Justice for Immigrants Webinar

Family Separation at the Border

May 30, 2018
Agenda & Speakers

- Introduction
- Timeline of Key Events
- “Zero-Tolerance” Policy
- Separation – A Growing Practice
- Trends Seen by USCCB
- Case Example
- Impact on Families
- Cost of Separation
- What You Can Do
- Q&A

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- Melissa Hastings, Policy Advisor, USCCB/MRS
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

- 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.

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