

US government jails thousands of juvenile refugees

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An Amnesty International USA report released on June 18 exposes the brutal treatment routinely afforded juvenile immigrant asylum-seekers by US government authorities.

In 2001, the last year for which statistics are available, the Immigration and Naturalization Service (INS) imprisoned 5,385 unaccompanied child immigrants, a doubling from 1997, when 2,375 were incarcerated. It is estimated that more than 500 juvenile immigrants are in prison on any given day.

The children arrive unaccompanied by adults, typically having fled dangerous conditions, and often in search of family in the US. While these children are in desperate need of assistance, the standard practice for the INS has been to treat them as criminals, placing them in prisons with other juveniles, in violation of both US and international standards of conduct. Once jailed, these young refugees face the abominable conditions typical of the American penal system.

Charged with no crime, they may remain incarcerated for months or even years, very often even as family members or friends in the United States request their release and volunteer to house the children while their legal status is determined. According to official US standards, such an arrangement should be the preferred option.

Dr. William F. Schulz, Executive Director of AIUSA, commented, "This is grossly unfair to children whose only 'offense' is seeking safe haven in the US. Many have fled dangerous situations, including child trafficking, abusive families and armed rebel forces."

[The report, "'Why Am I Here?' Children in Immigration Detention," http://www.amnestyusa.org/refugee/children_detention.html], highlights a number of specific abuses:

- * children forced to appear in court in shackles and

handcuffs

- * children left unaware of why they have been jailed

- * children denied their right to legal counsel or assistance in their native languages

- * children routinely held in solitary confinement, in one documented case for five consecutive days

- * children beaten, strip-searched and subjected to pepper spray by prison guards.

- * children held in prison for months and even years at a stretch

- * children denied regular exercise

- * children denied psychological assistance

- * children placed in adult jails "due to questionable age determination techniques"

The report's was based on the voluntary participation of detention centers, and therefore likely underestimates the gravity of the situation. Amnesty International sent out questionnaires to 115 facilities, but only 33 responded with a complete survey. The organization was able to interview children at only three facilities.

Responsibility for unaccompanied child immigrants has recently been transferred to the Office of Refugee Resettlement (ORR) from the INS after the latter's reorganization into the Department of Homeland Security. Amnesty International expressed doubts that the shift would seriously ameliorate the situation without a major increase in funding for the ORR.

Meanwhile, legislation recently introduced by Senator Diane Feinstein aims to prevent the more egregious forms of abuse uncovered by Amnesty International (the Unaccompanied Alien Child Protection Act, S. 1129). However, even if passed the legislation would only prevent children from being incarcerated with child convicts; it would not stop their detention per se, and by Feinstein's own admission the

bill would do nothing to expand children's right to asylum in the US.



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