

# URGENT ACTION

## FOUR FAMILIES DETAINED FOR OVER 500 DAYS

**Four young children and their mothers are seeking asylum in the US after escaping horrific violence in their home countries. They have been held at a US Immigration and Customs Enforcement centre in Pennsylvania for over 500 days despite having pending applications for legal permanent residency.**

**Antonio (7), Carlos (4), Josué (3), Michael (16)** and their mothers **Marlene, Lorena, Teresa and Maribel** (all names changed to protect identities) have been held at the Berks County Residential Center, a US Immigration and Customs Enforcement (ICE) detention centre in Pennsylvania, for over 500 days. Each family is seeking asylum in the US after fleeing traumatic and life-threatening events, including kidnapping threats and severe physical and sexual violence, in their home countries of Honduras and El Salvador. The Berks County centre currently holds 34 families, many of whom come from the Northern Triangle countries of El Salvador, Guatemala, and Honduras, a region where Amnesty International has documented extreme levels of violence and insecurity.

The families report declining physical and mental health in the detention centre. Josué suffers from severe allergies, and his mother has been diagnosed with post-traumatic stress disorder and depression, which, according to an independent psychological evaluation, is worsening in part due to detention. An independent doctor diagnosed Michael with depression, while his mother has a visible lump in her breast that may require surgery.

Authorities granted all four children Special Immigrant Juvenile Status (SIJS) in late 2016 and each have pending applications for legal permanent residence. To obtain SIJS, a state court determined that it is not in the minors' best interest to return to his or her home country. Under US law, a minor with SIJS is considered to have been paroled in the US. Authorities issued three of the children their Employment Authorization Document in January 2017 while the fourth awaits his. The 3<sup>rd</sup> Circuit Court of Appeals granted all four mothers stays of removal while they challenge their removal orders in federal court. Additionally, each of the four families has an unchallenged sponsor in the US who is willing to take them in and ensure their appearance in court. Despite this, their SIJ status, compelling grounds for asylum and protection, and mental and physical health concerns, ICE officials refuse to release these four children and their mothers. There is no justification under international law to continue to detain them and US law does not provide sufficient basis for their release.

### **Please write immediately in English or your own language:**

- Urging the authorities to immediately release on parole those granted SIJ status and their mothers who are detained at Berks County Residential Center;
- Calling on them to ensure that they are provided necessary medical attention, in accordance with their wishes;
- Urging them to ensure that while in detention, they be provided regular contact with family members and lawyers of their choosing.

### **PLEASE SEND APPEALS BEFORE 30 JUNE 2017 TO:**

Acting Field Officer for the Philadelphia

Field Office

Jennifer Ritchey

Immigrations and Customs Enforcement

US Department of Homeland Security

York Field Office, 2400 Concord Rd.

York, PA, 17402, USA

Tel: +1 717 840 7754

Email: philadelphia.outreach@ice.dhs.gov

Twitter: @ICEgov

Salutation: **Dear Ms. Ritchey**

Assistant Field Office Director

David O'Neil

Philadelphia Field Office

1600 Callowhill St. 6<sup>th</sup> Floor

Philadelphia, PA, 19130, USA

Tel: +1 267 479 3693

Email: philadelphia.outreach@ice.dhs.gov

Twitter: @ICEgov

Salutation: **Dear Mr. O'Neil**

**Also send copies to diplomatic representatives accredited to your country.** MR. LEWIS LUKENS, Chargé d'Affaires ad interim, American Embassy, 24 Grosvenor Square, London W1A 6AE, tel: 020 7499 9000. Salutation: Dear Mr. Lukens

**Please check with your section office if sending appeals after the above date.**

**AMNESTY  
INTERNATIONAL**



# URGENT ACTION

## FOUR FAMILIES DETAINED FOR OVER 500 DAYS

### ADDITIONAL INFORMATION

Under international law, the US government has an obligation to ensure that the human rights of migrants and asylum seekers are respected, protected and fulfilled. The US government also has an obligation to ensure that children are detained only in exceptional circumstances, and for the shortest possible amount of time. International standards, including instruments to which the United States is a party, contain a strong presumption against the detention of immigrants and asylum seekers. The International Covenant on Civil and Political Rights (ICCPR) clearly sets out the right to be free from arbitrary detention. Detention should only be used as a measure of last resort; it must be justified in each individual case and be subject to judicial review. Detention is only appropriate when authorities can demonstrate in each individual case that it is necessary and proportionate to the objective being achieved and on grounds prescribed by law, and that alternatives (such as reporting requirements, bail or financial deposits) would not be effective.

Each of the four families fled their home countries to escape horrific violence, including death threats, threats of kidnapping and physical and sexual assault.

Three-year-old Josué has spent over half his life in detention. He learned to walk and talk in confinement. He and his 28-year-old mother Teresa have spent 16 months at Berks County Residential Center. Josué and Teresa fled kidnapping threats, physical and sexual assault in Honduras and came to the US seeking asylum. “[My son]...is so young, he was only 22 months when we came and now he's three years old,” Teresa said in an interview with her lawyers.

Four-year-old Carlos and his mother, 34-year-old Lorena, fled threats, intimidation and severe and repeated gender-based violence in Honduras. They have spent 16 months in detention.

Seven-year-old Antonio and his mother Marlene, 24, from El Salvador, have one of the longest detention periods at Berks County – over 550 days. Currently in their 18<sup>th</sup> month of detention, Marlene has stated that, “It’s not fair for a child to spend a year and a half in prison,” adding that the impact of prolonged detention is taking a toll on them. “The psychological effect it has on a person and their kids...we can’t bear it anymore.”

At age 16, Michael is the oldest child at Berks County. He and his 41-year-old mother, Maribel, have been held in detention for nearly 17 months. Gangs in El Salvador targeted Michael for recruitment and threatened him with death. Following constant threats to the family, both mother and son escaped to the US to seek asylum.

Authorities granted all four children Special Immigrant Juvenile Status (SIJS) in late 2016 after a family court found that the children “were abandoned, abused, or neglected by [their] father[s]”. Being their sole custodial parent responsible for their care, it is essential that the mothers and children be released together. There is no justification under US or international law to continue to detain these families.