

URGENT ACTION

FAMILY SEEKING ASYLUM DETAINED IN BERKS COUNTY

Astrid (14) and her father, Arturo (49), have been detained at the Berks County Residential Center in Leesport, Pennsylvania, since 20 February. They are seeking asylum because they fear returning to their home country of Guatemala as Indigenous K'iche. Astrid also fears returning because as a female, she may be subject to gender-based and sexual violence and other serious harm. They must be released pending the result of their asylum claim.

Astrid and Arturo came to the USA in February 2015 after fleeing harm in their home country of Guatemala because of their identity as Indigenous K'iche. When they arrived at the southern USA border, they were apprehended by US Customs and Border Patrol (CBP) and detained. CBP released them the next day with a Notice to Appear (NTA) in immigration court that did not specify a date or place to report. They did not know they could ask for asylum. Astrid and her father have lived in Easton, Pennsylvania, at the same address since CBP released them. Astrid is in the eighth grade at Easton Area Middle School and has attended school there since the fifth grade.

On 20 February 2018, at approximately 5:00 am, Astrid was asleep in her room when six armed male Immigration and Customs Enforcement (ICE) agents stood before her bed and awoke her, yelling: "IMMIGRATION – GET UP!" They ordered everyone in the house into a room and asked them for identification. The ICE agents did not show a warrant or indicate whom they were looking for. Astrid and Arturo were then brought to the Berks County Residential Center with Astrid still in her pajamas.

Although Astrid and Arturo have lived at the same address since arriving in the USA and received mail there, they state they had never received an updated notice of a court hearing. Until they were detained, they did not know they had been ordered removed from the USA for not appearing in immigration court. On 2 March the family's attorneys filed a motion to reopen their case with the Philadelphia Immigration Court due to the lack of notice of their hearing. At that time, they also filed an application for asylum based on fear of persecution if returned to Guatemala. They have a stay of deportation while the judge's decision is pending. There has been nothing presented to indicate that they are a flight risk or a danger to the community."

Please write immediately in English or your own language:

- Urging the USA authorities to immediately release Astrid and Arturo together from Berks County Residential Center pending a final determination on their asylum claim.

PLEASE SEND APPEALS BEFORE 19 APRIL 2018 TO:

Acting Field Office Director

Gregory S. Brawley
Immigrations and Customs Enforcement
US Department of Homeland Security
114 North 8th Street
Philadelphia, PA, 19107, USA
Tel: + 1 215 656 7164
Email: gregory.s.brawley@ice.dhs.gov
philadelphia.outreach@ice.dhs.gov
Twitter: @ICEgov
Salutation: Dear Mr. Brawley

Assistant Field Office Director

Joshua G. Reid
Immigrations and Customs Enforcement
US Department of Homeland Security
3400 Concord Road
York, PA, 17402, USA
Tel: + 1 267 479 3689
Email: Joshua.G.Reid@ice.dhs.gov
philadelphia.outreach@ice.dhs.gov
Twitter: @ICEgov
Salutation: Dear Mr. Reid

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY WOODY JOHNSON, U.S. Embassy London, 33 Nine Elms Lane, SW11 7US, Phone: (0)20 7499-9000. **Please check with your section office if sending appeals after the above date.**

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Under international law, the US government has an obligation to ensure that the human rights of migrants and asylum seekers are respected, protected and fulfilled. The US government also has an obligation to ensure that children are detained only in exceptional circumstances, and for the shortest possible amount of time. International standards, including instruments to which the United States is a party, contain a strong presumption against the detention of migrants and asylum seekers. The International Covenant on Civil and Political Rights (ICCPR) clearly sets out the right to be free from arbitrary detention. Detention should only be used as a measure of last resort; it must be justified in each individual case and be subject to judicial review. Detention is only appropriate when authorities can demonstrate in each individual case that it is necessary and proportionate to the objective being achieved and on grounds prescribed by law, and that alternatives (such as reporting requirements, bail or financial deposits) would not be effective.

The detained family has applied for asylum and other forms of protection in the USA. They fear returning to their home country because of their identity as Indigenous K'iche. The family's asylum claim indicates that Astrid also fears returning to Guatemala because, as a female, she may be subject to gender-based and sexual violence and other serious harm. Astrid will turn 15 years old on 15 March. She had been eagerly planning her quinceañera (a traditional cultural celebration when girls reach the age of 15) before she was detained by ICE and sent to Berks. Her birthday wish is for her and her father to be freed from detention and to return to middle school. She worries about the homework she has missed.

The Berks County Residential Center currently holds dozens of families, who are predominantly fathers with children. There are several mothers detained as well. This is the only family detention center in the USA that permits co-mingling of sexes in the same facility. Many families at Berks County Residential Center come from the Northern Triangle countries of El Salvador, Guatemala, and Honduras, a region where Amnesty International has documented extreme levels of violence and insecurity.

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