



Resolution on Family Well-being through the Asylum-Seeking Process

An official statement from the Global Alliance for Behavioral Health and Social Justice (formerly American Orthopsychiatric Association)

The Global Alliance is committed to the application of principles of human rights and social justice to policy development, community action, and systems change related to behavioral health and well-being. The rights of people who seek asylum are human rights, guaranteed in the *Universal Declaration of Human Rights* and the *Geneva Refugee Convention*, which was formally incorporated into United States (U.S.) immigration law through the adoption of the *Refugee Act of 1980*. As such, we must ensure that the U.S. government never again perpetrates family separation against immigrant communities. Furthermore, we believe the prevailing U.S. policies that have historically criminalized the asylum-seeking process and led to family separation must be addressed.



Key Facts about Detention

- In 2018, the federal government spent approximately \$3.076 billion on detention
- Although 96% of applicants are present at immigrant court hearings, they are often monitored by GPS ankle bracelets.
- Detained asylees have been found to have elevated psychological distress (e.g., anxiety, depression and post-traumatic stress disorder) compared to non-detained refugees.
- Asylees frequently remain detained even after confirmation that their claims are credible.
- Access to a lawyer to assist in the asylum case is typically cost prohibitive
- Dehumanizing language (i.e., 'catch and release') and the detainment of migrants initiating legal proceedings suggest a violation of the law.

Detention of asylum-seekers is a relatively recent practice which started following the *1996 Illegal Immigration Reform and Immigrant Responsibility Act* (IIRIRA) which required all asylum-seekers at ports of entry to be detained. This process is costly, traumatizing and dehumanizing to asylees.

The willful separation of children from their parents at the U.S.-Mexico border during the Trump administration, and the current refugee crisis have exacerbated weaknesses in existing immigration policy. The Global Alliance firmly believes that our current policies and practices in the U.S. immigration system do not uphold human rights. A spectrum of alternative practices is needed to increase protections for asylum seekers, prevent family separation, and ensure that the asylum seeking is viewed as the right to seek and enjoy safety from persecution. To achieve this, the adoption of more compassionate alternatives to immigration detention, such as parole/release on own recognizance, affordable bond, home visits and office check-ins, community placement (e.g., placement with host families), and other community-based alternatives are necessary. Additionally, every applicant should be provided linguistically appropriate free legal counsel as they await the processing of their asylum case.

The Global Alliance recommends the adoption of these practices which frame the asylum-seeking process as a human right and will ensure

better outcomes for individual and family well-being.

Additional Resources

ACLU Fact Sheet on Alternatives to Immigration Detention (ATD) <https://www.aclu.org/other/aclu-fact-sheet-alternatives-immigration-detention-atd>

Convention and Protocol Relating to the Status of Refugees <https://www.unhcr.org/en-us/3b66c2aa10>

Migration Policy Institute
<https://www.migrationpolicy.org>

The Math of Immigration Detention, 2018 Update: Costs Continue to Multiply
<https://immigrationforum.org/article/math-immigration-detention-2018-update-costs-continue-multiply/>

Without A Lawyer, Asylum-Seekers Struggle With Confusing Legal Processes
<https://www.npr.org/2018/02/25/588646667/without-a-lawyer-asylum-seekers-struggle-with-confusing-legal-processes>

Data about Unaccompanied Children Released by Sponsors by State from 2015-2021
<https://www.acf.hhs.gov/orr/grant-funding/unaccompanied-children-released-sponsors-state>

Relevant Articles from *American Journal of Orthopsychiatry*

Miller, A., Hess, J. M., Bybee, D., & Goodkind, J. R. (2018). Understanding the mental health consequences of family separation for refugees: Implications for policy and practice. <https://doi.org/10.1037/ort0000272>

Vasquez Guzman, C. E. et al. (2020). Latinx/@ immigrant inclusion trajectories: Individual agency, structural constraints, and the role of community-based organizations in immigrant mobilities. <https://doi.org/10.1037/ort0000507>

How Can You Help?

- Educate yourself and others about the human rights violations against immigrant families and the impacts on behavioral and physical health.
- Contact your senators and representatives and tell them that you want to see an end to detention of asylum seekers.
- Join local-level organizing efforts to pressure government officials in your state to support increasing rights of immigrants
- Volunteer your time or donate to a non-profit organization that advocates or provides services for immigrant communities.
- Participate in or organize a community event to support immigrant communities.