

**USCCR – Trauma at the Border: The Human Cost of Inhumane Immigration Policies  
Congressional Hispanic Caucus – Member-level Panel Discussion  
December 4, 2019, 2:30pm**

**Planned Remarks of Vice Chair Patricia Timmons Goodson**

Chairman Castro and other esteemed Members, thank you for convening this briefing on the urgent civil rights issues raised in the U.S. Commission on Civil Rights recently released report, *Trauma at the Border: The Human Cost of Inhumane Immigration Policies*. Our report details how the current Administration’s changes to asylum policy, the detention of children, and other immigration policies, practices and procedures have created an unnecessary civil rights crisis at the southern border.

The U.S. Commission on Civil Rights last addressed civil rights and constitutional concerns in connection with the immigration detention of families and children, including conditions of detention centers in its 2015 report, *With Liberty and Justice for All: The State of Civil Rights at Immigration Detention Facilities*.

In 2015, the Commission found that the federal government was not respecting the civil rights and due process rights of immigrant detainees. The Commission made several recommendations, regarding families in detention, including that 1) Department of Homeland Security should act immediately to release families from detention, 2) Congress should no longer fund family detention and should reduce its funding for immigration detention generally, in favor of alternatives to detention, and 3) Department of Homeland Security must ensure the provision of appropriate education and mental and medical health care for all detained adults, children, and youth.

Though the Department of Homeland Security stated then that it was “committed to ensuring that individuals housed in our all of our centers have the proper care and appropriate resources, that they are held and treated in a safe, secure and humane manner, and that their civil and due process rights are respected,” the Commission’s report released today calls into question that commitment.

The Commission decided to reopen its 2015 report in 2018, in the wake of the devastating news reports about the separation of families after the Administration implemented a Zero Tolerance

policy (by deciding to arrest and detain anyone crossing the border without prior authorization, including asylum seekers). The Subcommittee had the initial intention of obtaining information from the agencies and then analyzing that information, but had to take a different approach given the complete lack of response from either DHS or HHS. As our report documents, recent developments have resulted in serious civil rights implications, including failures in the protection of the physical and mental well-being of both adult and child immigration detainees and their due process rights.

Federal agencies have not heeded the Commission's recommendations from its 2015 report—they continue to not provide appropriate and critical legal and medical services to detainees, or transparency about the government's policies in detaining individuals.

The Trump Administration's rhetoric and characterizations of certain countries and immigrants coming from those countries reflects animus against Latinos, Latino immigrants, and other immigrants of color. Because the Trump Administration's immigration and indefinite policies have appear to be aimed at and have extremely harsh impacts on claimants for asylum from Latin America, taken together with the nature and tone of comments characterizing the people from these countries, the policies and practices raise concerns under the 14th Amendment.

The institution of the Zero Tolerance policy and decision to forcibly and deliberately separate children, including infants and toddlers, from parents or adult family members on a mass scale, which proceeded with no plans or coordination to reunite families, is a gross human and civil rights violation.

The Commission heard directly from immigrant detainees who confirmed traumatic experiences as a result of enduring inhumane conditions at detention facilities and sometimes on account of the cruel treatment by DHS personnel.

Disturbingly, there remain credible allegations that family separations continue, despite an Executive Order halting them.

Alarmingly, the Commission found that detention conditions have significantly deteriorated under the current Administration's policies. Some child detention facilities lack basic hygiene and sleeping arrangements; they sometimes lack soap, blankets, dental hygiene, potable water, clean clothing, and nutritious food. There is evidence that facilities lack trained medical

personnel and medicine, medical staff are not routinely present at detention facilities, and wait times to see a doctor can be weeks long, regardless of how dire the situation.

The Commission heard devastating testimony from experts as well as individuals who themselves had been detained in these facilities.

Mariela Olivares, Professor at Howard University School of Law, provided this testimony:

“A substantial body of research links the trauma of childhood detention with lasting adverse outcomes, including an increased risk of mental illness, such as depression, anxiety, and post-traumatic stress disorder. . . . We know without a doubt that these practices cause physical and emotional harm and that this trauma may be long term.”

We received a letter that cited findings of the American Academy of Pediatrics:

“Expert consensus has concluded that even brief detention can cause psychological trauma and induce long-term mental health risks for children. . . . there is no evidence indicating that any time in detention is safe for children.” Clinical evidence from the study of detention of unaccompanied, asylum-seeking minors shows “forced detention is associated with a high risk of posttraumatic stress disorder, anxiety disorder, depression, aggression, psychosomatic complaints, and suicidal ideation.”

Here is another account we received describing the failure to acknowledge trauma in detention:

“Th[e] two-year-old was named Margarita. . . [and she] was part of . . . the family of 14. I soon came to the understanding that the family of 14 actually used to be a family of 16 but Margarita's parents were brutally shot in front of her on the track from Honduras to the border, yet there was no sense of counseling or emotional support whatsoever provided to anyone in the family.”

Here's one account from Robin A., describing the lack of adequate medical care he experienced:

*“They moved me to Essex, another detention center in New Jersey. There, I got very sick one night. My body was swollen. I told the guards that I needed to go to the clinic but they did not take me. They told me that the clinic was closed. When the guards took me to the clinic the next*

*day, I stayed there for a week but the staff only gave me tranquilizers to sleep. They did not diagnose me or treat me.”*

Robin A. also spoke about the misuse of authority by detention center personnel:

*“The guards humiliated us. We had to strip in front of one another and put prison clothes on. The officers laughed and made fun of us.”*

Another formerly detained individual, Eduardo Jimenez, told the Commission that he:

*“was not allowed to bathe. I lost my dignity as a human being there.”*

This testimony, in addition to the other evidence the Commission evaluated, led the Commission to find that U.S. Customs and Border Patrol staff and migrant holding facilities used to detain separated children were and continue to be woefully unprepared, untrained, and understaffed to handle the detention of migrants, including separated and unaccompanied minors. This has resulted in overcrowding and dangerous, substandard conditions. These conditions violate not only Department of Homeland Security detention standards but challenge and degrade legal norms regarding the respect for human life and humane treatment of immigration detainees.

Most devastatingly, the Commission became aware of investigations into the deaths of six migrant children from Guatemala and El Salvador who died either in federal immigration custody or shortly after their release. These children were named Jakelín, Felipe, Juan, Carlos, Mariee, and one two-year-old whose name we do not know.

In the face of the horrifying conditions made real with the testimony and evidence the Commission evaluated, the Commission majority voted for key recommendations, including the following: the Administration must immediately reunify any remaining children with their parents, including parents who were deported before, during, and after Zero Tolerance, unless there is a proven serious risk to the best interests of the child. The Administration should immediately remedy conditions in detention centers regarding overcrowding, food, and sanitation so as not to further traumatize children forced to flee their homes.

The Department of Homeland Security should conduct greater oversight and inspection of detention centers, specifically those relating to child detention centers. Congress should expand the authority of DHS’ Office for Civil Rights and Civil Liberties to respond directly to

complainants and enforce civil rights protections. New immigration policies should be precleared by the civil rights office or another independent body to ensure they do not violate civil rights, prior to causing harm.

The Commission recommendations also included numerous suggestions for Congressional action, including legislation addressing: setting minimum safe, sanitary, and humane detention conditions, providing sufficient funds to improve detention conditions and for judges and staff related to the asylum and immigration processes, allowing independent inspections of detention facilities, and restricting funding for detaining asylum seekers who have established a credible fear of persecution.

Thank you for your time and consideration of these urgent civil rights issues.