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Families slowly leaving Texas detention facility

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LM Otero AP

FILE- In this Feb. 9, 2007, file photo, a guard holds open a door during a media tour of the T. Don Hutto Residential Center in Taylor, Texas. So while advocates hail the Obama administration's announcement this month to stop sending men, women and children to the much disparaged Hutto facility, they also wonder how the government will decide which families to detain, when to release them, how they will be transported and whether they'll fare better elsewhere. (AP Photo/LM Otero, File)

DALLAS — As immigrant children and their parents depart a disparaged former Texas prison that housed them while they awaited decisions in their immigration cases, advocates are questioning if the government has fully thought out what happens to the families now.

Federal officials announced last month that the T. Don Hutto facility in Taylor would no longer

hold immigrant families and they instead would be detained at the much smaller Berks Family Residential Center in Leesport, Pa. But with only 84 beds — and more than 100 people once housed at Hutto — some advocates wonder if there will be enough space, or if immigrants will be released.

"We still have a lot of questions and would like to hear more details," said Denise Gilman, of the Immigration Clinic at the University of Texas School of Law, which along with other advocates filed a lawsuit contending that family detention at Hutto was inhumane.

Hutto is set to stop holding immigrant families by the end of the year, government officials say, and families have slowly been leaving. Instead of transferring the families to Berks, the government has been trying to process the cases of families at both facilities.

The Texas facility went from holding 127 men, women and children last month to just 22 people this week. They were either deported to their home countries or released while they pursue asylum or another immigration status to remain in the U.S.

As the change takes place, advocates are watching to see if the Pennsylvania facility has better conditions, if cases are handled fairly and if new problems arise because of the shift.

Hutto opened as a family detention center in 2006, ending a so-called "catch and release"

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practice that had permitted families to remain free while their immigration cases were settled. The facility was necessary, ICE officials maintained, because many never showed up in court or some borrowed other people's children and posed as families to avoid detention.

But the facility quickly drew criticism, and The American Civil Liberties Union and other advocates sued the government in 2007 over the detention facility's conditions.

Attorneys and UT law students visiting Hutto to assist detainees with their immigration cases were astonished by the prison-like setting and regimen. Children wore drab prison scrubs. Razor wire encircled the site. They lived in tiny cells furnished with bunk beds and a steel toilet and were subjected to head counts several times a day. Guards with the for-profit Corrections Corporation of America trained to detain criminal adults were overseeing children. Parents said guards disciplined children with threats of being separated from their family.

The Berks facility, by contrast, is a former nursing home and with a reputation among attorneys for being more family friendly. Younger children stay with their parents, while teenagers sleep in separate rooms. One former resident told The Associated Press adults and children went on field trips during her stay, refrigerators in the hallways were stocked with fruit and juice and an interfaith prayer group is available. But still, the stays can be far from smooth.

The resident, who spoke on condition of anonymity because she fears for her safety after fleeing cartel violence in Mexico, said at the border, officials had told her and her American husband she would only be detained for a week at most. But when she arrived, there were families who had been at the facility for a year,

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longer than the typical stay of a month at Hutto. Some residents had waited for a month or two before being interviewed by an asylum officer.

"That's when I said to myself 'So what awaits me?'" said the Mexican woman, who has since been released on humanitarian parole after a month at Berks and has petitioned to remain in the country since she's married to a U.S. citizen.

Going forward, families arriving at the U.S. border and entry points seeking asylum or trying to immigrate will be taken to Berks if the government believes they will disappear instead of showing up to immigration court, said Dora Schriro, who has been heading up the new Office of Detention Policy and Planning at the Department of Homeland Security. Other families will be released and placed on some type of community supervision, Schriro said.

The families at Hutto will likely be deported or receive some type of immigration benefit, such as asylum or parole, allowing them to remain in the U.S. before Hutto closes, she said.

Schriro will leave her new post mending of the nation's immigration detention system to be commissioner of correction for New York City, leaving advocates with questions over how that will affect the upcoming changes.

For now, advocates for immigrant families say they will be watching to see if Berks detainees can access legal representation. About one-third of asylum seekers before the court that handles

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Berks' cases did not have an attorney, while a majority at Hutto did, according to the Transactional Records Access Clearinghouse at Syracuse University. Having an attorney boosts people's chances of remaining in the country.

They also worry there could be some unintended consequences in the switch, especially when it comes to distance. Berks is located thousands of miles from the border crossings in California, Arizona, New Mexico and Texas used by most of the detainees and some question whether the government will be able to quickly and humanely transport such families to Pennsylvania.

"What happens to a family arrested in Texas or who goes to the border ... and asks for asylum? Will those people be released?" asked Barbara Hines, director of the Immigration Clinic at UT Law School. "To send them all the way to Berks if they're going to be released anyway seems like a waste of resources to me."



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