

Immigrant child separated from mom at family detention center

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DALLAS — An 8-year-old girl was separated from her pregnant mother and left behind for four days at a detention center established to hold immigrant families together while they await outcomes to their cases.

U.S. Immigration and Customs Enforcement officials say they had to transfer the Honduran woman because she twice resisted attempts to deport her and was potentially disruptive. ICE spokesman Carl Rusnok said guards and ICE staff watched over the child after her mother was removed from the T. Don Hutto Family Residential Facility, a former Central Texas prison where non-criminal immigrant families are held while their cases are processed.

But others are critical of the agency's handling of the case, saying it put the girl at risk and is yet another example of why the controversial facility should be closed.

"Here, it's the government itself that has the custody of this child and then leaves her without proper supervision," said Denise Gilman, who oversees the Immigration Clinic at the University of Texas School of Law, which provides legal services to Hutto detainees. "We certainly don't want to see it happen again."

The 28-year-old mother and child lost a bid for asylum and are back in Honduras. But Immigration Clinic attorneys plan to file a complaint with the federal government.

"There is something to complain about, because we're talking about a child's welfare," said Michelle Brane, director of the detention and asylum program at the Women's Commission for Refugee Women and Children. "This is a perfect example of why family detention just doesn't work."

Since opening last year near Taylor, the Hutto facility has been exempt from state child-care licensing requirements. ICE officials told the Texas Department of Family and Protective Services that parents would be at the facility with their children and would be responsible for their care, so state regulation wasn't needed.

But if the state's child care licensing division receives a complaint indicating child care is being provided, it could investigate, said Patrick Crimmins, a spokesman for the Department of Family and Protective Services.

ICE officials have previously said detaining families at the facility is meant to help "children remain with parents, their best caregivers" while they are processed for deportation.

But Irma Banegas of Fort Worth said that's not what happened in the case of her sister and niece. She asked that they not be identified by name due to concerns for their safety in Central America.

Banegas said the mother and daughter told her they cried inconsolably after they were awakened and separated.

"They've never been apart," Banegas said of her sister and her niece.

Banegas said the pair fled Honduras earlier this year to escape an abusive relationship and growing gang violence in that country, including attacks that scarred her sister.

The girl and her mother had traveled from El Balsamo, Honduras to Mexico and then crossed by boat into South Texas, where they were apprehended in August.

The two were sent to Hutto, where they were held for about two months. They were waiting for a decision on their bid for asylum, which they eventually lost.

The agency attempted to deport the woman twice in October, but she wouldn't comply. ICE officials didn't reveal specifics about her efforts to resist deportation.

But as a result, Rusnok said, she was considered a high risk for disruptive behavior and moved to a South Texas detention center in Pearsall on Oct. 18.

"Such family separations at Hutto are extremely rare. ICE personnel took extraordinary care to minimize family disruption and separation time, while at the same time ensuring the good order of the family residential center," Rusnok said in a statement.

Advocates agree that detainees who endanger themselves or others should be removed, but decry the lack of guidelines for transferring or punishing troublemakers.

"What that standard is, I think, is a gray area," Brane said. "This is part of our concern with there not being any standards."

During the separation, the girl continued her regular routine at Hutto and "felt comfortable and safe" at the facility, according to ICE.

Lawsuits filed earlier this year accused Hutto's uniformed, handcuff-toting correctional officers called "counselors" of threatening to separate misbehaving children from their families. A settlement reached in August bans the practice and called for improving conditions at Hutto.

Those concerns have been rekindled as word of the most recent case spread through the facility, advocates say.

"That kind of fear it strikes to the heart of all other children," Gilman said.
