose of one of the vaccines. Later that day, Oscar developed a problem with his eyes. He cried and rubbed his eyes, unable to sleep. When Irena took him to the clinic, the doctor said his eye problem was viral and had nothing to do with the vaccinations. Since receiving the vaccinations, Oscar has eaten very little.

Complainant #4: “Lillian.” Lillian fled Honduras after a gang beat her 10-year-old daughter and threatened both of their lives. She arrived at Dilley with ten-year-old Rosa on June 3, 2015. After a six-hour bus journey and waiting eleven hours to be showed to her room, Lillian got on her knees to pray, but around 8 pm she fainted. She awoke in a hospital, receiving intravenous fluids and oxygen. A cardiologist and neurologist examined her and she underwent various tests. Upon discharge from the hospital, Lillian received her medical records. Returning to Dilley at 4 am, she was transported directly to the medical clinic, where she handed over the papers she received at the hospital. Lillian was returned to her room with sleeping medication and woke up later that day to see the doctor. Lillian asked the doctor for her medical records and the doctor told her that she “did not need them” because the medical results were “fine.”

On Thursday June 25, an official came to Lillian’s room at 6am and woke her for a medical appointment at 9 am with a doctor. That day, Lillian and Rosa waited about 14 hours to see the doctor, with Rosa missing school. At 11 pm that night, Lillian told clinic officials that she needed to take Rosa, who had fallen asleep, to bed. She was told that her doctor’s appointment would be rescheduled, but she never actually received another appointment. Lillian felt light headed and dizzy for the next five days until she fainted again on June 30. She awoke in the medical facility at Dilley, unable to speak or move. Lillian remembers medical personnel pounding her chest repeatedly and telling her to stay awake. For a week afterwards, Lillian’s chest was swollen and bruised and ten-year-old Rosa applied cream to her mother’s chest.

During this same incident on June 30, in an attempt to give Lillian intravenous fluids, two medical personnel pricked Lillian with a needle seven times and laughed each time they were unsuccessful locating a vein. Lillian cried out in pain for them to stop. Despite her request for them to stop, the women continued and found a vein in her other hand and inserted a tube with fluids. Lillian was then wheeled on a stretcher to an ambulance, where the EMT immediately took out the tube and showed Lillian that the needle was bent, saying “look what they did to you,” telling her that the two women did not know how to insert the tube. At the hospital Lillian

again received treatment from a cardiologist and neurologist, underwent various tests, and received oxygen. At one point a nurse handed Lillian paperwork, explaining that the doctor at Dilley would explain the results to her. When Lillian was brought back to Dilley, she saw a doctor who asked for the hospital paperwork. The doctor threw the papers on top of a black bin on the floor by a desk. Lillian asked if she could keep the papers because she may need them and tried to pull the papers out of the bin. The doctor then seized the papers, placing them behind her computer out of Lillian's reach. Lillian explained to the doctor that she was still having severe headaches, the right side of her face would become swollen, her right eye red, her left arm felt like pins and needles, and her hand become pale with purple spots on the palm. The doctor told Lillian she needed to see a psychologist.

Lillian has seen a psychologist on four occasions since arriving at Dilley, each time for around only ten minutes and each time in the presence of her ten-year-old daughter. Lillian desperately wanted to share what she was feeling with the psychologist but felt inhibited by the presence of her daughter, who would cry if Lillian started to tell her story. Lillian asked if her daughter could play outside the consultation room but the psychologist told Lillian that she needed to stay in the room and gave Rosa some gum to try to calm her down.

Lillian's concerns for Rosa are mounting. Rosa has asked her mother why they cannot leave and asked "what if we die? Can we leave then?" Only ten years old, Rosa has told her mother that she will never forget this experience. Distraught and overwhelmed about the effects of detention on Rosa, Lillian went to the bathroom intending to slit her wrists with a razor. After this event, Lillian met for the fourth time with the psychologist. After disclosing her suicide attempt to the psychologist, Lillian and Rosa were held in isolation for three days. Rosa cried and begged to leave the room but the psychologist told her that she had to stay with her mother. Rosa was bored, angry, and sad in isolation and Lillian felt immense guilt for separating Rosa from the other residents in the facility because of her depression and suicide attempt.

A doctor visited Lillian when she was in isolation, telling her he wanted to talk to her about test results revealing a "black shadow" in the upper right side of her face, where her headaches originate. He explained that they wanted to do tests in the morning and would be drawing a lot of blood. Lillian asked why she needed tests when the other doctors had told her that the previous test results had been fine and the doctor said, "I don't know why they didn't explain the results earlier." The doctor examined Lillian and found extreme pain on the left side of her body, near her womb. He told Lillian that he would order a prescription for her and that the next day she would have blood drawn. No one showed up the next day to draw blood. A psychologist came the next day and inquired about the blood tests, and when the psychologist realized the tests had not occurred, she told Lillian the blood would be taken the next morning. Again, the next morning, no tests were performed.

Complainant #5: "Francisca." Francisca fled Guatemala after a gang threatened her and her daughter. While Francisca was detained at Dilley, she felt a sharp pain in her stomach and arrived at the medical clinic at around 3 am. She waited at the clinic for nearly six hours before finally being transferred, in extreme pain, to a hospital. At the hospital, the decision was made to immediately remove her appendix. Francisca knew her child was being cared for by an official, but was concerned about his welfare. Francisca's appendix was removed on June 14 and she was transferred back to Dilley the same day. Even immediately after this surgery, Francisca had to walk from her room to the medical clinic twice a day to receive her pain medications. Following

the surgery, she was running a high fever and constantly vomiting. She sought medical attention at the clinic, arriving at 9 am and was forced to wait for five hours to see a nurse, who told her to return to her room and drink water. The next day, Francisca felt even worse but had lost faith in the clinic, so did not return to the clinic for help because she knew she would not get any medical attention. Eventually, as her symptoms increased, she returned to the clinic and upon arrival fainted from exhaustion and sickness. She woke up in a bed and was told to go home and drink water.

Complainant #6: “Melinda.” Melinda is a 20-year-old mother who fled a lifetime of abuse in El Salvador, beginning with rapes and physical abuse at the hands of her stepfather as a young girl, and then an abusive relationship that she entered into at age eleven with a partner who beat her so badly that she miscarried and used his connections to the gangs to intimidate and control her. Melinda arrived at Dilley with a broken hand after a gang kidnapped, raped, and beat her constantly for five days. She fled after the gang threatened to kill her after she sought treatment at the hospital. On arrival at Dilley Melinda showed officials her broken pinky finger, sticking out to the left of her hand. Officials told her that it did not matter, that nothing was wrong, and that she should drink some water. Melinda decided to see the doctor anyway. The doctor did not examine Melinda, but looked at her hand, told her nothing was wrong, and that she should drink water. Melinda continues to experience pain in her hand. She is unable to move two of her fingers and they are bent in the wrong direction. She has extreme pain in her wrist and hand and has trouble sleeping and writing. At one point, Melinda sought medical treatment for her son, who recently turned 4 in detention, who was vomiting with a fever. After six hours of waiting to see the doctor, the doctor told Melinda that her son should drink water and that he should see a psychologist, because there was nothing physically wrong with him. A second time, Melinda took her son, who again was vomiting with a fever, to the clinic. She was advised that she would have to wait for six hours, which she knew would only make her son sicker, so she left, after being forced to sign a form saying that she refused medical attention for her son. Melinda’s son became so sick that he virtually stopped eating. She did not feel like she could take him to the clinic because she did not think she would get help and would only be told to have her son drink water. Her son wakes up from his sleep coughing. When she arrived at Dilley, her son weighed fifty pounds and now weighs only thirty-nine pounds.

Complainant #7: “Yaniret.” Yaniret is a 24-year-old mother fleeing threats of death in her native Honduras. Yaniret was detained with her five-year-old daughter, Cecilia, at Karnes for fifty-two days. Yaniret and her daughter suffered with inadequate medical treatment and indignity at Karnes that left her feeling powerless, eventually resulting in self-harm. In early May, Yaniret took her daughter to the clinic at Karnes because she noticed her daughter had a strange vaginal secretion. The doctor at Karnes told Yaniret he would take a swab from the outer areas of little Cecilia’s vaginal lips, but instead shoved a probe deep into her vagina. Cecilia screamed in pain. The same day, Yaniret and her daughter were taken to a clinic outside of the detention center. The doctor who examined Cecilia wrote a prescription for antibiotics for Cecilia’s infection. Back at Karnes, however, Yaniret was never able to access these prescribed antibiotics for Cecilia. She felt very upset about how little power she had over the health of her daughter.

At the end of May, GEO staff members took Yaniret and Cecilia to a different outside doctor to examine her infection. Cecilia refused to be examined, crying and hysterical, because she was

traumatized from the first doctor's rough handling and shoving of a probe into her vagina. In the first week of June, Yaniret spoke with a woman from the Honduran consulate who later accompanied Yaniret and Cecilia to another outside clinic. The doctor confirmed that Cecilia needed medicine and wrote a second prescription. Back at Karnes, however, Cecilia never received the prescribed medication. Several times Cecilia was told that she would be able to leave without a bond and several times ICE or GEO officials rescinded this offer. When Yaniret spoke with a journalist and showed her a diaper of Cecilia's secretion that was untreated, GEO staff members denied her food. Yaniret also spoke out when Congressional officials visited Karnes. Soon after this, she was assigned to another ICE deportation officer and her bond was set at \$8500, an amount Yaniret was unable to pay. As her daughter suffered in detention, Yaniret felt that "ICE and GEO were taking away my ability to be a mother." She was unable to obtain a new pair of shoes for GEO when little Cecilia's shoes wore through at the sole, and was forced to send Cecilia to school in socks. At one point, GEO staff members threw food at Yaniret. Feeling powerless and depressed, Yaniret resorted to self-harm. She fainted and was put in isolation in the medical unit. She was stripped naked against her will, wearing only a heavy green jacket. Yaniret asked the doctor to speak to her attorney and he responded that she could not talk to anyone. Yaniret remained in isolation, but could hear her daughter crying from a room nearby. The same doctor later referenced Yaniret cutting herself in front of her five-year-old daughter, understandably not something that Yaniret wanted little Cecilia to know.

Complainant #8: "Maria." Maria arrived at the Berks family detention facility as a 19-year-old mother, fleeing severe domestic violence and gang violence in Honduras. She was detained for over 11 months with her toddler, Flor. Maria suffered from a heart condition, which manifested while in detention. Although there are at least two medically documented instances where she fell unresponsive and had to be revived in detention; she never had a formal diagnosis nor was she given medication. For a period of time, Maria was required to carry a heart monitor with her throughout the detention facility. She was regularly dizzy and suffered with blurry vision, chills, and losing consciousness. On one occasion, she collapsed in the bathroom and fell unconscious, resulting in a black eye, swollen cheek, and severe contusions on her arms. After coming to, she was simply told to lay down and drink water, rather than being sent for care or tests.

Flor also suffered from numerous illnesses in detention. After 10 months in detention, she started vomiting large amounts of blood. When Maria took Flor to the clinic, she was told that her daughter was fine, and simply to drink hot or cold water. Flor continued to vomit for three days, and was never taken for external medical care or hospitalized. Blood stained her clothing, bed, and the floor. Other mothers at the facility, terrified by this situation, attempted to reach out to local lawyers for help. It was not until Flor was struggling to walk and had not eaten to days that she was finally taken to the hospital. Although Maria had requested yogurt as something her daughter might eat, she was told that she would need a prescription for special food. Flor received no further testing or follow-up care after her hospitalization. A Berks physician also determined that she did not need the medication prescribed by a doctor outside the facility. Eventually, after Maria's lawyer notified an external pediatrician who, upon hearing the story and seeing photos of the bloodstained shirt, called the state child abuse hotline. After this, Flor received another doctor's appointment and an appointment with a specialist, scheduled for a month after her final court hearing. She was released from Berks – after 11 months detention – when she and her mother were granted relief. They are now receiving care outside the facility.

Complainant #9: “Iliana.” Iliana was detained at Berks with her two-year-old daughter for over 9 months. After 4 months of detention she began to experience severe headaches and blackouts. She was brought to an eye doctor outside of the facility who determined she suffers from glaucoma and is legally blind and referred her for an MRI because the doctor sensed a more serious condition. It took several months and unexplained outside doctors’ visits before she was finally given a diagnosis of Chiari malformation, a brain condition where the spinal cord does not full cover the brain tissue. Iliana had already been diagnosed with Post-traumatic Stress Disorder, both by the in-house social worker and an outside psychiatrist. Despite these severe mental and physical health conditions, ICE refused to parole her. She also had some dental issues and was taken on a 4-5 hour trip to Philadelphia because the staff insisted that five teeth had to be removed at once, and could only find a dentist in Philadelphia willing to do so. Her face was very swollen from the tooth removal, and she could not eat or talk. It was while she was in that condition that ICE ultimately decided to release Iliana and her two-year-old daughter immediately.

Complainant #10: “Jocelyn.” Jocelyn fled from her native El Salvador when gangs targeted and threatened her. She was detained at Dilley with her two-year-old son, Luis, for more than 2 months. During her detention, Luis had diarrhea for 15 days that was not treated. Jocelyn sought medical attention for him for at least 7 straight days and each day she was turned away after a six or seven hour wait. She only saw a nurse once and was told just to have her son drink water. Her son also has ball of flesh on his arm which was bleeding and secreting puss and the doctors did not do anything about this. At Dilley, her son cried from the pain in his arm.



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, 2015.¹ 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

¹ 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.

* * *

Complainant #1: “Alma.”² 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

² 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.³ 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.

³ 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.

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.⁴

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.

⁴ 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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