

[MotherJones.com](#) [News](#) [Commentary](#) [Arts](#) [Discuss](#) [Reader Services](#) [About Us](#)

To print this page, select "Print" from the File menu of your browser

.....

[MotherJones.com](#) / [News](#) / Update

Detention Center Blues

Inside a former Texas prison where children—even infants—are held with their families on immigration charges. " />

Josh Harkinson " />

February 06" /> , 2007" />

Inmate Faten Ibrahim was unlikely to escape. She lived at a compound built as a prison for Texas' worst criminals, within a perimeter of razor wire. Her eight-by-eight-foot cell offered only a thin sliver of window, her toilet in an open corner left no cover for stashing break-out tools, and, at any rate, cracking the cell's thick steel door at night would have tripped an alarm. She certainly wasn't going to try bolting, especially since Faten, who lived in the cell with her mother for three months, is five years old.

Despite the minor threat that children such as Faten Ibrahim pose on their own, the Immigration and Customs Enforcement Agency has nonetheless begun detaining them along with their parents on illegal immigration charges. The move is a response to the agency's decision in August to end its controversial practice of "catch and release," in which migrants with children detained on U.S. soil were typically set free and told to show up later in court, but often disappeared instead. The agency will now detain families until their asylum and deportation cases are resolved, a strategy that is intended to prevent undocumented immigrants from going on the lam while also keeping their family units together.

Of the two all-ages detention facilities operated by the government, the T. Don Hutto Family Residential Center, which opened in May, is the newest and largest, and holds roughly 200 minors and their relatives who have been arrested or detained across the border. It is the only detention center housed in a former prison, and agency officials say it has been extensively renovated into "a modern, state-of-the-art facility."

Yet lawyers and human rights advocates question the ethics and legality of imprisoning children and say T. Don Hutto is, regardless, a bad place to start. "It's clearly not a setting that is appropriate for families," says Michelle Brané, an investigator with the Women's Commission for Refugee Women and Children who toured the facility late last year. She says a typical prison routine still exists there: all children who are big enough must wear scrubs akin to prison uniforms, and there's little to occupy their time besides lounging in the "pod," the communal space walled off by prison cells. When not hanging out there, children receive a single hour of physical recreation each day and, at the time Brané visited, a single hour of schooling in the form of an all-ages English class. (The classes were upped to four hours recently, and are expanding to the seven hours required in Texas public schools.) Brané was not impressed

by efforts to brighten the pod with carpet and a mural depicting an ocean scene: "It's definitely a penal environment."

Faten, the five-year-old detainee, suffered from nightmares and often sobbed uncontrollably at T. Don Hutto, according to a lawsuit seeking her family's release that was filed late last month by a private attorney. In one instance she was "yelled at and threatened with 'punishment' for her failure to 'stand still'" during the prison's daily population count, the suit said. Her mother, Hanan, who is now five months pregnant, complained of being too tired to join daily showers at 5:30 a.m., but was told that if she didn't she could be put in solitary confinement, according to the suit. To see a gynecologist, according to the lawsuit, Hanan had to travel two hours away, bound in leg irons the entire time, for each prenatal appointment. Her absence from the pod so upset Faten and her siblings, aged eight and 14, that their mother stopped seeking medical treatment rather than leave them alone. The suit also claimed that the family members, who are Palestinian, were denied halal food at the prison cafeteria, prenatal vitamins for Hanan, and psychological counseling. "They were treated as inmates," said attorney Joshua Bardavid, "rather than a family being held for immigration reasons."

The Ibrahims are far from the only residents to complain of ill-treatment at T. Don Hutto, where operations are run by the controversial prison staffing company Corrections Corporation of America. Lawyers with the University of Texas Immigration Law Clinic, which has represented some 25 of the inmates, say several have reported weight loss and frequent vomiting, and parents have been unable to tend to sick children at night because rules ban them from leaving their cells after curfew. Other women have also complained of a lack of prenatal and mental health care. "I'm not a psychologist, but I go talk to these people, and they are just in shambles," said law fellow Frances Valdez. "I mean, they are losing their humanity." UT law professor and clinic director Barbara Hines believes imprisoning children is on its face unethical. "I've been doing this for thirty years," she said, "and I haven't been this upset about something in a very long time. It's just heartbreaking to go in there."

Immigration agency spokeswoman Nina Pruneda did not respond to inquiries about the T. Don Hutto facility by press time, but forwarded an email detailing the center's selling points, which include adult classes—in parenting, English, family counseling, and arts & crafts—and facilities such as a library, gym, and playground. Human rights investigators said access to the gym and playground is limited to a total of one hour a day, during the allotted recreation time. Many of the children kill most of their time fighting over a Sony Playstation in the pod, Brané said. She said the center was most lacking in developmental toys for younger children, especially soft toys such as stuffed animals that would be important to children experiencing trauma.

Some attorneys and human rights experts question whether incarcerating children in T. Don Hutto is actually legal. A 1993 Supreme Court decree to the immigration agency requires it to do its best to detain children and their parents together, but the agency must also hold the minors in the least restrictive setting possible. Human rights workers note that the nation's other family detention center, the Berks County Youth Center in Pennsylvania, offers a much more laid-back environment: it opened in 2001 in a former nursing home and doesn't require residents to wear prison scrubs or live in cells. "There's other settings that they could find besides a prison," attorney Bardavid said. Something "a heck of a lot less restrictive."

Still, the government argues that family detention centers are generally the most humane way to enforce immigration laws effectively; in March, Homeland Security Secretary Michael Chertoff said he plans to open more of them. The move has come in part

from concern that children are being used as foils to facilitate border trafficking. Some smugglers have exploited the agency's "catch and release" policy by smuggling groups of immigrants along with random children, then claiming the group was a family when caught, ensuring their release.

The American Civil Liberties Union contends that such problems could be addressed more cost-effectively and humanely if the government provided better incentives for migrants to show up for court dates. "There have been studies that show if you combine general monitoring with other social services you get a good return rate that is cheaper than detaining people," said Tom Jawetz, an attorney with the ACLU's National Prison Project.

The costs of holding immigrants while they await the outcome of trials can drag out; some families in the Berks facility have been detained up to two years. The Ibrahims were denied political asylum in the United States in 2004, which normally would have led to their deportation, but for unknown reasons the Hamas-led Palestinian government wouldn't grant them permission to return, according to the lawsuit. They were sent to T. Don Hutto in November 2006 and left in limbo as attorneys sent letters around the world asking other countries to take them in. In a highly unusual move last Friday, the Board of Immigration Appeals—reversing years of previous decisions—reopened the Ibrahims' case when it found they could be tortured by Hamas if they returned to the West Bank. On Saturday, Hanan and her children were released.

To date, much about the family detention centers remains unknown. A request to visit T. Don Hutto submitted by the *Austin-American Statesman* has gone unfilled since December, though the first-ever press tour has finally been scheduled for the end of this week. The TV interviews, should they be allowed, might not be pretty; when Brané recently interviewed detainees there, nearly every person she spoke with cried. She will release a report of her findings later this month and doesn't believe that T. Don Hutto can ever be made into a place that would be suitable for minors. Before she left the facility that day, a child ran up and pressed a folded piece of paper into her hand. "Help us," the note said, "ask questions."

Josh Harkinson is an investigative reporter at *Mother Jones*.

[✉ E-mail article](#)

.....

This article has been made possible by the [Foundation for National Progress](#), the [Investigative Fund of Mother Jones](#), and [gifts from generous readers like you](#).

© 2007" /> The Foundation for National Progress

.....

[Support Us](#) [Advertise](#) [Ad Policy](#) [Privacy Policy](#) [Contact Us](#) [Subscribe](#)