

# “They Cut Your Wings over Here . . . You Can’t Do Nothing”

## *Voices of Children and Parents Held in Immigration Detention in Canada*

RACHEL KRONICK, CÉCILE ROUSSEAU, AND JANET CLEVELAND

In Canada approximately 9,000 persons are held in immigration detention centers every year, according to the Canadian Border Services Agency (CBSA, 2011). Approximately half of these detainees were either asylum seekers or failed refugee claimants awaiting deportation. Detention takes place in Immigration Holding Centers (IHCs) in 65 percent of cases and also in provincial jails (35 percent; *ibid.*). The three IHCs, located in Toronto, Montreal, and Vancouver, function like medium-security prisons and are surrounded by razor wire fences and staffed by guards (Cleveland & Rousseau, 2013).

Approximately 650 (im)migrant children are detained every year in Canada, again according to the CBSA. This is likely a significant underestimate of the actual numbers of children held in immigration detention, however, because children are often not issued detention orders themselves and are in detention accompanying parents who have chosen to stay with their children rather than relinquish their care to provincial children protection services (Kronick, Rousseau, & Cleveland, 2015; “Detention . . .,” 2009). In these cases, children are statistically and legally invisible as detainees. They are detained with their mothers in a mother-child section (separate from the women’s section), and separated from fathers or older male relatives, who are held in a separate men’s section. In Canada asylum seekers’ mean detention length is approximately one month, though families may be detained for anywhere from 48 hours to many months.

This chapter examines the research looking at (im)migrant children and parents who have been detained in Canada. We draw on research conducted between 2011 and 2012, investigating the lived experiences of 20 detained families

(Kronick et al., 2015). As an ethnographic study, the investigation sought to understand children's and parents' daily detention experiences, as well as their perceptions of and reactions to the immigration detention system in Canada (ibid.). In this chapter we use the in-depth interviews as well as participant observations and discussions with key informants of the study to illustrate the experiences of detained families. We look first at the pre-migratory experiences of families, and then explore the day-to-day lives of children and families in detention, including their experiences of being arrested and navigating the legal processes of immigration detention. Next we examine the experiences of families who have been separated in the context of detention, as well as those mothers who are parenting in detention. Finally, we address detainees' own perceptions of immigration detention in Canada.

## Pre-migratory Contexts: Trauma, Separation, and Complex Migratory Trajectories

Families who had experienced detention in Canada described significant prior trauma and persecution. They described histories of physical assault, rape, and torture; threats or harassment by an organized group; murder or disappearance of family or friends; witnessing murder; religious persecution; domestic violence; and forced separation of family members and of parents and children (Kronick et al., 2015). Some participants had also experienced significant stress and even trauma during the transnational migration process (ibid.). There were families who had lived with precarious status in another country. One family had already been detained as migrants in a Central American immigration prison prior to their arrival in Canada. Several families had endured long, dangerous journeys by boat or on foot, in some cases traveling through multiple continents. These findings, suggesting a heavy burden of pre-migratory stressors and trauma, correlate with international literature (Steel et al., 2009; Ryan, Kelly, & Kelly, 2009). Children and families arrived in Canadian detention centers already having lived through trauma, and often having already faced marginalizing immigration practices in other countries.

## Living in Detention: Arrests, Reviews, and Daily Life

**Arrests.** Families initially arrive in detention on the basis of a decision of a Canadian Border Services Agency (CBSA) officer, who is invested with the power to arrest and detain migrants. (Im)migrants and asylum seekers are detained primarily for three reasons: (1) a person's identity has not been established; (2) a person is deemed unlikely to appear for an examination, admissibility hearing,

or removal from Canada (i.e., a flight risk); or (3) someone is deemed a threat to public safety or inadmissible on security grounds (Nakache, 2011). Importantly, fewer than 6 percent of detainees are deemed a risk to public safety (Cleveland & Rousseau, 2013).

For many parents and children, the experience of arrest was described as frightening and humiliating. One mother, arriving by plane with her two teenage children and a six-year-old, described 10 hours of interrogation by CBSA officials at the airport after making an asylum claim. The interrogation was followed by their arrest:

We just arrived and we didn't know what was happening. . . . I didn't understand that they were taking me to a detention. . . . It was horrible, I was crying. "Why are we in a jail? Why are we detained?" . . . We didn't know what to do, what was happening. Actually they said they weren't through with us, so they said we could stay [in detention] or they can send us back. (Case 12)

As this mother described, families were often flanked by uniformed officers during their arrest, who accompanied them to the van transporting persons to the IHC:

Yeah, that was the most undesirable thing also. They didn't put us into handcuffs, but there were three to four policemen. Of course one was ahead—in front of us. The other ones were behind us. Two at our sides . . . it was security for us to . . . to take us into the car. (Case 12)

Parents reported how humiliating this experience was for them—to be seen in public appearing as criminals—and how frightening these experiences were to their children. In one case a child of five years had to be forced into the van by officers when he tried to flee in fear.

Three families told us that their children had been witness to their parents in shackles and handcuffs:

INTERVIEWER: They handcuffed you in front of the kids?

MOTHER: Yes. In front of the kids. And . . . we were all crying, you know?

My kids were crying. They were like: "Mom what happened? Why are they doing this?" (Case 17)

Participants also noted the experience of being searched in front of their children. A mother of a 21-month-old boy described arriving at the detention center, having her personal belongings confiscated, and then being searched in front of

her toddler. When security guards attempted to search him he cried, frightened, refusing to enter the small room.

Some families reported that during long periods of interrogation and waiting for transport, they were left without food for themselves or their children. One mother was arrested in her driveway while holding her infant in her arms (Kronick et al., 2015). She was separated from her infant—who was still breastfeeding—for four days in provincial jail until she was transferred to the IHC when space became available.

In summary, for the families we interviewed, arrests evoked feelings of terror and shame and were in some cases made more trying by long interrogations, lack of food, the intimidating presence of officials in uniform, and detainees' lack of knowledge of the process and their rights. Children are witness to their parents being searched and sometimes being handcuffed.

**Review hearings.** Once families have entered detention facilities, their imprisonment is reviewed before an administrative tribunal of the Immigration and Refugee Board (IRB) at 48 hours, 7 days, and then every 30 days after detention. Families are typically represented by legal counsel, though they may represent themselves. A decision maker from the Immigration Division of the IRB determines if someone is to be released or detained further after hearing arguments from the detainee or representative and the lawyer representing the CBSA. Families in our study described these hearings—particularly unsuccessful ones—as painful and frustrating experiences. Parents spoke both of a failure to take into consideration the presence and best interests of their children, and of a sense that the proceedings were arbitrary and unfair.

In several cases, children's well-being was not taken into account by decision makers at detention review hearings. During one hearing, the decision maker stated aloud that he was "taking into consideration the best interests of the child" but proceeded to give a decision that did not mention the children. In other cases, parents attempted to make the decision maker aware of their children's interests (or in this case a pregnant spouse) and were ignored during the hearing:

They just stopped and I said "please, I need to talk to somebody. Help me." My wife was pregnant. We started to have problems with that pregnancy. . . . The baby basically stopped growing. . . . She wasn't in good condition. She was having trouble here by herself. Basically they didn't care about that. We provided them with some letters from my family doctor and everything. . . . And they didn't care. (Case 18)

One mother noted that the only time her children—ages six and four years—were invoked in the hearings or arrest (despite the children being present) was when the decision maker cited the parents' desire to make a good life for their children as evidence that they were a flight risk:

Yes, that was the only time [they mentioned the children]. Not even when we were arrested . . . even when we said that we want to be together. They say: "It's not a big deal." . . . The way that they treat you is . . . it's not nice, it's not fair and it's not respectful at all. (Case 17)

We also observed avoidant reactions to children in a detention review hearing. An IRB member did not look at the two young children who were present throughout the hearing; nor did the member appear to notice when the eldest child, age 11, wept as the decision was announced. The child left the hearing room and vomited soon after, according to her mother, as a consequence of her enormous distress at returning to detention.

While families noted the invisibility of their children in the detention review hearings, they also felt that hearings were often unjust and arbitrary. One father who was separated from his family described the process as a kind of farce:

[The detention review hearing] was a theater: this guy talks, I am supposed to respond, he talks again then the judge makes his part. That's it. Every single time was the same thing. Even when I got released it was the same thing. (Case 18)

Key informants also explained that during some detention hearings CBSA lawyers had sometimes used medical records from the detention center without patient consent, thus breaching patients' (i.e., detainees') confidentiality.

**Rules of daily life.** While children and parents are in detention, their daily life is dictated by rigid schedules, surveillance by guards, and minimal stimulation. Despite children's right to access education (Citizenship and Immigration Canada, 2007; UNHCR, 2012), schooling provided within the IHCs is onsite and described by children and parents as inadequate (Kronick et al., 2015). Although spaces are clean and physically safe, there is sometimes a lack of space and often children are deprived of age-appropriate toys and stimulation. The difficulties of daily living, combined with pervasive understimulation and lack of freedom of movement, make life in immigration detention feel degrading, overwhelming, and distressing for children and their parents.

The following vignette, witnessed by our researcher, underlines restrictive regulations governing children's activities in detention. In one IHC the family yard, which children could access at the discretion of the guards, was adjacent to the yard for the men's holding section. We observed an 11-year-old girl, detained for approximately two weeks with her mother and younger sister. The child entered the family yard—having not been able to go outside previously, because she did not have adequate winter clothing—and noticed her father across the barbed wire fence separating the men's yard. The girl ran toward the fence, smiling and waving hello, visibly delighted to see her father, from whom she and her mother and sister

were separated. The guard quickly yelled at the child to stop, insisting that she not acknowledge her father. The child, shocked and frightened, backed away from the fence (ibid.).

Even meals and wake-up times were strictly regimented, making the mundane act of getting up and breaking bread trying. In one IHC, meals required families to exit the family areas accompanied by guards to travel to another building. "At five in the morning a woman came to tell us 'get yourselves ready, you're going downstairs. We're going to eat.' At five in the morning!" (Case 19) This mother explained that she would sometimes have to wait forty minutes outside in the snow with her two children before they reached the cafeteria (Kronick et al., 2015).

The institutional norms and regulations were upheld even while appearing absurd when applied to young children. For example, after an interview was completed with a mother and a 21-month-old toddler in a conference room, the guards tried to contain the family in the room until permission was given for them to leave. In general, guards were careful to open doors and release families from specific rooms only when permission was given by the central guard desk. While waiting, the toddler sang songs with his mother for several minutes to pass the time. A guard then arrived and opened the door, explaining that they must still remain in the room until an order was given. The toddler, laughing delightedly, quickly ran out of the room as if playing a game of chase. The guard pursued him with seriousness, attempting to block the child's path with his knees and forcing him back into the room with his mother.

In contrast, guards often enacted a dual role: that of jail keeper, but also of caregiver for the children. We observed a five-year-old run to a guard who was arriving on shift and who picked him up and spun him around playfully. Similarly, guards were often attentive to mothers' well-being, and would sometimes tell us during our interviews that they believed the mother was depressed, in one case adding that she (the guard) could not imagine being detained herself. They were also attentive to children's needs, for example pointing out to a mother that a child had lost a sock, or commenting on how sophisticated a drawing done by a five-year-old was for his age. In this sense, guards acted so as to resist collusion with the oppressive practices of detention (ibid.), while at the same time their actions appeared to almost deny the harsh reality of children's circumstances in detention.

In short, detainees, including children, are the objects of near-constant surveillance in the IHC and have limited freedom of movement. Security personnel's interaction with children and families is characterized on the one hand by mothering and nurturance, and on the other by power and authority. These ambivalent actions toward detainees point to the difficult position of guards, as they are tasked both with *protecting* migrant children and *protecting us from* the presence of certain migrant children.

## Health Care and Psychosocial Supports in Detention

Parents described limited sources of support in the IHCs. There are primary care medical services, which include nurses who are available during the day and a doctor who visits the IHC every three or four days. Key informants also told us that a previous family doctor working in one of the IHCs had been fired because of his advocacy work on behalf of detainees. Another doctor hired on private contact by the CBSA was nicknamed “Doctor Tylenol” because he provided such minimal treatment.

Families can sometimes access support from nongovernmental organizations that are permitted to visit the IHCs in Toronto and Montreal. These organizations typically help families access legal representation. They also may furnish clothing, toys, and books to detained families. In one IHC, an NGO provides volunteer therapists who lead a support group for detained adults, but there were no regularly available social workers or psychologists in either IHC. Significantly, many of these services would be offered by the state in a prison, but they are not in the IHCs.

## Frightening Separations in Detention

Separation of children from their parents because of detention was an important and common experience for families in our study (Kronick et al., 2015). Children may be separated from fathers or older male siblings when they are detained, or parents may be detained without their children in some cases. Sometimes parents are given the *choice* of having their children accompany them in detention, or separate from them, leaving them in the custody of provincial child protection services (“Detention . . .,” 2009).

Children appeared highly distressed by separation from a father within detention. One 11-year-old child, detained for nearly three months, spoke to her mother frequently about her father, asking where he was and if he was OK. As the detention progressed she began to refuse meals, asking that the food be saved and given to her father (Kronick et al., 2015). Several mothers reported that when children were able to visit their fathers they would cry on reunion. It appeared that despite opportunities to meet fathers a few times a day, children were extremely anxious about the absent parent. This high level of anxiety may point to the retraumatizing effects of separation and detention following multiple pre-migratory traumas.

For children who were separated from their parents during the latter’s detention, there were opportunities to visit the detention center. However, as we learned from participants, these visits were often very stressful for children and parents. For example, one parent described the experience of having his three-year-old

child and pregnant wife visit him in detention. Because they were not Canadian (as some detainees' children are), they were required to meet in a visitors room, speaking to the father/husband behind glass:

These other Canadian kids could come in, but my son—because he was [non-Canadian]—couldn't get in. They are so mean [. . .] It is up to the mood of the judge, the guard. It's up to everyone's moods. (Case 18)

The same father noted the strict rules surrounding contact with visitors. He told us that after meeting with his wife and child in the visiting room behind glass he would go to his cell to watch them leaving the IHC from his barred window:

Sometimes they didn't treat us like humans. . . . I'd go as fast as I could to my room just to say bye to her [my wife] every single day. Once one of those guards just came to me and said “. . . Don't say 'hi'. Don't salute people.” I told him “Hey it's my wife! It's my family. What are you talking about?” “You are not allowed to do it.” I couldn't even respond to that. I was just brought to tears. (Case 18)

Children who were spared detention but separated from one or both parents frequently appeared to fare poorly during the parent(s') detention. After his mother was detained alone, a five-year-old's school noted social difficulties, regression in academic milestones, and inability to separate from the female teacher from whom he was seeking comfort and “affection.” As his father described:

I think that he is scared. He is scared for his mother. Is she in danger—he knows that she is here [in Canada], but why isn't she coming home? He's already asked me the question “Tell me, papa, tell me the truth.” I cried when he asked me that. . . . I don't know what to say. . . . I have to reassure him before he'll be calm and not ask more questions. “She's going to come, she's going to come.” It's as if he doubts that she will come home. (Case 20)

The detention of his wife and the resultant family separation also appeared to affect the children's father, who reported insomnia, loss of appetite, weight loss, and suicidal ideation:

I got angry and I said to myself “I prefer to go and die in my country. I prefer to be imprisoned in my country than my wife should be in prison for something that she didn't do. . . . Why are they keeping her there [in detention]? For nothing! I say that it is shameful. It's a shame on Canada. (Case 20)

One family who had chosen to separate from their two children, ages six and four, in order that they not face imprisonment, reported how anxious their children were about their parents' absence. To try to console the children, the parents had told them they were merely working overtime to help pay for a vacation.

FATHER: They are always asking "When do you come back? When do you come back?"

MOTHER: Yes. They cry. Sometimes they get really upset, you know? They tell us: "Why are you taking so long? Why do you need a lot of money to take a vacation? . . . Mom, why do you say 'soon'? 'soon' never happens, Mom." (Case 17)

The children's grandmother, who was caring for the children while the parents were detained, also reported to the parents that their children's behavior had changed, suggesting they were more aggressive and irritable and would cry more easily since being separated from their parents. The mother noted:

Of course it is a stressful situation for them. We never, never separate. Never. We are always together. They have on their minds what happened [when parents were arrested and handcuffed in front of the children]. . . . I just can't wait to be with them, to have them, to smell them. I can't wait. (Case 17)

We also documented separation experiences of families who were detained as part of a specific mass arrival of Tamil asylum seekers from Sri Lanka aboard the *Sun Sea* (Cleveland, Dionne-Boivin, & Rousseau, 2013; Cleveland, Rousseau, & Kronick, 2012). In that case, 25 mothers arriving with children were detained in a separate facility from fathers who were detained in provincial prisons. The family we interviewed reported that for a period of two months the mother and children were permitted no contact with the father. After two months, phone contact of 10 minutes per week was allowed, and after three months children and mother could visit father in jail every 7 to 10 days for 15 minutes to one hour. As in other cases, the family reported children's high anxiety at being detained and separated: "Why aren't we getting released? When do I get to see my father? Is father coming to take us?" (Case 11) the children frequently asked. These children had experienced a high level of pre-migration trauma, including witnessing the violent deaths of children or adults (including extended family members) and enduring months of shelling, in addition to the difficulties entailed in migration (Cleveland et al., 2012).

We also met with parents who were detained without their children in provincial jails. The detentions in jail occurred because there was no more room in the IHCs. In all of these cases, children were necessarily separated from their parent

because children are not permitted in provincial prisons. One father told us he was unable to reach his wife and children, having been permitted only one phone call, which had not gone through, so for two weeks his family did not know where he was. Two mothers were held in jail and forcibly separated from their breastfeeding infants until they were permitted a transfer to the IHC (Kronick et al., 2015).

Overall our research suggests that families are affected not only by detention, but also by the family separations that are caused by immigration detention (*ibid.*). Separating children from their parents—often with the intention of protecting children from the harmful experiences of detention—severs children’s secure attachments (even if only temporarily), leading to severe distress and psychological maladjustment.

## Children and Parents in Detention Together

Several parents, especially mothers of infants, noted how difficult it was to parent under the IHC rules. Parents were not permitted to let children out of their sight. For example, the mother of a four-week-old who had been detained for nine days when we met her complained how difficult it was to use the bathroom, given she had to carry the baby with her in his car seat—a weight she had been advised not to lift after her caesarean section.

Parents we interviewed disclosed significant distress manifesting as sleep difficulties, nightmares, anxiety, suicidal thoughts, weight loss, and feelings of shame and humiliation. Parents spoke of their loss of confidence in detention. One father remarked: “Detention, for me, it demoralizes you. And then you even start to doubt yourself” (Case 19).

The mother of a four-week-old described her lack of confidence caring for a newborn as a first-time mother cut off from all social supports in detention. Several parents were also adamant that the IHC was not an appropriate place to parent their children: “I don’t think this is a place you can take care of children” (Case 14).

Yet despite the inherent challenges of parenting in detention, many parents demonstrated significant resilience in caring for their children. One mother would use the few picture books in the IHC to tell traditional stories from her country of origin to her children. Another mother spoke of using traditional lullabies and songs to soothe her distressed children. Multiple families devised stories about detention to try to protect their children from the frightening and uncertain reality of their status; for example, parents often denied that they were in detention, or if they were detained without their children they told them they were hospitalized, “studying English” (Case 17), or working overtime.

Despite parents’ capacity for resilience and their determination to protect their children from the deprivation of detention, the evidence suggests high

rates of psychiatric symptoms in adult asylum seekers who are detained in Canada. Compared with nondetained asylum seekers with equivalent pre-migratory trauma experiences, both women and men held in brief detention (average 31 days) are significantly more likely to have symptoms of post-traumatic stress disorder, anxiety, and depression (Cleveland & Rousseau, 2013). This suggests that parents' mental health may be strongly affected by detention. There is considerable evidence suggesting that parental depression has an impact on children's well-being in multiple domains (Weissman et al., 2006a; Weissman et al., 2006b). Thus, children in detention may face not only the adversity of the detention experience, but the effects of parental mental illness.

### Perceptions of Detention: Children's Perceptions

In our study, many children were keenly aware of being in detention, and even younger children struggled to understand what it means about themselves and their future. Older children also perceived the experience of detention as having a negative impact on their well-being.

A four-year-old returning by van to the detention center after a detention review hearing said to her mother while looking out the window: "Those kids are lucky, they get to play in the park. I don't want to stay [in the IHC]" (Case 6). Even a toddler, age 21 months, was described by his mother as knowing "that [the family's circumstance] was not normal" (Case 5). A key informant described being in the outdoor yard with a child who asked how to spell "help." He explained that he wanted to write "help" in the dirt so that airplanes above might come and rescue him.

Older children questioned why they were detained. One 11-year-old asked: "we are not bad people. Why are we here? We don't do bad things" (Case 2). A brother and sister, aged 13 and 12, describe an experience of confinement in detention:

SON: I feel trapped. I want to ride my bike, to see my friends. That's all.

DAUGHTER: I feel like I am in jail.

s: It's basically jail.

Children also responded to detention with prominent psychological distress and psychiatric symptoms (Kronick et al., 2015), suggesting that detention likely has harmful psychological consequences. Further, though many children experienced relief of symptoms on release from detention, several children in the study demonstrated ongoing psychological effects even long after brief detention (*ibid.*).

## Adult's Perceptions

Parents spoke strongly about feelings of disappointment at being detained on arrival in Canada:

Canada, with its values as a so-called developed country, it's shameful. I would say that it is really unacceptable. . . . I say that it is criminal . . . and you don't even want to take into account children who are suffering. . . . No. I would rather die with dignity than be treated as a subhuman.  
(Case 20)

Some parents also noted how degraded and criminalized they felt in being detained: "They [CBSA officials and guards] didn't like immigrant people, illegal people. Sometimes they didn't treat us like humans or something like that." Another father noted:

The moment we came here we were treated like crooks. . . . The moment we landed here, the treatment, the detention—we were really disappointed and we never expected this. . . . We were under oppression there [in our country of origin], so we came here. . . . So that was very painful that after suffering there we come here and we are treated as being part of a terrorist organization.

Overall, parents denounced the practice of detention and emphasized how inappropriate imprisonment was for their children.

## Conclusion

Children who come with their parents to Canada seeking asylum are regularly held in immigration detention. According to the UN Convention on the Rights of the Child, detention should be used only as a measure of "last resort" and only when children's *best interests* are given primary consideration (UNHCR, 1989). Far from considering children's best interests, current immigration policy and practice in Canada opens the door to (im)migrant child and family detention.

Our research suggests that experiences of detention are frequently traumatizing to children and may result in traumatic family separations even when children are not incarcerated themselves. Although detention in Canada is relatively less harsh and briefer than it is in other countries, children speaking out in our study made clear that detention was profoundly distressing. Children often live through frightening arrests and detention review hearings, and experience deprivation,

understimulation, lack of psychosocial support, parental distress, and harsh surveillance during their day-to-day life in detention.

(Im)migrant children in Canada should be protected from the harmful experiences of detention *and* from separation from their primary caregivers in cases where parents are detained alone. Policy makers, advocates, and health professionals have an obligation to shape Canadian immigration practice and legislation to ensure that children and parents are not detained for immigration purposes.

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