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Project

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Asylum-Seeking Families Detained at Berks Seek to Intervene in State Licensing Case

*Families and legal representatives say interests not adequately represented
by state agency*

HARRISBURG, April 12, 2018 This week — Aldea — The People’s Justice Center, along with families currently and formerly detained at the Berks County Residential Center, filed a Petition to Intervene in the litigation between the County of Berks and the Pennsylvania Department of Human Services (PA DHS) regarding PA DHS’ nonrenewal of the Berks license. The Berks prison is one of only three in the country in which immigrant parents and children are incarcerated together, and it is the only one that had a state-issued license to operate. When PA DHS revoked the Berks license in early 2016, the County appealed the decision. The matter has been under administrative review for over two years, with no resolution in sight.

The Petition argues that intervention is necessary because PA DHS has done an inadequate job of representing the interests of families detained at Berks. PA DHS not only has permitted but has stipulated to the continued operation of the facility throughout the licensing appeal despite evidence of serious regulatory violations that PA DHS failed to bring to the administrative judge’s attention, including:

- The repeated institutional sexual assault of a detained mother by a guard, witnessed by young children, but never reported to Childline as required by mandatory reporter laws;
- A father and his three-year-old son who were held in medical isolation for two weeks even though the child tested negative for tuberculosis and the father never received a definitive diagnosis. Other children were not allowed near the three-year-old despite his negative test, further traumatizing the young boy;
- Housing unrelated detainees of opposite sex together, including a recent case where a teenage girl detained with her father was the only female in a facility that is currently majority male;
- Detaining children under nine years old in a locked and secure facility (prohibited by Pennsylvania law);

- Denying children appropriate medical treatment and mental health care; and
- Depriving children of sleep by waking them up by shining flashlights and making loud noises every 15 minutes — 40 times a night — which pediatricians have found is severely detrimental to their health and development.

The Petition is supported by complaints made by Aldea attorneys to PA DHS in which investigation was promised but no follow-up report given. The Petition is also supported by reports by human rights organizations, including Human Rights First, which visited the facility and met with detainees.

Aldea attorney Carol Anne Donohoe stated, “Through their inaction thus far, PA DHS has shown they cannot adequately and zealously represent those most affected by this litigation – the detained asylum-seeking mothers, fathers, and children.”

“Berks is a prison that profits off the incarceration of children, an abomination by the standards of all nations and a violation of human rights. It is past time that the state of Pennsylvania shut Berks down,” said Elizabeth Simpson, an attorney with the National Immigration Project of the National Lawyers Guild.

Along with Aldea attorneys Donohoe, Bridget Cambria, Jacquelyn Kline, and Karen Hoffmann, co-counsel on the Petition are Elizabeth Simpson of the National Immigration Project of the National Lawyers Guild and David Bennion of the Free Migration Project.

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Aldea - The People’s Justice Center (aldeapjc.org) is a nonprofit 501(c)(3) organization based in Reading, Pennsylvania. Its volunteer attorneys and advocates have represented more than 700 individuals detained at Berks since 2015, as well as the approximately 35 currently detained families, in their asylum and immigration proceedings *pro bono*.

The **National Immigration Project of the National Lawyers Guild** is a national nonprofit organization that provides technical assistance and support to community-based immigrant organizations, legal practitioners, and all advocates seeking and working to advance the rights of noncitizens. For 47 years, NIPNLG has promoted justice and equality of treatment in all areas of immigration law, the criminal justice system, and policies related to immigration.

Free Migration Project is a 501(c)(3) nonprofit organization that advocates for migration to be recognized as a fundamental human right. Free Migration Project is based in Philadelphia, Pennsylvania, and provides legal support and training to organizers and advocates, engages in public education and outreach, represents immigrant clients, and advocates for fair and open immigration laws.