



## Frequently Asked Questions: “Catch and Release” and Reunification of Separated Families

Photo: Loren Elliot/CNS

### **What is meant by the term “catch and release”?**

“Catch and release” is a term used to describe the process through which certain immigrants are apprehended and released from Department of Homeland Security (DHS) custody pending their immigration court proceedings.<sup>1</sup> This is an incorrect term that we suggest you do not use, as it incorrectly implies that individuals apprehended along the U.S./Mexico border are released from DHS custody without consideration, monitoring, or consequence.

### **Why is it preferable to release certain individuals rather than detain them in DHS custody?**

Detaining individuals who present no safety or flight risk has both human and economic costs. It needlessly robs these individuals of their dignity and is a drain on limited DHS resources. In fact, costs in [FY 2019](#) are anticipated to be \$124 per individual/per day for those in adult detention and \$319 per individual/per day for those in family detention.<sup>2</sup>

Furthermore, many migrants entering the United States are seeking protection and already have strong community ties upon arrival, strengthening their incentive to comply with immigration requirements. These individuals are often received by family members and friends who have been in the country for some time and are eager to help their loved ones integrate into their new communities.

### **Are individuals who are released from DHS custody after apprehension along the U.S./Mexico border subject to monitoring from the U.S. federal government?**

Yes. DHS has a spectrum of humane, proven, and cost-effective alternatives to detention that it can utilize to monitor released individuals and families. In many instances, people released from DHS custody at the U.S./Mexico border are put on GPS monitoring, such as an ankle monitor, which tracks their movements electronically; these individuals are also required to report into Immigration and Customs Enforcement (ICE) field offices periodically. Other forms of monitoring include release on bond and telephonic monitoring. To learn more about these alternatives to detention, see our backgrounder [here](#).

## **Do individuals released along the U.S./Mexico border have responsibilities to comply with their immigration court proceedings?**

Yes. All individuals who are apprehended along the U.S./Mexico border are subject to the U.S. immigration laws. The large majority of those who have been apprehended between ports of entry have been put into removal or “deportation” proceedings and accordingly, need to comply with the requirements of the immigration authorities, including showing up to present themselves and their case in immigration court. Those seeking a form of relief, such as asylum, have particularly high incentives to comply with their court proceedings.

## **How does the term “catch and release” relate to reunification of the families separated under the “[zero-tolerance](#)”<sup>3</sup> policy?**

In response to the litigation brought addressing the separation of families at the U.S./Mexico border, on June 26, 2018, a federal court entered an [order](#) requiring that the estimated 2,500 separated children be reunified with their parents by July 26th.<sup>4</sup> While some of the reunified families remained in family detention facilities after reunification, [as of July 26th](#), 1,442 families had been released after their reunification and allowed to reunite with family and friends in final destinations throughout the United States.<sup>5</sup> Some [critics](#) have claimed that this was “catch and release,” but the reality is that these reunited and released families must participate in their immigration court proceedings and, in many instances, must periodically check in with ICE.<sup>6</sup>

## **Why is this issue important to the Church?**

As the [Committee on Migration](#) has stated: “As Catholic bishops in the United States, we approach immigrant detention not so much as a public policy issue, but as pastors concerned with the well-being of those we love and serve.”<sup>7</sup> Detention of those that pose no danger to society runs contrary to the tenets of Catholic Social Teaching. Detaining individuals and families fleeing persecution undermines their human dignity and human rights. Further, in his [20 Action Points for the Global Compacts on Migrants and Refugees](#), Pope Francis encourages states to find alternatives to the mandatory detention of children as it is never in their best interest, regardless of their migratory status.<sup>8</sup>

## **What is the Church doing to support those reunified families that are released from government custody?**

At the request of the federal government, but without funding from the federal government, USCCB/Migration and Refugee Services and Lutheran Immigration and Refugee Services have been participating in the reunification of separated migrant families taking place across the country. Specifically, separated children are being reunited with their parents at designated immigrant detention centers and are then transported with their family members to local Lutheran and Catholic partners, where they receive social services. These providers work to address the families’ immediate needs in terms of food, lodging, and onward travel assistance.

## **What can Congress do to support alternatives to detention and released families?**

We urge Members of Congress to:

- Maintain robust funding for alternatives to detention, and support appropriations language that would reinstate the Family Case Management Program.
- Reject legislation that seeks to expand family detention and undermine existing and critical protections set forth in the *Flores Settlement Agreement*.
- Utilize oversight power to ensure families are promptly reunified and that DHS is able to articulate clear and individualized justification for its decision to place certain families in detention.
- Ensure through the appropriations process that children released to non-parent sponsors receive post-release services to address their trauma and that funding is dedicated to provide support services to reunified families.

## Endnotes

- 1 Exec. Order No.13767, 82 Fed. Reg. 8,793 (Jan. 25, 2017).
- 2 Dep't of Homeland Security, *U.S. Immigrations and Customs Enforcement Budget Overview Congressional Justification*, Fiscal Year 2018, 128 (2018), available at [https://www.dhs.gov/sites/default/files/publications/CFO/17\\_0524\\_U.S.\\_Immigration\\_and\\_Customs\\_Enforcement.pdf](https://www.dhs.gov/sites/default/files/publications/CFO/17_0524_U.S._Immigration_and_Customs_Enforcement.pdf).
- 3 Att'y Gen. Jefferson Sessions, *Zero-Tolerance for Offenses Under 8 U.S.C. §1325(a)*, (U.S. Dep't of Justice Apr. 6, 2018), available at [https://www.justice.gov/opa/press-release/file/1049751/download?utm\\_medium=email&utm\\_source=govdelivery](https://www.justice.gov/opa/press-release/file/1049751/download?utm_medium=email&utm_source=govdelivery).
- 4 *Ms. L. et al., v. ICE*, Case No. 18cv0428, Dkt. No. 83 (S.D. Cal. June 26, 2018), available at [https://www.aclu.org/sites/default/files/field\\_document/83\\_order\\_granting\\_pi.pdf](https://www.aclu.org/sites/default/files/field_document/83_order_granting_pi.pdf).
- 5 *Ms L. et al., v. ICE*, Case No. 18cv428, Dkt. No. 159, 2 (S.D. Cal. July 26, 2018), available at [https://www.aclu.org/sites/default/files/field\\_document/2018-07-26\\_status\\_report\\_joint\\_5bdckt\\_159\\_05d.pdf](https://www.aclu.org/sites/default/files/field_document/2018-07-26_status_report_joint_5bdckt_159_05d.pdf).
- 6 David French, *By Its Terms, Trump's Executive Order Restores Catch-and-Release*, NATIONAL REVIEW (June 20, 2018), <https://www.nationalreview.com/corner/donald-trump-executive-order-catch-and-release/>.
- 7 Migration and Refugee Services, United States Conference of Catholic Bishops and the Center for Migration Studies, *Unlocking Human Dignity: A Plan to Transform the U.S. Immigrant Detention System*, 4 (2018), available at <http://www.usccb.org/about/migration-and-refugee-services/upload/unlocking-human-dignity.pdf>.
- 8 Migrants and Refugees Section Integral Human Development, *Towards the Global Compacts on Refugees 2018*, 31 (2018), available at <https://migrants-refugees.va/wp-content/uploads/2018/03/Legal-size-ENG-2nd-Edition-Towards-the-Global-Compacts-2018-EMAIL.pdf>.