



## Frequently Asked Questions about Family Detention



### 1. What is family detention?

“Family detention” refers to the cruel practice of placing children—including infants and toddlers—in immigration detention alongside their parents while these families await removal from the U.S., or await the outcome of pending immigration applications and court cases that will determine whether or not they will be granted humanitarian protection or otherwise allowed to remain in the U.S. Family detention threatens the health, safety, and long-term psychological wellbeing of children and families across the country. The current administration revived this inhumane policy in March 2025 when it reopened the South Texas Family Residential Center (“Dilley FRC”) in Dilley, Texas,<sup>1</sup> a notorious detention facility that is not licensed to house children and has a documented history of neglect and abuse.<sup>2</sup> As the federal agency that is responsible for carrying out immigration enforcement, Immigration and Customs Enforcement (ICE) oversees Dilley FRC and contracts with a private for-profit corporation called CoreCivic to carry out day-to-day operations.

Conditions at Dilley FRC are shocking. Hundreds of children have been detained in prison-like conditions there for a month or longer with inadequate medical care, education, and recreation.<sup>3</sup> Children also lack access to appropriate hygiene products or nutritious food, and they are unable to sleep due to lights being kept on in their living areas all night.<sup>4</sup> Families also report limited access to clean drinking water,<sup>5</sup> “worms and mold in their food resulting in children becoming ill, and threats of family separation by officers and staff.”<sup>6</sup> Children are “weak, faint, pale, and often crying because they are so hungry.”<sup>7</sup> While families suffer in detention with no end in sight, ICE pressures many of them to accept voluntary removal without informing them of their legal rights or allowing them to speak to an attorney about their options for seeking

<sup>1</sup> Bustillo, Ximena, “President Trump brings back practice of detaining families together.” NPR. Mar. 7, 2025. <https://www.npr.org/2025/03/07/g-s1-52674/trump-detention-families>.

<sup>2</sup> Kassie, Emily and Hager, Eli. “Inside Family Detention, Trump’s Big Solution.” The Marshall Project. Jun. 22, 2018. <https://www.themarshallproject.org/2018/06/22/inside-family-detention-trump-s-big-solution>.

<sup>3</sup> Plaintiffs’ Response to December 1, 2025 Supplemental ICE Juvenile Coordinator Report and Data, Dec. 8, 2025, Reno v. Flores, No. CV 85-4544-DMG-AGR at pp. 1-2. <https://youthlaw.org/wp-content/uploads/plaintiffs-response-to-supplemental-ice-report.pdf>.

<sup>4</sup> *Ibid.*

<sup>5</sup> “Exclusive: Migrant families paint grim picture of life in Texas ICE detention facility, new court documents show.” CNN, Dec. 11, 2025. <https://www.cnn.com/2025/12/09/politics/migrant-families-ice-detention-facility-texas>.

<sup>6</sup> Plaintiff’s Response, *supra* note 3 at p. 2.

<sup>7</sup> *Ibid.*

humanitarian protection or otherwise obtaining legal status to remain in the U.S.<sup>8</sup>

Dilley FRC is currently the only official family detention center that ICE operates, but ICE is also detaining families in hotels.<sup>9</sup> Additionally, Congress approved \$45 billion of funding for ICE detention the summer of 2025,<sup>10</sup> and the administration is reportedly planning to use some of this money to expand the family detention system with new facilities that will be able to hold thousands more parents and children.<sup>11</sup>

## **2. Does the policy of detaining families together prevent family separation?**

No. Immigration detention is tied to family separation, and family detention is no different. Officers and staff at Dilley FRC use threats of separation as a tactic of control against families in detention, and family members are sometimes separated and detained in different parts of the facility from one another.<sup>12</sup> There are also cases in which some family members are released while others remain detained, or in which some family members remain detained while others are deported.

Importantly, family detention is not a solution or reasonable alternative to family separation. Both practices are inhumane. Families should be able to live together and free, and, like all people, able to proceed with their immigration cases outside of detention, supported by the community.

## **3. How do families and children end up in immigration detention?**

Families end up in detention in many different ways. Sometimes, they are arrested by local police during traffic stops and then transferred to ICE custody. Other times, families are arrested by ICE or other federal agents during raids on homes or businesses, or during street-level immigration enforcement activity that is driven by racial profiling.

Shockingly, families are often arrested and detained when they show up for the routine court appearances or check-in appointments that they are required to attend as part of the legal process of seeking humanitarian protection or otherwise obtaining lawful status. U.S. immigration authorities also frequently detain children and families after they cross the border to exercise their right to seek asylum, which is legal under both U.S. and international law. While people navigate the immigration system, they should be free to live in their communities, go to

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<sup>8</sup> "Exclusive: Migrant families paint grim picture of life in Texas ICE detention facility, new court documents show." CNN, Dec. 11, 2025. <https://www.cnn.com/2025/12/09/politics/migrant-families-ice-detention-facility-texas>.

<sup>9</sup> Plaintiffs' Response, *supra* note 3 at pp. 7-8.

<sup>10</sup> Arnold, Jeff. "How \$45 billion in 'big, beautiful bill' funding aids ICE detention." The Hill. Jul. 4, 2025.

<https://thehill.com/homenews/administration/5385759-big-beautiful-bill-donald-trump-immigration-agenda/>

<sup>11</sup> MacMillan, Douglas et al. "ICE documents reveal plan to double immigrant detention space this year." The Washington Post; syndicated to The Spokesman-Review (Aug 15, 2025).

<https://www.spokesman.com/stories/2025/aug/15/ice-documents-reveal-plan-to-double-immigrant-dete/>.

<sup>12</sup> Plaintiffs' Response, *supra* note 3.

work and school, and provide for their families.

#### **4. How do people end up undocumented?**

Many Americans assume that lawful immigration status is available to anyone who is willing to follow the rules and wait their turn, even if it might be a difficult, expensive, or slow process. The reality is that for millions of immigrants, there is no line to get in, no matter how long someone is willing to wait or how much they're willing to pay. This is why there are so many immigrant individuals and families who have been contributing to their communities for years or even decades but who are still without lawful status. Additionally, the administration has stripped hundreds of thousands of people of temporary lawful status.<sup>13</sup> They're not choosing to stay undocumented; the system just doesn't give them a way to change that. We need to create clear, accessible pathways to lawful status and citizenship that allow people to securely work, attend school, raise families, and contribute to our communities.

Additionally, unless you have an employer or close family in the U.S., there are few mechanisms to come to the United States. And with the current shutdown of the U.S. refugee program and access to asylum at the border, options for people to seek humanitarian protection in the United States are extremely limited.<sup>14</sup> In recent years, most people crossing the border have fled violence or persecution in their home countries and are coming to the U.S. with the intention of presenting themselves to U.S. officials to seek asylum so that they can seek safety, security and a better life. Seeking asylum is legal under both U.S. and international law, regardless of an individual's manner of entry.<sup>15</sup>

The global crisis of displacement and forced migration cannot be solved with border restrictions or cruel deterrence policies like mass detention and deportations. It can only be addressed through a human rights-based approach that addresses the root causes that force people to flee, provides safe pathways to protection to the United States, and includes a fully funded reception system to address the humanitarian needs of those arriving to the border to seek safety. This is the kind of holistic response that can help all of our communities thrive.

#### **5. Why is it important for parents in detention to be able to keep their parental rights?**

When immigrant parents are detained by immigration officials and separated from their children, the current system often prevents them from making basic decisions about what happens to their children, like deciding who will care for them or where they'll live.

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<sup>13</sup> Bragg, Juliana. "All the Nations Who've Lost Immigration Protections Under Trump." *Axios*. Nov. 24, 2025. <https://wwwaxios.com/2025/11/24/trump-immigration-temporary-protected-status-myanmar-burma-somalia>

<sup>14</sup> Spar & Bernstein Law Offices, "Border Control Reimagined: Asylum Restrictions, and the New Southern Border Reality in 2025." Jul. 23, 2025. <https://www.lawsb.com/border-control-reimagined-asylum-restrictions-and-the-new-southern-border-reality-in-2025/>.

<sup>15</sup> Children's Defense Fund-Texas, "The Biden Administration just extended its asylum ban at the southern border indefinitely—here's what that means for children and families who are fleeing violence." Oct. 9, 2024. <https://www.childrensdefense.org/wp-content/uploads/2024/10/CDF-TX-Asylum-Explainer-Fact-Sheet-024-1.pdf>

Even when they are put in immigration detention, parents have legal rights to determine their children's care, and immigration officials have policies they are supposed to follow to protect these rights in the best interests of children. Children need their parents and caretakers looking out for them, regardless of their immigration status. Immigration detention should not stand in the way of parents making the best possible decisions for their children.

## **6. How would ending family detention benefit all American families?**

As we all notice the rising cost of living, housing shortages, and budget concerns at the local, state, and national level, many of us sense that resources may be scarce and we wonder whether we must choose between providing for the needs of American children and meeting the needs of immigrant children. This concern is understandable, but the reality is that when immigrant families can legally work, pay taxes, and contribute fully, everyone benefits. Together, we are all helping build a stronger economy and stronger communities for all of us. Plus, we're currently wasting enormous amounts on immigration enforcement and detention that could be spent to fund healthcare, education, infrastructure, and other essential services that benefit everyone. The question isn't, "Which children do we help?" It's, "How do we create communities where all children can thrive?"

## **7. How did we end up with such harmful U.S. immigration policies?**

**The system isn't broken. It's working exactly as designed, and cruelty is the point.** Many of our current immigration policies—including family separation and family detention—were intentionally designed to be cruel with the goal of deterring families from exercising their right to seek safety or to pursue legal immigration pathways.

That doesn't align with the core values that many of us hold dear: freedom, fairness, and protecting children. We can create a system that protects children, keeps families together, and helps all of our communities thrive. Now more than ever, as a growing number of families across the country are being torn apart and locked up in horrific conditions, it has never been more urgent for us to build an immigration system that is based on human rights and dignity, not cages.