

## Legislation Text

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Affirming that the imprisonment and prolonged detention of asylum-seeking children and families is inhumane and counter to international law, and calling on Governor Wolf and the Pennsylvania Department of Human Services to issue an emergency removal order and immediately close the Berks County Residential Center.

WHEREAS, The Berks detention facility is located about 70 miles northwest of Philadelphia in Leesport, Pennsylvania, and is one of only three family immigration detention centers in the country contracted by the U.S. Immigration and Customs Enforcement (ICE) to imprison children and families; and

WHEREAS, Numerous families, including young children, have been detained at the Berks facility for long stretches of time, often over a year. Many of these families have fled dangerous and life-threatening violence, and came to the United States seeking asylum and safety; and

WHEREAS, Children and families incarcerated at the Berks detention facility have suffered severe adverse effects from their imprisonment including documented medical neglect, psychological trauma, and persistent harassment. Multiple individuals held at the facility have expressed intent to self-harm, and a 19 year old woman was the victim of institutional rape by an employee at the facility; and

WHEREAS, It is well known that systems of family detention are incapable of satisfying basic obligations for the health and well-being of children and families in custody. Numerous reports by such entities as the Government Accountability Office, various subunits of the U.S. Department of Homeland Security, the United Nations High Commissioner for Refugees, the American Bar Association, and nonprofit advocacy organizations have made clear negative findings regarding family detention centers; and

WHEREAS, The U.S. Department of Homeland Security Advisory Committee on Family Residential Centers published a report in September 2016 stating, "detention is generally neither appropriate nor necessary for families - and that detention or the separation of families for purposes of immigration enforcement or management, or detention is never in the best interest of children"; and

WHEREAS, PA DHS licensed the Berks detention facility as a child residential facility for dependent and delinquent children. However, in February 2016, PA DHS officially revoked the facility's license because of their failure to follow state law by detaining adults with children, which PA DHS determined is not permitted under the terms of the license. Two years later, the facility continues to operate as the matter has been stalled under administrative review after the county filed an appeal; and

WHEREAS, The U.S. District Court for the Central District of California ruled in *Flores v. Lynch* that the federal government can only detain minors with parents for more than five days in a non-secure facility, and that such facilities must comply with state licensing requirements; and

WHEREAS, Berks detention facility is violating the requirements of *Flores* because it continues to detain families in a secure setting and is operating without a proper license; and

WHEREAS, Governor Wolf’s administration has indicated publicly that the Berks detention facility should no longer detain families and that the best way to achieve that is the revocation of its state license; and

WHEREAS, Despite the fact that Berks detention facility holds federal detainees, PA DHS has the legal authority to regulate and close the Berks detention facility; and

WHEREAS, Fifteen members of the Pennsylvania General Assembly, including six representatives from Philadelphia, have signed a joint letter asking Governor Wolf to direct PA DHS to issue an emergency removal order for the Berks detention facility in order to “ensure no new families are brought to Pennsylvania for unlawful, immoral, and inhumane imprisonment”; and

WHEREAS, The administration of President Donald Trump has instituted a “zero-tolerance” policy that includes forcibly separating of over 2,000 immigrant and refugee children from parents in the last four weeks. Some, including Pennsylvania Senator Pat Toomey, have called for instead jointly detaining families in facilities such as Berks, raising a risk that an increasing number of families will be subjected to these harsh and illegal conditions; and

WHEREAS, Immediately closing the Berks detention facility would stop additional families from being incarcerated there and would allow the women and children currently being imprisoned be released under alternative approaches to detention, including bail, monitoring, and supervision practices; now, therefore, be it

RESOLVED, THAT THE COUNCIL OF THE CITY OF PHILADELPHIA, Affirms that the imprisonment and prolonged detention of asylum-seeking children and families is inhumane and counter to international law, and calls on Governor Wolf and the Pennsylvania Department of Human Services to issue an emergency removal order and immediately close the Berks County Residential Center.

June 21, 2018

Helen Gym  
At-Large

María Quiñones-Sánchez  
7th District