

# Justice for Immigrants Webinar

## Family Separation at the Border



*we are one family under God*

May 30, 2018

# Agenda & Speakers

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  - “Zero-Tolerance” Policy
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- Ashley Feasley, Director of Policy, USCCB/MRS
  - Katie Kuennen, Associate Director of Children’s Services, USCCB/MRS
  - Melissa Hastings, Policy Advisor, USCCB/MRS

# Introduction

## Family Separation vs. Nearly 1,500 Lost Contact Cases of Unaccompanied Children

- Focus today on forced family separation at the border by Customs and Border Protection (CBP)
- News reports of nearly 1,500 lost contact cases relates to children who were not necessarily separated from family.
  - Deemed unaccompanied, referred to Health and Human Services' Office of Refugee Resettlement (ORR)
  - Released to family or family friends pending immigration removal proceedings
  - ORR unable to make contact during follow-up check-in call
  - Demonstrates need for increased family reunification services
- Family separation is occurring before children are transferred to the care of ORR.

# Timeline of Key Events

- **March 7, 2017** – Department of Homeland Security (DHS) [considering a policy of separation](#)
- **March 29, 2017** – DHS [no longer considering the policy](#)
- **January 16, 2018** – [DHS states](#) that they separate families when they cannot confirm familial relationship or suspect trafficking
- **April 6, 2018** – Department of Justice (DOJ) [announcement](#) of a zero-tolerance policy for unauthorized border crossings
- **April 20, 2018** – [NY Times reports](#) that over 700 children have been separated from their parents since October 2017, including over 100 children under the age of 4.
- **May 4, 2018** - DHS [statement](#) noting referral for prosecution

# “Zero-Tolerance” Policy

- Prosecution of illegal entry under 8 U.S.C. § 1325(a).
- DHS has suggested that this automatic referral may not include those coming to Ports of Entry.
  - But does not mean these families will be released, and
  - Families may still be separated.
- Adopted to the extent practicable.
- Impact will be increasing number of families being separated.
- Parent sent to custody of U.S. Marshals Service
- Child will be deemed “unaccompanied” and placed into the care of the Office of Refugee Resettlement.

# Separation - A Growing Practice



Unaccompanied child held by CBP.  
Photo Credit: Customs and Border Protection/US  
Government

- USCCB/MRS and colleagues have seen an increasing number of separation cases.
- Over 700 reported cases since October 2017.
- Expect numbers to grow significantly.
- May 6-19: 638 adults traveling with 658 children were prosecuted for improper entry

# Trends Seen by USCCB

- Increase in cases reported by USCCB/MRS Children's Services networks
  - Shelter (ages 12 and under): 9 cases reported; 7 of these since January 2018
  - Home Study/Post-Release providers also reporting cases of family separation
- Challenges establishing communication with parent in adult detention
- Increasingly very young children separated from biological parents, including infants

# USCCB Case Examples

- Case #1
  - 5-year old girl from El Salvador separated from biological mother
  - Over 30 days to establish initial contact
  - Mother deported
- Case # 1
  - 8-year old girl from Honduras separated from biological father
  - Father was never asked to verify the relationship
  - Father deported; child remains in care



# Impact on Children and Families

- Developmental and Psychological
  - Long-term health and mental health impacts
  - Impact of “toxic stress” can have lifelong consequences
  - Nightmares; mood changes, depression, PTSD symptoms, distrust of others, changes in behavior, regressive behaviors
  - Principle of *Attachment Theory*
  - Combined effect of trauma exposure and disrupted attachment

# Cost of Separating Families

## Cost to the Taxpayer

- Costs can range up to \$585 per night for a family of three
- Alternative to Detention (ATD) programs can cost as little as \$5 per person per day

## Cost to Judicial Efficiency

- Will necessitate separate immigration removal proceedings
- Will contribute to the immigration court backlog, which is already over 692,000 cases

# What Can You Do?

- **Learn More.** Review and share our backgrounders on [family separation](#) and [unaccompanied children](#) on the JFI website.
- **Take Action in Your Community & with Lawmakers.** (1) [Tell your Members of Congress](#) that you want them to oppose family separation today. (2) Volunteer with local Catholic Charities to assist families integrate into communities.
- **Foster an Unaccompanied Child.** Those interested in becoming a foster parent must meet state and agency guidelines for training and licensing. Learn more [here](#).



# Questions?