

#FamiliesBelongTogether

As Congress negotiates funding for the Department of Homeland Security, members must hold immigration enforcement agencies accountable for family separation and incarceration, and defund policies and programs that separate and incarcerate children and families.

BACKGROUND

The Trump administration and Attorney General Jeff Sessions instituted a “zero tolerance” policy to criminally prosecute 100% of people who have crossed between official border crossings, regardless of whether they are seeking asylum, resulting in the wholesale separation of over 2,000 children from their parents who were traveling together. [1] Seeking asylum is a right guaranteed by United States and by international law, however under the Trump administration asylum seeking parents are being arrested, taken to court, and in some cases sent to federal prison. [2] [3]

President Trump’s Executive Action on June 20th 2018 did not end the zero tolerance policy, and did not stop the continued detention of children - rather it allows for the detention of children with their parents, while also speeding up the process for deporting immigrant families applying for asylum. In two separate decisions, federal judges have ruled a halt to most family separations at the border, and for ALL families to be reunified. [4]

However, a report by the Inspector General of the U.S. Department of Health and Human Services found that thousands more migrant children were separated from their parents than was previously known – and that the Department doesn’t even know the precise number because it failed to track families as they were being separated! [5] Additionally, some of the children who were reunited were placed in detention centers that are under investigation for being cold, overcrowded, and for providing families with inadequate nutrition and hygiene. [6]

Children deserve to be with their families outside of cages, and they must have their rights protected. Families should not be imprisoned. Proposing to reunite children with their families and then imprisoning them indefinitely in jails or detention centers is no solution, nor is forcing them back to the violence and danger they risked their lives to flee.

Health Impacts of Family Imprisonment on Children

Family separation and family incarceration compounds the existing trauma and stress that children and families have already experienced in their home country or on their journey to the U.S.



Detention, even with families, is traumatic for children and can have long term health and developmental effects. Studies show significant effects for children held in detention, including:



DEPRESSION

INCREASED RATES OF ANXIETY

HEIGHTENED RISKS OF SELF-HARM

POST-TRAUMATIC STRESS

DEVELOPMENTAL DELAYS

NEGATIVE IMPACTS ON THE

PARENT-CHILD RELATIONSHIP

[5] [6]

Effective and Fiscally Responsible Alternatives to Detention

There are alternatives to family detention that are not only more compassionate for children and families, but also more fiscally responsible. For example, asylum seeking families may be released from detention through a case management supervision program.

#ReuniteEveryChild



One such program that existed until the Trump administration terminated it in 2017 is the Family Case Management Program, (FCMP). Under the Family Case Management Program, children and their parents were placed into a program that provided individualized family service plans, and had a nearly 100 percent success rate ensuring the family attend their hearings.

Case management supervision programs are the best option as:

- children are kept with their parents,
- families are given a fair day in court,
- children are afforded the opportunity to grow in a healthy environment



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We Must Do Better

Across the country, hundreds of thousands of people have called, emailed and rallied in support of immigrant children and families. **In order to keep families together, Congress must defund the policies and programs that separate and incarcerate children and families, and take the following steps to end these policies:**

End Family Separations, Reunite Families, End the Zero Tolerance Policy. Congress should pressure the administration to end its unnecessary family separation practices and zero tolerance policy and devote resources to helping reunite ALL children with their parents.

Institute True Alternatives to Detention. Congress should reinstitute the cost-effective Family Case Management Program which allowed families to be freed with supervision and ensured families attended their hearings in court. Alternatives to detention programs should be community-based and operated by non-profit organizations, not private prison companies.

Expand Access To Counsel. Congress should expand access to counsel for children and their parents to ensure they have the opportunity to present their asylum claims and seek relief from persecution and life-threatening violence. Expanding access to counsel helps families navigate confusing court proceedings and helps reduce the number of families who do not attend their hearings.

Preserve Current Protections for Children and Due Process in Asylum Law. No reform should weaken the current asylum laws in the United States, weaken protections for unaccompanied immigrant children, expand immigration detention, limit due process or otherwise make it more difficult for families to establish they have a valid claim for protection. Furthermore, no reform should weaken or undermine the current protections for children established in the Flores settlement.

[1] <https://www.newyorker.com/news/news-desk/how-the-trump-administration-got-comfortable-separating-immigrant-kids-from-their-parents> [2] <https://www.aclu.org/news/aclu-challenges-trump-administration-practice-forcibly-separating-asylum-seeking-parents-and> [3] <https://www.reuters.com/article/us-usa-immigration-prisons-exclusive/exclusive-us-sending-1600-immigration-detainees-to-federal-prisons-idUSKCN1J32W1> [4] <https://www.cnn.com/2018/06/26/politics/federal-court-order-family-separations/index.html> [5] <https://www.nytimes.com/2019/01/17/us/family-separation-trump-administration-migrants.html> [6] <https://www.kff.org/disparities-policy/fact-sheet/key-health-implications-of-separation-of-families-at-the-border/> [7] <https://www.womensrefugeecommission.org/images/zdocs/The-Real-Alternatives-to-Detention-FINAL-06-27-17.pdf>