Serving Separated and Reunited Families: Lessons Learned and the Way Forward to Promote Family Unity

The United States Conference of Catholic Bishops/Migration and Refugee Services and Lutheran Immigration and Refugee Service
Serving Separated and Reunited Families:
Lessons Learned and the Way Forward
to Promote Family Unity

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We dedicate this report to the approximately 2,600 children who were traumatically separated from their parents, their parents who endured the unknown about their child’s well-being, our Catholic and Lutheran partners on the ground, and the many hardworking DHS and HHS officers and social workers who worked to reunify families in compliance with the federal court order.
I. Introduction

The purpose of this report is to share insights and information on the social services provided by the U.S. Conference of Catholic Bishops/Migration and Refugee Services (USCCB/MRS) and the Lutheran Immigration and Refugee Service (LIRS) in response to the family separation crisis. USCCB/MRS and LIRS provided services on a charitable basis to assist the U.S. federal government in its reunification and release of 1,112 families who had been separated at the U.S./Mexico border due to the implementation of the Department of Justice’s (DOJ) April 9, 2018, “Zero Tolerance” memorandum and were initially eligible for reunification.

From July 2nd through July 29th, LIRS and USCCB/MRS worked in partnership to assist both the Department of Homeland Security (DHS) and the Department of Health and Human Services (HHS) in their work reunifying separated families. This report provides additional information about the reunited and released families who endured separation. It includes new and original data points collected by LIRS and USCCB/MRS, through their on-the-ground Catholic Charities and Lutheran service providers, regarding where the reunited families came from (countries of origin), where the reunited families were headed (destination cities), and where they were processed for reunification.

Further, this report highlights the ongoing work of USCCB/MRS in partnership with Catholic Charities USA (CCUSA) and Catholic Charities members, and LIRS to provide, on a charitable basis, post-release services for every reunited and released family that was served by USCCB/MRS and Catholic Charities partners and LIRS.

Finally, this report provides recommendations for policymakers, elected officials, and child welfare experts. In part, these recommendations aim to: (i) ensure that family unity and safety is a primary consideration in future immigration policy decisions impacting migrant families; (ii) prevent and mitigate future large-scale family separation; (iii) encourage use of alternatives to detention, namely post-release services and case management services, as these are vital policy tools to address asylum-seeking families arriving at the U.S./Mexico border; and (iv) ensure asylum-seeking families understand and comply with their immigration requirements and responsibilities.

II. Origins of Family Separation at the U.S./Mexico Border

In recent years, the demographics of migrants encountered at the U.S./Mexico border have shifted from a majority of adult males, often from Mexico and seeking seasonal employment, to families and unaccompanied children, primarily from Central America, fleeing to seek protection in the United States. While this change in composition of those crossing the U.S./Mexico border can be attributed to many different factors, including the improved economic conditions of the Mexican economy, a primary factor is the endemic violence that the residents of Northern Triangle countries of El Salvador, Guatemala, and Honduras are facing due to gang infiltration and corruption. Increasingly, families and children in poorer neighborhoods throughout the Northern Triangle are being targeted, threatened, and extorted by gangs and armed criminal groups. This is occurring more frequently as gangs expand their reach and control over neighborhoods, moving from solely urban and suburban communities to rural and agrarian communities as well.

Additionally, situations of domestic and family violence pervade many homes and are often met with impunity and inaction due to the corruption within the law enforcement system and the weak civil protection scheme. As a result of these conditions, many of the families and children who arrive at the U.S./Mexico border have often been internally displaced in their own country several times in search of protection and have migrated north as a last resort.

Due to the extensive protection issues in the Northern Triangle, the known dangers of the migration journey north, as well as the vulnerable nature of children traveling unaccompanied and family units traveling with children, the arriving families and unaccompanied children are often deeply traumatized and at increased risk of exploitation. These families and children consequently present a unique challenge to the U.S. government and the departments that are tasked to apprehend, maintain custody, and adjudicate their cases.

In recent years, several Administrations have attempted to address the increasing number of arriving family units with a variety of responses, including family detention, alternatives to detention, and in some instances, family separation. Indeed, the practice of separating families arriving at the U.S./Mexico border is not a new one.

During the presidency of George W. Bush and the Obama Administration, DHS separated families, both nuclear and extended, at the U.S./Mexico border. Yet, while separation of families did occur, a majority of these separations were due to child welfare concerns that had been flagged by DHS officers.

The end of the Obama Administration and into the beginning of the Trump Administration marked a significant increase in the number of families separated at the U.S./Mexico border by DHS’s Customs and Border Protection (CBP). Between October 2016 and February 2018, DHS separated an estimated 1,768 children from their parents, rendering them “unaccompanied.”

Both LIRS and USCCB/MRS, who are national providers of residential care and family reunification services for unaccompanied children, observed increased reports of family separation by the children they served during this time period, particularly in late 2017 and into 2018.

It was later learned that part of the increase in separation cases seen during this time was due to a pilot of the zero-tolerance policy, operated by the Trump Administration in the El Paso border sector between July and October 2017.

A. Zero-Tolerance Policy

The number of separated families continued to increase in the spring and early summer of 2018 after implementation of the “zero-tolerance policy” by the DOJ. In April 2018, U.S. Attorney General Jeff Sessions notified all U.S. Attorneys’ offices along the Southwest Border via memo of a new zero-tolerance policy for prosecution of those entering the U.S. without authorization.

On May 4, 2018, DHS noted its cooperation with the DOJ in relation to the policy, stating that it would refer all individuals who cross the U.S. border without authorization for criminal prosecution, including adult members of family units.

The zero-tolerance policy relates to crimes of illegal entry under 8 U.S.C. § 1325(a), or an individual’s act of crossing the border between official ports of entry without authorization.

For first-time offenders, illegal entry is a federal misdemeanor punishable by up to six months in prison or fines (or both). Under the new policy, the DOJ has sought to prosecute all individuals who cross the U.S. border without authorization, to the extent feasible.

The policy does not make exceptions, even for families who willingly turn themselves over to CBP’s Border Patrol seeking protection. Further, in its review of the policy, the DHS Office of Inspector General (DHS-OIG) noted: “While the Government encouraged all asylum-seekers to come to ports of entry to make their asylum claims, CBP managed the flow of people who could enter at those ports of entry through metering, which may have led to additional illegal border crossings.”

DHS’s facilitation of the zero-tolerance policy, specifically its use for prosecution of adult members of arriving family units, resulted in large-scale family separation.

After encountering a family between ports of entry at the U.S./Mexico border, Border Patrol officers would typically either transfer individuals over age 18, in this case parents, into the custody of the DOJ’s U.S. Marshals Service or keep them in DHS custody to await prosecution; it would then designate any accompanying children who were traveling as part of the family unit as “unaccompained.” As a result, the newly separated children would then be transferred to the custody of HHS’s Office of Refugee Resettlement (ORR). Accordingly, as a result of the zero-tolerance policy, family units arriving to the U.S./Mexico border were separated and placed into two different department’s care and custody: HHS/ORR for the children and typically DHS or DOJ for the parents.

In large part due to this separation, the year-to-date FY 2018

Lessons Learned and the Way Forward to Promote Family Unity

1. Serving Separated and Reunited Families

Photo Credit: Giselleflekisquel/Getty Images
number of referrals to ORR custody grew by 76% from March to May 2018.21

The EO is also silent as to the 2,654 children who had already been separated from their parents under the zero-tolerance policy.22 It provides no requirement or method for their reunification.23

B. Executive Order on “Affording Congress an Opportunity to Address Family Separation” and the U.S. District Court for the Southern District of California’s Preliminary Injunction

After extensive national and international opposition to the implementation of the zero-tolerance policy, on June 20, 2018, President Trump issued an Executive Order (EO) on family separation, entitled “Affording Congress an Opportunity to Address Family Separation.” The EO limits the widespread separation of families at the U.S./Mexico border. It does so by instructing DHS to, where possible, keep families detained together through the pendency of any criminal entry or immigration case.24 In conjunction, it instructs the Department of Defense and other agencies to provide or construct facilities that can be used for expanded family detention.25 It also instructs DOJ to seek exceptions to the temporal limitations placed on detention of children in unlicensed facilities, such as the existing family detention centers, as set forth in the Flores Settlement Agreement of 1997 and subsequent litigation.26 The EO does not halt prosecutions under the zero-tolerance policy; DHS, however, subsequently noted that it would suspend referrals of families until it has capacity to detain families together.27

The EO is also silent as to the 2,654 children who had already been separated from their parents under the zero-tolerance policy. It provides no requirement or method for their reunification.28 Days later, however, a federal judge of the U.S. District Court for the Southern District of California in Ms. L., et al. v. U.S. Immigration and Customs Enforcement, et al. issued a class-wide preliminary injunction halting the practice of family separation and requiring that separated families be reunified, absent certain extenuating circumstances.29 The court defined the applicable class as all adult parents who enter the U.S. or between official ports of entry, have been or are detained in immigration custody, and have a minor child who was or will be separated from them and detained in DHS or ORR custody, absent a determination that the parent is unfit.30

The court directed the government to reunify all parents within the class unless there was a determination that the parent is unfit or the parent voluntarily declined to be reunited with the child.31 Parents with children under the age of 5 were required to be reunified by July 10th (Phase 1), and parents with children ages 5-17 had to be reunified by July 26th (Phase 2).32

III. Overview of the Reunifications

As of September 27, an estimated 2,296 families had been reunited.33 Some of the reunified families remained in family detention facilities after reunification, some were reunited in their countries of origin after a parent’s deportation, and some were released after their reunification and allowed to reunite with family and friends in final destinations throughout the United States. As discussed below, USCCB/MRS and LIRS served a combined 1,112 families that were reunified and released in July 2018.

A. Reuniting “Phase 1” Children Under Age Five: July 2nd - July 12th

On July 2nd, HHS contacted USCCB/MRS about possible assistance for separated families with children under age five that the government planned to reunite by the court’s July 10th deadline. HHS leadership at the Office of the Secretary and ORR expressed concern about the well-being of the families upon release and noted a desire to ensure that the families would have access to social services. These families were believed by HHS to number approximately 100 at the time; it was later determined that the Phase 1 class was comprised of 103 of the children separated and in ORR care, although not all of these children were immediately eligible for reunification.34

On July 5th, DHS contacted both LIRS and USCCB/MRS to similarly discuss reunification operations for the Phase 1 families. While neither DHS nor HHS had a clearly developed plan for reunification at the time, both departments wanted to ensure that families had support upon release.

As a follow up to the conversations with both departments, LIRS and USCCB/MRS began to engage their extensive national networks of primarily Catholic Charities and Lutheran service providers to ensure capacity and readiness to assist the families.35 Planning for post-release services was not without its challenges. During subsequent conversations between LIRS and USCCB/MRS and both HHS and DHS, it appeared that there were some inter-agency miscommunications on how to oversee the first steps of family reunification for the Phase 1 families. Namely, it seemed unclear which agency was in charge of deciding how and where the family reunifications would occur. Further, as reported by the DHS Office of Inspector General, “lack of integration between CBP’s, ICE’s, and HHS’s respective information technology systems hindered efforts to identify, track, and reunite parents and children.”36

Finally, on July 9th, DHS conducted a call with LIRS and USCCB/MRS during which it informed the two service providers that the reunification of the separated families from Phase 1 would take place at 15 sites across the country (see map below). DHS explained that the children were already located at these 15 sites and that DHS’s Immigration and Customs Enforcement (ICE) would transport the separated parents who were eligible for release to these sites for the reunifications beginning the morning of July 10th. The departments also informed LIRS and USCCB/MRS that there were 55-60 children who could be reunified and released with their parents and would be needing assistance.37

LIRS and USCCB/MRS, through their on-the-ground...
partners, stood ready to provide direct services to these reunified families. USCCB/MRS set up 13 Catholic Charities reception sites, and LIRS set up two reception sites. Initial services available included immediate shelter, a hot meal, change of clothes, shower, and assistance with making travel arrangements from the designated family reunion site to the reunified family’s intended destination in the United States. The reunifications and reception operations began early in the morning of July 10th and were ongoing into July 12th. After being reunified, the families were provided with a list of the 15 sites where they could go to receive post-release services. Of the 57 children initially reunified, USCCB/MRS, Catholic Charities, Bethany Christian Services, and LIRS served a combined 18 families. USCCB/MRS served nine families at two of its 13 available reception sites, and LIRS served nine families between its two reception sites. USCCB/MRS and LIRS surmise that some of the families reunified did not seek services due to confusion or uncertainty over what services were being offered and whether the provision of services required additional engagement with law enforcement. It is also unclear as to the extent to which DHS verbally communicated this information about services to those parents who were illiterate or did not read English or Spanish.

In addition to the relatively low number of families seeking services during this phase, the reception centers faced the consistent challenge of having families drop off at the centers very late in the evening. These late drop-offs made it difficult for the centers to secure sufficient staff capacity; they also were very taxing on children, who had to then stay up to hours well past their bedtimes.

Despite the challenges, both LIRS and USCCB/MRS welcomed the opportunity to provide for the immediate service needs for the 18 families. LIRS and USCCB/MRS have also committed to providing social services and case management to these families for up to three months in their final destination cities. On the evening of July 13th, MVM Inc. dropped off the first eight reunified and released families to Catholic and Lutheran service providers assisting the families. Beginning the evening of July 13th, MVM Inc. dropped off the first eight reunified and released families to Catholic Charities of the Rio Grande Valley in McAllen, Texas. Over the next 17 days, Catholic Charities and Lutheran reception sites coordinated with DHS leadership in Washington, DC, USCCB/MRS and LIRS, as well as local ICE field offices to serve 1,112 reunited and released families. As with Phase 1 families, USCCB/MRS and LIRS partners provided families with immediate shelter, a hot meal, change of clothes, shower, and assistance with making travel arrangements to the reunified family’s intended destination in the United States.

The Phase 2 process was not without its challenges. For example, one obstacle faced by some of the families related to their travel documents. In certain airports, Transportation Security Administration (TSA) officers refused to initially accept the families’ identification documents provided by ICE. Ultimately, some families missed flights due to the confusion surrounding these papers. Another challenge faced by all of the reception centers was that many of the newly reunified and released families arrived at the reception centers with their immigration paperwork, such as the Notice to Appear (NTA) and the ICE check-in information, completed with the wrong address. Rather than listing their final destination, the documents would list the address of the particular reception site or the immigrant detention facility itself. Upon elevating this issue, ICE attempted to change the addresses of those families who were to be reunified and released prospectively. Some of the reception centers, however, received NTAs for families that had already moved on to their final destinations in other cities. Efforts are ongoing to ensure that when such NTAs are incorrectly sent to the initial reception site, the information is subsequently sent on to the families’ service providers in their final destination cities.

While the experience was a chaotic and fast-moving one, it was also a positive one. Local groups assisted the Catholic and Lutheran reception sites, and LIRS and USCCB/MRS worked in close coordination, to the extent possible, with the DHS Washington office and the local ICE field offices in El Paso, San Antonio, and Phoenix.

B. Reuniting “Phase 2” Children Ages 5-17: July 12th - July 30th

On July 12th, DHS called USCCB/MRS and LIRS to discuss the possibility of their charitable engagement and assistance with the reunification of Phase 2 families (those with children ages 5-17). The estimated number of children for this phase was originally 2,551, although it was anticipated that not all would be immediately eligible for reunification. For Phase 2, ICE had pre-determined the mechanism for reunification and release prior to speaking to LIRS and USCCB/MRS; it conveyed those plans on the July 12th call. For those families deemed eligible for reunification, the government decided that the children in ORR custody would be transported by ORR to certain adult immigrant detention facilities operated by ICE. These facilities, located primarily along the U.S./Mexico border in Texas and Arizona, were the sites at which identified separated parents who were eligible for reunification and release were detained. Once ORR transported a separated child to the immigrant detention facility where his or her parent was detained, ORR officials would conduct an interview with the parent; pending a positive interview result, the child would then be reunited with his or her parent at the detention facility and formally released from ICE custody. From that point of reunification, the family would board a bus operated by MVM, Inc., a transport company, and contractor with ICE, that would take them to one of five reception centers operated by Lutheran and Catholic partners in nearby communities.

Table 1 shows the detention centers from which families were reunited at and released, as well as the corresponding Catholic and Lutheran service providers assisting the families.

Table 1 – Phase 2 Reunification Sites and Corresponding Service Providers

<table>
<thead>
<tr>
<th>Detention Center</th>
<th>Service Provider</th>
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</thead>
<tbody>
<tr>
<td>Port Isabel Service Processing Center (Los Fresnos, TX)</td>
<td>Catholic Charities of the Rio Grande Valley (McAllen, TX)</td>
</tr>
<tr>
<td>Otero County Processing Center (El Paso, TX)</td>
<td>Annunciation House (El Paso, TX) and Lutheran Family Services Rocky Mountains (Albuquerque, NM)</td>
</tr>
<tr>
<td>West Texas Detention Facility (El Paso, TX)</td>
<td>Annunciation House (El Paso, TX) and Lutheran Family Services Rocky Mountains (Albuquerque, NM)</td>
</tr>
<tr>
<td>El Paso Processing Center (El Paso, TX)</td>
<td>Annunciation House (El Paso, TX) and Lutheran Family Services Rocky Mountains (Albuquerque, NM)</td>
</tr>
<tr>
<td>South Texas Detention Complex (Pearsall, TX)</td>
<td>Catholic Charities of the Archdiocese of San Antonio (San Antonio, TX)</td>
</tr>
<tr>
<td>Eloy Detention Center (Eloy, AZ)</td>
<td>Lutheran Social Services of the Southwest (Phoenix, AZ)</td>
</tr>
</tbody>
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**Reflections on Phase 1 from Catholic Charities of the Archdiocese of San Antonio**

On the morning of July 10th, Catholic Charities of the Archdiocese of San Antonio received notification that several children under age five would be reunified and released in the area that day. Catholic Charities secured food, clothing, and housing for the families. It was not until 11:00 PM, however, that the reception center received the official count – five families would be released and in need of services. Even then, the families did not arrive at the hotel until approximately 2:00 AM the next day. They were personally received by Catholic Charities - San Antonio’s CEO and several staff members. After the families had an opportunity to rest, Catholic Charities staff helped them to contact family members and secure travel arrangements to their final destinations.

Lessons Learned and the Way Forward to Promote Family Unity
LIRS and USCCB/MRS Family Reunification Services and the Catholic and Lutheran Direct Service Providers

LIRS and USCCB/MRS are proud to assist the federal government in aiding the reunited and released families. Both organizations have expertise in this area, developed through years of service and partnership with the federal government in family reunification and child protection services for unaccompanied children. Additionally, the national character of the Catholic and Lutheran networks allow for service provision in most of the United States.

A. USCCB’s & LIRS’s Long Tradition of Serving Immigrant Children and Families

USCCB’s Programs. USCCB has operated programs, working in a public/private partnership with the U.S. government, to help protect unaccompanied children from all over the world for nearly 40 years. Since 1994, USCCB/MRS has operated the “Safe Passages” program. This program serves undocumented immigrant children apprehended by DHS and placed in the custody and care of ORR. Through cooperative agreements with ORR, and in collaboration with community-based social service agencies, the Safe Passages program provides community-based residential care (foster care and small-scale shelter placements) to unaccompanied children in ORR custody, as well as family reunification services (pre-release placement screening and post-release social services for families). In fiscal year 2017, the USCCB/MRS Safe Passages program served 1,294 youth who arrived as unaccompanied children—1,042 through the family reunification program and 252 through the residential care programs.

Additionally, the Scottish Church in the United States has long worked to support immigrant families who have experienced immigrant detention, providing legal assistance and pastoral accompaniment and visitation within immigrant detention facilities, as well as social assistance upon release.

LIRS’s Programs. For more than 40 years, LIRS has provided child welfare services to refugee and migrant children who are unaccompanied or separated from family. These children have typically fled war, civil conflict, persecution, trafficking, extreme poverty, or maltreatment. Some children come to join family, while others know only that they must leave their homes in order to survive.

LIRS began providing family reunification services including post release services in the 1990’s as a protective measure for children at risk of trafficking, extortion and abuse by smugglers connected to organized criminal groups. Today, LIRS’s family reunification services provide screening, assessment, and support services to ensure safe and healthy reunifications for migrant children with relatives in the U.S. LIRS’s local partners screen and assist parents and relatives prior to reunification, and then provide follow-up services and monitoring after re-unification (helping with school enrollment, legal services, health referrals, family unity, and development connections that promote community integration and family well-being. Through risk assessment, action-planning with families around their areas of need and concern, systems advocacy with community providers, and culturally-appropriate services and community referrals, post-release services strengthen families and protect children.

B. Phase II Catholic and Lutheran Reception Sites

Catholic Charities of the Rio Grande Valley (CCHRGV) ORR, the charitable arm of the Diocese of Brownsville, with projects that provide assistance to the most vulnerable in the community. The mission of CCHRGV is to help improve the quality of life for those in its community by providing help and creating hope to individuals and families experiencing an emergency crisis in their lives. In the summer of 2014, CCHRGV responded to the influx of immigrants arriving at the U.S.-Mexico border by establishing the Humanitarian Respite Center at which immigrants are given rest, meals, and any other basic need they might have. Through its partnership with the Humanitarian Respite Center, CCHRGV has significant experience working with newly arrived families. Since opening the Humanitarian Respite Center, it has welcomed and served more than 100,000 individuals. During Phase 2, CCHRGV partnered with the USCCB/MRS to serve the largest number of families, those who were reunited in the Port Isabel Detention Center. Led by Executive Director Sister Norma Pimentel, the recently reunited and released families were warmly welcomed.

Annunciation House. Annunciation House is an organization that, for the past 40 years, has been providing hospitality to arriving refugees and asylum seekers on the U.S.-Mexico border in El Paso, Texas. The work of hospitality at Annunciation House includes shelter, meals, legal assessment and orientation, reunification with families in the U.S., and border advocacy. In addition to its three houses of hospitality, Annunciation House partners with local churches to increase capacity whenever the flow of arriving refugees requires it. Annunciation House is an advocate for the non-detention of refugees and asylum seekers. For the past several years, Annunciation House has been arranging hospitality for over 20,000 asylum seekers annually, most of whom come from the Northern Triangle and Mexico. Rooted in the Catholic social justice Gospel tradition, Annunciation House is an independent organization staffed primarily with volunteers who live and work in the houses of hospitality. Led by Founder/Director Ruben Garcia, Annunciation House partnered with USCCB/MRS during Phase 2 to serve families who were reunified and released from the El Paso Processing Center, Otero County Processing Center, and the West Texas Detention Center.

Lutheran Charities of the Archdiocese of San Antonio. Lutheran Charities of the Archdiocese of San Antonio’s mission is to provide for the needs of the San Antonio community through services under the sign of love. Helping people in need since 1941, Lutheran Charities of the Archdiocese of San Antonio is the largest Catholic social service agency in San Antonio, serving over 297,000 people last year from birth to natural death. The agency preserves families and promotes self-sufficiency through 45 programs and five agencies that include: Children’s Families, Children’s Self-Sufficiency Programs, Refugee Resettlement, Caritas Legal Services, Senior Services, and Housing Services. Led by Executive Director J. Anthony Fernandez, Lutheran Charities San Antonio partnered with USCCB/MRS during Phase 1 and served a little over 800 individuals who were reunited and released in the San Antonio area and from the South Texas Detention Center.

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Lutheran Social Services of the Southwest (LSS-SW). Since 1970, LSS-SW has responded to Arizona’s changing needs by offering quality services and resources that contribute to a stronger and healthier Arizona for all people. Today, a staff of almost 500 work in 10 Arizona counties and serve 1 out of 90 Arizonans. LSS-SW partners with other nonprofit organizations (such as Lutheran Immigration and Refugee Service) and government agencies to ensure that their collective efforts are maximized. Led by Director for Refugee and Immigration Services Drucuna Sotoc, LSS-SW operated a response based out of its Phoenix office to welcome reunified and released families from the Eloy Detention Facility during Phase 2.

Lutheran Family Services Rocky Mountains, Albuque-que. Founded in 1948 to provide adoption placement for babies, over time Lutheran Family Services Rocky Mountains has grown to provide programs to meet new community needs, including: adoption and foster care, aging services, international adoptions, services to refugees, aid following disasters, and parent education. With offices located in Denver, Colorado Springs, Fort
Collins, Greeley/Evans and Fort Morgan, CO, and Albuquerque, NM, as well as services provided in Wyoming, Montana and Western Nebraska, Lutheran Family Services Rocky Mountains responds to critical social and emotional needs of approximately 30,000 people annually. Led by Vice President of Refugee & Community Services, James Horan, Lutheran Family Services Rocky Mountains organized a team out of its Albuquerque office to serve reunified and released families from the El Paso Processing Center, Otero County Processing Center, and the West Texas Detention Center during Phase 2.

V. Data on the Reunited and Released Families Served by LIRS and USCCB/MRS

During the Phase 1 and 2 reunifications, USCCB/MRS and LIRS requested that the local Catholic Charities and Lutheran partners conduct intakes of every family served by the reception sites. These intakes, or “needs assessments,” were comprised of a series of questions that included the family’s initial biographical information, final destination in the U.S., social service and medical needs, and, where possible, immigration status information. LIRS and USCCB/MRS collected this information for two reasons: (1) to ensure that the two organizations could refer the families served at the Catholic and Lutheran reception centers for social services and limited legal assistance in their final destination cities, if the families so desired; and (2) to help gather data and get a better snapshot of the reunified and released families.

Catholic and Lutheran reception sites worked quickly to efficiently manage the high volume of families arriving daily in need of immediate services and support. Given the urgent needs of the families, staff and volunteers collected what information they could without further burdening the families. Below are some of the key findings and statistics from the data that USCCB/MRS and LIRS collected.

A. Countries of Origin

The vast majority of separated and reunified families that USCCB/MRS and LIRS served in Phases 1 and 2 were from the Northern Triangle. Of the Phase 1 families served by USCCB/MRS and LIRS, the majority (56%) were from Honduras. The next largest population served was from Guatemala (33%), and the smallest population was from El Salvador (11%).

In comparison, the majority of Phase 2 families served by USCCB/MRS and LIRS were from Guatemala (51%). The next largest Phase 2 populations were from Honduras (34%) and El Salvador (8%). Phase 2 was also comprised of a small number of families from countries in North and South America, Asia, and Europe.

B. Gender of Parents and Children

USCCB/MRS and LIRS data shows that the majority of Phase 1 reunified and released families were composed of male parents and male children. Of these parents, 61% were male and 39% were female. Similarly, of Phase 1 children, 67% were male and 33% were female.

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Data on the gender of Phase 2 parents and children were similar to the findings on gender in Phase 1. The data collected indicates that, during Phase 2, a majority of the families were composed of male parents and male children. Of these parents, approximately 52% were male, while 35% were female. A small percentage (13%) did not report their gender. Of the Phase 2 children separated from their parents at the border, approximately 52% were male and 41% were female. Gender was not reported for 7% of Phase 2 children.43

Figures 3.3 & 3.4 - Gender of Parents and Children Served by USCCB/MRS and LIRS Reception Centers During Phase 2

C. Where Families Were Processed

As discussed in Section III, USCCB/MRS and LIRS worked with several different reception centers during Phases 1 and 2. While all 15 sites stood ready to assist, not all of the sites received families during Phase 1. Amongst the Phase 1 families served, 39% were processed through the reception center in New York City; 33% were processed in San Antonio, Texas; 16% were processed in Grand Rapids, Michigan; and 11% were processed in Baltimore, Maryland.

Figure 4.1 – Number of Families Processed and Served by each Reception Center During Phase 1

The greatest number of Phase 2 families were received and processed through CCRGV. CCRGV received 50% of Phase 2 families. Annunciation House and LSS-SW also received large numbers of families, serving 24% and 16% of Phase 2 families, respectively. Catholic Charities of the Archdiocese of San Antonio received 7% of Phase 2 families, and Lutheran Family Services Rocky Mountains, Albuquerque received 3% of Phase 2 families.

Figure 4.2 – Number of Families Processed and Served by each Reception Center During Phase 2

D. Final Destinations in the U.S.

Lastly, the data compiled from USCCB/MRS and LIRS for both Phase 1 and Phase 2 families indicate that the top five final destination states were: Florida (14%), Texas (13%), California (12%), New Jersey (5%), and New York and Virginia (4.41%).

Figure 5 – Final Destination States for Reunified and Released Families Served by USCCB/MRS and LIRS During Phases 1 and 2
Serving Separated and Reunited Families

VI. Ongoing Needs and Addressing Trauma

As a result of their previous separation, the reunified families served by USCCB/MRS (in collaboration with Catholic Charities) and LIRS demonstrate an acute need for ongoing support services. This is in large part due to the extent of the traumatic impact of the recent forcible separation of children from their parents at the border. Initial reports from local service providers indicate that families are experiencing symptoms of trauma, including separation anxiety.

Existing literature provides insights on assessing and understanding unique experiences and needs of separated and reunited children and their families. There has been extensive study exploring the short- and long-term effects of trauma and toxic stress on children, including analyses of the effects of Adverse Childhood Experiences (ACEs) over time.48 Researchers have found that the impact of trauma can be compounded and that children can experience the effects of trauma long-term, across various domains in their lives (education, physical health, mental health, relationally, etc.).49 There have been additional explorations of the impact of trauma on recently arrived unaccompanied immigrant children, and recent studies indicate that detention by DHS of immigrant children is a potential threat to their health and well-being.50

Current tools used to identify and categorize traumatic experiences in children and families are often inadequate in capturing immigrant children’s experiences of trauma, and this will be no different in assessing the traumatic experiences of separated children. As such, when assessing the traumatic events that negatively affect immigrant children’s well-being, all four stages in the arc of migration (pre-migration, migration, detention, and post-release) must be considered.49 In the case of separated children, their experiences during the period of time after apprehension and before release might be viewed markedly from their recent migrant peers. Further, aside from the voluntary programming being provided by USCCB/MRS in partnership with Catholic Charities and LIRS, there are no post-release services available to the most vulnerable and highest-needs separated and reunited children.

VI.1 Looking Forward: Alternatives to Detention and Asylum-Seeking Families

As the reunification efforts for separated families in the U.S. winds down, LIRS and USCCB/MRS, as well as other legal and social-service providers, pivot to identifying future needs of formerly separated families and presenting programmatic and policy-based solutions that ensure the mental and future arriving families’ humane treatment, as well as their compliance with our immigration laws. One such solution is alternatives to detention (ATDs). A spectrum of ATDs have long existed as a government tool that can be used in place of mass detention.51

Creating a complete and effective regulatory framework is essential, and the U.S. government must ensure that ATDs are used appropriately as a means to ensure the safety and well-being of minors. ATDs should be used only as a last resort and with proper safeguards in place to protect children from harm.

Lessons Learned and the Way Forward to Promote Family Unity

Jose* was one of the thousands of parents who had to watch their children being taken from them as a result of the zero-tolerance policy. He stated it was the worst experience of his life and that he now faces the risk of separation from his only child. After being reunited, Jose remained worried that his son would be taken from him again. In addition, he faced the challenges of adjusting to life in a new community, buying basic necessities, finding an attorney, and enrolling his son in school. Thankfully, LIRS and its affiliates were able to address these concerns. LIRS provided the family with school supplies, including a backpack, folders, and other materials. They also gathered donated clothing for the family, which was essential since Jose’s son only owned one change of clothes. The family was also thankful to receive referrals to community resources and a legal services provider, as well as assistance with the school enrollment process. The staff provided these services at no cost to the family.

While Catholic Charities is very much saddened by this whole situation of breaking up families, we are willing to do whatever we can to heal the families that have been separated. We will support them as far as we can.
of an interagency task force on family separation that meets quarterly with NGO and government stakeholders. ICE should be required to provide DHS-OIG, DHS-CRCL, and Congress with annual reports on family separation. It should also be responsible for monitoring monthly reports by DHS and ORR on family separation rates and cases. In the event that the number of family separation cases increases by more than 20% from the previous month, the Family Unity Ombudsman should be required to report to Congress, as well as a corresponding public press release, within 30 days. This report and press release should discuss the increase in separated families, suspected causes, and any remedial actions being taken. Finally, the task force should issue a one-time report to Congress on: (i) the number of separated children released from ORR’s care during FY 2017 and FY 2018 prior to the court’s preliminary injunction during; (ii) the percent of such children released to category one, two, and three sponsors, respectively; and (iii) the percent of these children that are receiving government-funded post-release services.

3. Increase Data Collection. DHS should ensure that it documents family relationships for all individuals traveling with family, including extended family. In addition, DHS should issue guidance on family tracing for all pertinent staff. Similarly, both ICE and ORR should have ready access to CBP’s data on family separations to track parents and children released to their care that may have been newly subject to family separation. ORR should also add another data requirement in the ORR UAC (“unaccompanied alien child”) portal. Data on family needs to be reviewed every week and be accessible to ORR UAC care providers. ORR’s tracking of separated children in its care should be electronically available and searchable by facility.

4. Document Justification for Separation. Every incidence of family separation should be clearly recorded and the explanation for separation, including specific criminal charges (whether the crime was immigration-related, child abuse-related, etc.) should also be documented. This information needs to be readily shared and accessible to all component agencies of DHS, as well as ORR. Additionally, DHS policy guidance should denote that even if family relationships are questioned, the alleged relationship must be documented.

5. Streamline Information Sharing. There should be a secure database that family members and their attorneys and advocates can access that has information (location of members, reason for separation, etc.) about individual cases of family separation. This should be information that DHS is collecting that addresses family separation and train them on how to review paperwork, and record and report incidences of family separation to ORR and to the Family Unity Ombudsman.

6. Improve Training for Care Providers, ORR should create training material for UC providers that addresses family separation and move to change their venue for immigration hearings. ORR should collaborate with DHS to formulate a single unified change of address form (available in Spanish and other languages) that, when submitted physically or electronically to ORR or to any ICE office or contractor, would automatically trigger an update of a noncitizen’s address with all relevant immigration agencies and EOIR. This unified form would streamline the process, reducing the burden for not only the noncitizen but also for DHS and EOIR.

B. To Administrative Departments of the Federal Government (DHS and HHS) on Any Future Operations Relating to Family Reunification

1. Release Reunited Families During Business Hours. Families should not be delivered to service providers or reception centers outside of agreed upon business hours. Reuniting families during the night can increase their stress and add to children’s confusion; it is also very difficult for providers to adequately staff facilities during off-hours. Future operations should make an effort to drop children off during normal but extended business hours, with 6am and 8pm being the outliers with which families can safely and humanely be transported.

2. Ensure Travel Document Guidance and Notification. DHS needs to pay special attention to the issuance of travel documentation, and it should educate all CBP and TSA officers about individuals who may be traveling during reunification operations. If there are questions with a family member’s travel documents, DHS officials should ensure that the family member has an opportunity to explain his or her special circumstances and also to call any family/friends in his or her final destination, as well as contact any NGO advocates and legal counsel who may be able to assist them.

3. Ensure Immigration Paperwork Reflects Families’ Final Destination. As a general practice, DHS should issue NTAs and other discharging immigration paperwork with family’s final destination address, rather than the address of the receipt site or the site of the immigration detention facility court. Failing to put the correct address on immigration paperwork may cause confusion through the families to attempt to comply with their proceedings. In the family detention context, ICE already lists the final destination address of the individual that they release. We urge ICE to ensure the appropriate address is listed for all arriving families.

C. To Administrative Departments of the Federal Government (DHS and DOJ) on Access to Immigration, Enforcement, and Legal Education

1. Improve and Expand Discharge Guidance. DHS should augment its existing detention and processing record to include a clear explanation of how ICE and the Executive Office for Immigration Review (EOIR) are two separate agencies with distinct sets of procedures for admissiion, updates, communications, and hearings. (i) instructions on how to update an address with ICE and with EOIR, including a blank standardized form for each; (ii) the 800 number for the EOIR immigration court hotline and guidance on how to use the hotline to obtain information about an individual’s case; and (iv) instructions on requirements and responsibilities of being released on bond or parole, our alternative to detention programs, or on one’s own recognizance. This information should also be provided verbally for individuals who are illiterate, in a language they can fully understand.

2. Streamline Change of Address and Venue Procedures. DOJ should streamline the process for noncitizens to change of address and move to change their venue for immigration hearings. EOIR should collaborate with DHS to formulate a single unified change of address form (available in Spanish and other languages) that, when submitted physically or electronically to ORR or any ICE office or contractor, would automatically trigger an update of a noncitizen’s address with all relevant immigration agencies and EOIR. This unified form would streamline the process, reducing the burden for not only the noncitizen but also for DHS and EOIR.

3. Maintain Existing Protections for Unaccompanied and Accompanied Children. Given the long-lasting physical and mental consequences of detention on children, proposals seeking to alter existing special protections (such as those in the Flores Settlement Agreement of 1997) must be firmly rejected. Immigrant children should be viewed as children first and foremost.

4. Ensure Oversight of Continued Reunification Efforts and Detention. Congress should utilize its oversight power to ensure the remaining eligible families are promptly reunified and that DHS is able to articulate clear and individualized justification for its decision to place certain reunified families in detention.

5. Support Robust Funding for Post-Release Services. Congress should also ensure, through the secure transparent and viable data on the effective ness of such programs. It should also mandate reporting by DHS about the costs of family detention compared to alternatives to detention, including the Family Case Management Program.

6. Create Greater Capacity for Effectuating Legal Outcomes for Asylum-Seeking Families. Given the 15  Lessons Learned and the Way Forward to Promote Family Unity 16  restoration federal prosecutors’ ability to utilize their discretion and balance various factors when determining whether to pursue a case forward. At a minimum, exceptions should be explicitly made to the memorandum to address families seeking protection.

E. To Congress on Existing Prohibitions, Oversight, Post-Release Services, and ATD

1. Invest Robustly in All Forms of Alternatives to Detention. Congress should fund more robustly alternatives to detention in the DHS budget. Congress should also ensure that DHS is working to undertake and pilot diverse alternatives to detention - in the form of the Intensive Supervision Appearance Program (ISAP) as well as alternative to detention programming that utilize case management and, in some cases, NGO participation.

2. Require Reporting on ATD Outcomes and Costs. Congress should instruct DHS to publically report on the outcomes of ATD programs and ensure that they release the appropriate and reliable data on the secure transparent and viable data on the effectiveness of such programs. It should also mandate reporting by DHS about the costs of family detention compared to alternatives to detention, including the Family Case Management Program.

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Congress should further invest in augmenting the capacity of the immigration courts by hiring more judges and providing additional funding for new courtroom facilities. Additionally, Congress should ensure robust funding for legal information programs such as the Legal Orientation Program and the Information Help Desk, which do not fund immigration counsel but help provide information to detained and released immigrants to ensure that they know more about compliance requirements.

F. To the Northern Triangle Governments on Collaboration and Communication

1. Increase Communication with Direct Service Providers and Local Consular Offices. The Northern Triangle country governments should increase their communication with UC service providers (including residential care, social service, and legal service providers) and local consular offices to ensure more direct communication on separation cases. Such engagement can lead to easier identification of separated children, technical assistance in family tracing and family reunification, and a more expeditious way for the foreign governments’ respective child welfare agencies to become involved in individual cases.

2. Map Existing Consular and Legal Services. The Northern Triangle governments should create a tool to map the existing consular and legal services that each respective government operates in the United States. This tool should then be shared that with immigration social and legal service providers to facilitate coordination with the consulates.

G. To NGOs on Coordination of Service

1. Improve Coordination to Serve Separated Families. Numerous NGOs have generously expressed interest in and many have initiated services for reunified families in various locations across the U.S. Improved coordination and national communication among legal and social services providers would facilitate NGOs ability to address families’ ongoing needs and fill geographic gaps to ensure all families are covered. NGOs should coordinate to develop a centralized location to share pro bono resources available to reunified families - legal, medical, mental health, trauma, etc. This coordination is also important to avoid duplicating services – both to ensure NGO resources are most effectively being utilized and to avoid overwhelming the released families.

IX. Conclusion

USCCB/MRS and LIRS urge the Administration to ensure that family unity remains a primary concern during all future immigration enforcement operations at the U.S./Mexico border. USCCB/MRS and LIRS further encourage the Administration to commit to immigration policies that are humane and uphold each individual’s human dignity. Such policies should also ensure compliance with immigration requirements and be fair to the U.S. taxpayer. As always, USCCB/MRS and LIRS stand ready to work with the Administration to help develop policies that meet these goals.

X. Acknowledgements

In addition to all our Catholic and Lutheran partners named in this report and providing post-release services, USCCB/MRS would like to thank CCUSA for its significant contributions. In support of local Catholic Charities agencies receiving reunited families, both at the point of reunification and final destination, CCUSA provided funding to several Catholic Charities agencies and Catholic related organizations. Through this support, local agencies were able to assist families with food, shelter, transportation and legal support. In addition, CCUSA supported local agency efforts by deploying staff from around the country to provide additional assistance to border agencies.

USCCB/MRS and LIRS further express their sincere thanks to the following organizations for their support and assistance in various ways with the reunification and post-release services efforts.

- Catholic Charities USA
- U.S. Conference of Catholic Bishops’ Catholic Campaign for Human Development
- Islamic Relief USA
- The Church of Jesus Christ of Latter-day Saints
- Bethany Christian Services
- GHK Foundation
- FWd.us
- Kids in Need of Defense (KIND)
- Catholic Legal Immigration Network, Inc. (CLINIC)
- Texas Civil Rights Project
- Foundations and Donors Interested in Catholic Activities- (FADICA )
- International Rescue Committee-Phoenix
19. USCCB/MRS reached out to its Catholic Charities USA and Catholic Charities, Lutheran Social Services network to assess capacity.

