



# Amnesty International

**Orange County**

GROUP 141 **ORANGE** • GROUP 175 **LONG BEACH**  
GROUP 178 **IRVINE** • GROUP 596 **HUNTINGTON BEACH**

July 2003

## USA: Children in Immigration Detention Face Mistreatment, Lengthy Detentions, Legal Barriers

*This article is taken from a June 18 AI press release.*

Children who flee their home countries and arrive unaccompanied in the United States are often denied access to attorneys, detained for prolonged periods, jailed alongside children with criminal convictions, and subjected to frequent shackling and strip-searches—with little hope for change unless Congress passes pending legislation and allocates more funds to reform an ailing system, Amnesty International charged today in its new report, “*‘Why Am I Here?’ Children in Immigration Detention*”.

The report, the first in Amnesty International USA’s two-year Campaign Against Discrimination, is also the first that includes a nationwide survey of the former Immigration and Naturalization Service’s (INS) contracted facilities and their practices and procedures with regard to unaccompanied children. The survey results, combined with interviews with 31 detained children and numerous attorneys and children’s advocates, show that US officials, in contravention of both international and domestic standards, often treat unaccompanied children like young criminals—sometimes without even acknowledging the distinction.

“It is appalling that many officials don’t understand the difference between a juvenile offender and an unaccompanied child and that they deny these fragile young asylum seekers respect and rights,” said Dr. William F. Schulz, Executive Director of AIUSA. “This is grossly unfair to children whose only ‘offense’ is seeking safe haven in the US. Many have fled dangerous situations, including child trafficking, abusive families and armed rebel forces. When we treat these children harshly, they are further traumatized, and our country’s credibility as a protector of rights is eroded.”

AI sent a detailed questionnaire on the policies, procedures and conditions of detention to 115 facilities nationwide that reportedly have housed unaccompanied children. The responses from the 33 facilities that returned a completed survey document the many problems endemic to a system that locks up children who are not convicted of crimes—particularly in so-called secure facilities:

- Forty-eight percent of secure facilities reported that they house unaccompanied minors in the same cells as juvenile offenders;
- More than half (57%) said they use solitary confinement as punishment;
- Eighty-three percent said they routinely restrain children

when taking them outside the facility;

- Only 13 percent provide the children with the required weekly psychological counseling;
- Only 35 percent reported that they explain to children why they have been detained in such a facility and that they have the right to judicial review of the decision to put them there.

The Office of Refugee Resettlement (ORR), which was given responsibility for unaccompanied non-citizen children when the INS was dismantled on March 1, has begun making improvements, but will inevitably run into financial roadblocks due to the sheer number of children currently housed in inappropriate and dangerous settings. The new Department of Homeland Security (DHS) is now responsible for apprehending children and then transferring them to ORR shelters or secure facilities, a period during which the INS often denied children’s rights and mistreated them.

“The INS failed dismally in its mission to care for the children under its watch,” Dr. Schulz said. “It will be extremely difficult for the ORR, no matter how well-intentioned, to now pick up the pieces with its meager budget. Unless the US government wants to set the ORR up to fail, Congress must approve the proposed increase that would allow it to make desperately-needed changes, particularly with regard to contracted facilities.” Schulz also urged Congress to pass the Unaccompanied Alien Child Protection Act, which would establish the most comprehensive domestic safeguards for children, whether under the domain of the DHS or ORR.

“*Why Am I Here?*” includes interviews with children and their attorneys that reveal the fear, confusion, frustration, and shame the children experience in the US with regard to the legal process, their treatment and the conditions in which they are detained:

- Children and advocates told AI that at one facility, physical abuse is sometimes used as punishment. Staff reportedly kick children, throw them to the floor and knock their heads into walls for infractions such as looking the wrong way or saying “can I use the bathroom” instead of “may I.”
- JD told AI delegates that he had been strip-searched about 25 times in the five weeks he spent in secure detention. One search occurred after he lost a pen. Guards threatened to

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## June Meeting Minutes

### Group #141 Orange

#### Attendees

Ravi Alexander, J. Kevin Gaffney, Deidre Jackson, and DeDe Moulin.

#### Letter-Writing

We wrote letters on behalf of our adopted prisoner of conscience, the Venerable Thich Huyen Quang of Viet Nam. We also wrote on behalf of Jose Padilla, a US citizen, who has been held incommunicado in military custody in the USA as "enemy combatant" without charge, trial or access to his lawyer or family. Jose Padilla was arrested at Chicago airport on May 8, 2002. He was originally held as a "material witness" by the Department of Justice during a grand jury probe into an alleged conspiracy to detonate a radioactive "dirty bomb" on a US city. However, on June 9, 2002, after an order by President Bush designating Padilla to be an "enemy combatant," the US government abruptly transferred him to military custody and cut off all contact with his attorney.

#### Meeting Location

Beginning in September, the city of Orange is going to start charging \$54 per month to use the Civic Center Conference Room. So, we are again looking for a new meeting location. Tami and Deidre are scouting possible places.

#### Summer Picnic

The group will hold its annual summer picnic on Saturday, August 16, at Hart Park in Orange (across Main Street from Main Place Mall). This will be in place of our monthly meeting. More details will appear in next month's newsletter. Everyone (including other group members) is invited!

#### Next Month's Meeting

We will show the one-hour death penalty documentary *Death Letters* at the July meeting.

## June Meeting Minutes

### Group #175 Long Beach

#### Attendees

Mary Kay Dunn, Kevin Gaffney, Bobbi Kendig, Shean McNabb, Sally Ann Michel, Jim Roberts, Jamie Skaluba.

#### Letter-Writing

We generated six letters on behalf of our POC in Viet Nam.

#### New Group Coordinator

The group welcomed Bobbi Kendig as the new Group Coordinator. This is Bobbi's second time in the position.

#### Suggested Guest Speaker

Bobbi recently heard Beverly Anderson speak on her experience in the Occupied Territories, where she had occasion to talk with both Palestinians and Israelis. Her presentation was impartial, compelling and well prepared. The group expressed interest in inviting her to speak at our meeting, probably on Tuesday, September 23. We will publicize this among other AI groups and our Unitarian-Universalist hosts. Look for details in future newsletters.

#### POC Nguyen Dinh Huy

Jim reported that there is little to report on our POC. We continue to send letters to the Secretary General of the Communist Party of Viet Nam, as our Vietnamese friends recommended, rather than to the top general, Than Shwe.

#### Aung San Suu Kyi

Jim had a pile of news clippings regarding the detention of Suu Kyi. The latest report from Burma claimed she was no longer in Insein Prison, but that has not yet been confirmed.

#### Next Month's Meeting

**Attention! Change of location for our next meeting!** Our meeting on Tuesday, July 22, will be held at 7:30 PM in Limericks Pub, located at 5734 E. 2nd Street, Long Beach. As we enjoy the Irish atmosphere, we will also sign cards and postcards for Prisoners of Conscience chosen for AI's Summer Postcard Action. All are invited to join us for a fun time!

## June Meeting Minutes

### Group #596 Huntington Beach

We had over 50 people at our meeting on June 30. We presented *Afghan Massacre* along with Hekmat Sadat, Visiting Professor, Political Science Department, Pitzer College, Claremont University Consortium. *Afghan Massacre* was recently screened at the Amnesty International West Hollywood Film Festival and received notable attention across Europe and in the United States. This screening was followed by Hekmat Sadat, who was born in Afghanistan, but raised and educated in the United States. Hekmat is a frequent contributor to [AfghanMagazine.com](http://AfghanMagazine.com) and discussed the current state of human rights in Afghanistan post 9/11 and Operation Freedom. We had actions on Afghanistan for all attendees. We also had several people from Afghan Relief Organization who had just returned from trips to Afghanistan. Below are two websites for reference:

- [afghanrelief.com](http://afghanrelief.com), which is the site of the non-profit that came to the meeting.
- [afghanmagazine.com](http://afghanmagazine.com), an online magazine on Afghanistan.

#### Next Month's Meeting

Our next meeting will be on July 28 at 7:00 PM at Sts. Simon and Jude Church, Room 7B, 20444 Magnolia Street, Huntington Beach, CA 92646.

We will be working on our Summer Postcard writing action. "Because of the international pressure from Amnesty International and other groups, they let me go." Taye Wolde-Semayat, President of the Ethiopian Teachers Association and a former prisoner of conscience, was the subject of a card action by Amnesty activists. Upon his release from prison in May 2002, it took two cars to transport all of the correspondence he received during his imprisonment. Please come join us for this important work!

Coming in August: Gabriella Miotto and the documentary *We Are Guatemala*.

For more information about the group, contact either Darcie Guy at (949) 742-5524 or Shyamal Leonard at (310) 422-0166.

## AIUSA's Campaign Against Discrimination

AIUSA's Campaign Against Discrimination seeks to expose and challenge discrimination and related human rights violations against members of specific social identity groups, including women, members of racial, ethnic or religious groups, and the Lesbian, Gay, Bisexual, Transgender (LGBT) community. The Campaign is comprised of four projects, each offering activists multiple opportunities to expose and challenge fundamental human rights concerns. The first of these projects, Unaccompanied Children in Detention, is discussed in detail in the feature article of the newsletter. The other projects are:

### **Racial Profiling in the U.S. Pre- and Post 9/11: Discriminatory Law Enforcement Practices and Policies**

In 2001, Amnesty International released a report entitled *Racism and the Administration of Justice*, which documented and proposed solutions to the global problem of racist law enforcement. At that time, there was a national consensus against the problem of "racial profiling." Since 9/11, however, under Attorney General John Ashcroft's leadership, the Department of Justice has repeatedly created policies that formally rely upon national origin as a proxy for suspicion; these policies appear to violate the UN Convention Against Racism. AIUSA will hold public hearings on racial profiling by law enforcement pre and post 9/11 in several cities in September 2003. The campaign will also include the launch of a public education and legislative action campaign against racial profiling.

### **Campaign on Violence Against Women**

Amnesty International's Violence Against Women campaign, opening in March 2004, will focus primarily on domestic violence as a human rights issue and on violence against women in conflict and post-conflict situations. The campaign will press for improved enforcement and further development of standards on due diligence and for an end to impunity of both non-state actors and state actors as perpetrators of violence against women. Throughout the campaign, Amnesty International will seek to challenge discrimination against women by affirming the principles of universality, indivisibility, and interdependence of human rights and will emphasize that gender equality is the precondition for the final eradication of violence against women.

### **Police Brutality Against Lesbian, Gay, Bisexual and Transgender (LGBT) Communities in the U.S.**

While there has been some progress in promoting positive relationships between the police and LGBT communities, Amnesty International remains concerned that too often

LGBT people continue to face police departments that are insensitive to their concerns. Such insensitivity by the police can exacerbate minority groups' vulnerability to attacks and inability to access remedies, a problem which LGBT communities face. In June 2004, Amnesty International will launch a report on police brutality and misconduct directed toward LGBT people in the U.S. as part of its Campaign Against Discrimination.

## Children in Immigration Detention

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- send him back to the country of his birth because he couldn't find the pen.
- RT reported that he was handcuffed, restrained with leg-irons and chained to two other children during transport to the dentist. He said he remained handcuffed to the other children in the waiting room, and that the "regular people" in the room were staring at him.
- AI researchers observed a 16-year-old asylum-seeker who had been held in solitary confinement for five days. The researchers later saw him in the throes of an apparent anxiety attack. He had been housed in a shelter facility nearby, but reportedly was transferred without explanation to a secure facility in handcuffs and leg irons. His attorney was not informed of the transfer until a guard reported this "nervous breakdown." When the attorney finally saw him, he repeatedly begged "Help me!" and began to cry when she explained he would be strip-searched after her visit.
- Fega, who was seven when she arrived in the US, curled up in a fetal position and wept when she heard Yoruba, her native language, for the first time in more than a year of detention. The primary languages at Boystown, a Florida shelter where Fega spent a total of 15 months, are Spanish, Creole and Mandarin. Fega asked the Yoruba interpreter if she was her mother, something she often had asked the women she encountered.

"The cruel irony is that these children wouldn't have suffered in this way if the INS had handled their cases properly," said Rachel Ward, Director of Research for AIUSA and author of the report. "Those operating within the previous system chose to incarcerate unaccompanied children, despite US policy mandating their prompt release to relatives or other viable caretakers. The US government must back the ORR as it tries to make a clean break from the INS's dubious past."

The complete report " *Why Am I Here? Children in Immigration Detention* " is available at the Amnesty International USA Website [www.amnestyusa.org](http://www.amnestyusa.org).

If you would like to continue receiving this newsletter and supporting the work of the Orange County and Long Beach Amnesty International groups, please return this coupon to the address below with annual dues of \$10.00. Dues are used to cover the costs of this newsletter and of letters on behalf of prisoners. Your address label contains your membership expiration date.

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