

URGENT ACTION

FREE FAMILIES FROM IMMIGRATION DETENTION

As COVID-19 runs rampant in USA family detention centres, immigration authorities continue to lock up and endanger nearly ninety families who came to the US seeking safety from violence and persecution in their home countries. One family from the previous UA, Marilyn* and Yunior*, was finally released from detention, but others remain locked up. Authorities must release all families together to protect them from the pandemic while maintaining their family unity. The alternative – releasing 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.

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

Tony Pham
Acting Director

U.S.A, Immigration and Customs Enforcement
500 12th St., SW
Washington, D.C. 20536
Email: tony.h.pham@ice.dhs.gov

Dear Acting Director Pham,

I am deeply concerned about the safety and wellbeing of Ana and Victoria*, Juana* and Norma*, and all families detained by Immigration and Customs Enforcement (ICE).*

With confirmed cases of COVID-19 in family detention facilities like the ones Ana, Victoria, Juana and Norma are in, families face grave complications and even death if they contract the virus. There are credible, consistent, and disturbing accounts by families of dangerous conditions that put all families, facility staff, and surrounding communities at risk.

These families came to the United States seeking protection from violence and persecution. They must be able to pursue the right to seek asylum in safety.

As the acting head of ICE, you are responsible for their health and safety and must take all appropriate steps to protect them from COVID-19.

I call on you to release all the families together.

Sincerely,

ADDITIONAL INFORMATION

US Immigration and Customs Enforcement (ICE) is detaining nearly ninety families at three facilities in Pennsylvania and Texas. COVID-19 was confirmed in family detention centers in June, including the centers where Ana, Victoria, Juana and Norma are held, placing all detained families at grave risk due to inadequate hygiene and negligent medical care. ICE has the legal authority to release families together and has historically done so but is choosing not to exercise its authority, leaving families stuck behind detention walls.

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. ICE received multiple reports that Victoria is asthmatic and particularly at risk for COVID-19 but refuses to release them. Ana suffers 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.

Juana* (45) and Norma* (4) fled Honduras with Juana's other daughter Paula* after gang members threatened them with rape and murder. They were separated at the US border. Paula was sent to Mexico under the unlawful "Remain in Mexico" policy, while Juana and Norma were thrown into detention. The uncertainty of Paula's fate weighs heavily on Juana. Juana suffers from joint pains, high blood pressure, and obesity. The stress of it all had made her lose a significant amount of weight. Norma has grown despondent, depressed, and constantly asks when they are getting out. Juana doesn't know how to answer her anymore.

These mothers recently faced an anniversary no parent would want: one year of detention with their children.

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 in indefinite detention facing possible deportation or stay detained together indefinitely. Amnesty International 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 USA government has an obligation to ensure that the human rights of migrants and asylum seekers are respected, protected and fulfilled. The USA 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. Family separation produced by a coercive "choice" violates multiple human rights, including the right to family unity, the right to liberty, and the requirement to prioritize the best interests of the child.

PREFERRED LANGUAGE TO ADDRESS TARGET: English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 7 January 2021

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

NAME AND PREFERRED PRONOUN: Ana* (she/her) & Victoria* (she/her); Juana* (she/her) & Norma* (she/her).

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/amr51/3145/2020/en/>