

# URGENT ACTION

## FREE FAMILIES FROM IMMIGRATION DETENTION

On 26 June 2020, a federal judge in the USA ordered immigration authorities to release all children from family immigration detention facilities, which the judge declared were “on fire” with COVID-19. Authorities must comply but release all families together to protect them from the pandemic while maintaining their family unity. The alternative – releasing the children but continuing to detain their parents- would constitute family separation, a practice that in some cases can constitute torture under US and international law. We demand authorities to release all families together. The judge-imposed deadline for authorities to act is 7 August 2020.

### TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

**Acting Director Matthew T. Albence**  
U.S Immigration and Customs Enforcement  
500 12th St., SW  
Washington, D.C. 20536  
Phone: +1 (202) 732-3000  
Email: [matthew.albence@ice.dhs.gov](mailto:matthew.albence@ice.dhs.gov)

Dear Acting Director Albence,

*I am deeply concerned about the safety and wellbeing of Ana\* and Victoria\* and all families in ICE detention in the USA.*

*On 26 June 2020, a federal judge ordered your agency to release all children from family detention because these facilities are “on fire” with cases of COVID-19. Amnesty International continues to receive credible, consistent, and disturbing accounts by families of dangerous conditions in detention that needlessly put all those detained at high risk.*

*You are responsible for the health and safety of people in your care and must take all appropriate steps to protect them from COVID-19.*

***I call on you to release all the families together. Parents must be released with their children to preserve family unity – as family separation is never in the best interests of the child – and to protect them in this pandemic.***

Sincerely,

## ADDITIONAL INFORMATION

US Immigration and Customs Enforcement (ICE) is locking up nearly 100 families at three facilities in Pennsylvania and Texas. After COVID-19 was confirmed in family detention centers, a federal judge ordered ICE to release all children by 7 August 2020, but the judge does not have jurisdiction over their parents. ICE has the legal authority to release families together and has historically done so but is now choosing to separate families or keep them detained indefinitely. Detained families are at extreme risk of COVID-19 due to inadequate hygiene and negligent medical care.

Ana\* (22) and her daughter Victoria\* (4) fled Honduras after repeated threats against their lives after her partner and Victoria's father was killed because of his political beliefs. They requested asylum in the U.S. over nine months ago and have been locked up ever since. ICE was informed multiple times that Victoria is asthmatic and particularly at risk for COVID-19 but refuses to release them. Ana has been suffering from ovarian cysts that have pained her daily for months and has not received the appropriate medical care. Victoria now has anxiety attacks, nightmares, and wets the bed—something she didn't used to do.

Karla\* (43) and Katherine\* (15) left Honduras after being targeted because of their religion, their political beliefs, and their refusal to submit to the gangs. They have been detained for over ten months. Doctors initially thought Karla had tuberculosis when she arrived in Dilley and placed her and Katherine in medical isolation. They never confirmed this diagnosis, and she has been coughing for almost the entirety of her time in detention. Katherine suffers from tachycardia and has suffered several cardiac attacks. After one attack, when Katherine was struggling to breathe, Karla was told by a medical staff member not to bring her daughter unless she was "turning purple". After an international campaign for their freedom, authorities finally released them together on 26 July 2020.

In May 2020, ICE presented detained parents with children as young as one-year-old an impossible "binary choice": separate from their children, who would be released to sponsors while the parent remains behind in indefinite detention facing possible deportation or stay detained together indefinitely. Amnesty International USA released the report briefing, "[Family Separation 2.0: 'You aren't going to separate my from my only child.'](#)" with testimony from parents.

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 USA is a party, contain a strong presumption against the detention of migrants and asylum seekers. The International Covenant on Civil and Political Rights (ICCPR) clearly sets out the right to be free from arbitrary detention. Detention of asylum-seekers should only be a measure of last resort, after other non-custodial alternatives have proven or been deemed insufficient in relation to the individual.

Families must all be immediately released together. They have communities waiting to welcome them. There is no reason not to release children with parents. The alternative, to separate families and only release children, is unacceptable. In previous instances of family separation, the severe mental suffering that officials have intentionally inflicted on families for coercive purposes means that these acts can meet the definitions of torture under both US and international law.

**PREFERRED LANGUAGE TO ADDRESS TARGET:** English

You can also write in your own language.

**PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL:** 7 August 2020

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

**NAME AND PREFERRED PRONOUN:** Ana\* & Victoria\* (She/her); Matthew Albence (Them, they)

**LINK TO PREVIOUS UA:** <https://www.amnesty.org/download/Documents/AMR5126642020ENGLISH.pdf>