

March 22, 2017

The Honorable John F. Kelly  
Secretary  
U.S. Department of Homeland Security  
3801 Nebraska Avenue NW  
Washington, DC 20016

Dear Secretary Kelly:

We, the undersigned 184 organizations who serve or work on behalf of immigrants, refugees, asylum seekers, and children, write to express our profound opposition to your recent proposal to separate migrant families arriving at our borders. In addition to this proposed policy being fundamentally un-American and cruel, it is also profoundly misguided. Family separation will only further traumatize those already fleeing harm, and will inhibit their ability to access a legal process to which they have a right under U.S. and international law. Moreover, this policy will not prevent mothers from fleeing harm to bring their children to safety and may in fact make them even more vulnerable on an already dangerous journey. We urge you to reverse course on any policy proposal that would seek to tear apart families or otherwise inflict trauma and harm.

Family unity is recognized as a fundamental human right, enshrined in international law.<sup>1</sup> Moreover, separating children from their parents is cruel, traumatizing all those involved.<sup>2</sup> The American Academy of Pediatrics, in a recent statement, expressed serious concern over the proposal to separate migrant parents from their children, calling the plan “harsh and counterproductive” and stating that authorities should “exercise caution to ensure that the emotional and physical stress children experience as they seek refuge in the United States is not exacerbated by the additional trauma of being separated from their siblings, parents or other relatives and caregivers.”<sup>3</sup>

Separating family members at the border would seriously impact their ability to present their case for asylum or other legal protection. Parents or children may be uncomfortable or simply unable to articulate the details of an asylum claim that is in fact linked to the family member from whom they have been separated. This is especially concerning given the recent shifts to the U.S. Citizenship and Immigration Services training manuals for conducting credible and reasonable fear interviews. These interviews, meant to serve as basic screening interviews to

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<sup>1</sup> Family unity as a protected right can be found in: Final Act of the 1951 U. N. Conference of Plenipotentiaries on the Status Of Refugees and Stateless Persons, Recommendation B.; U.N. International Covenant on Civil and Political Rights, art. 23, (March 23, 1976); U.N. Convention on the Rights of the Child, art. 9, (September 2, 1990); General Comment 6 to the Convention, “Treatment of Unaccompanied and Separated Children Outside their Country of Origin” (CRC 2005).

<sup>2</sup> For further discussion, see: Women’s Refugee Commission, Kids in Need of Defense, and Lutheran Immigration and Refugee Service: *Betraying Family Values: How Immigration Policy at the United States Border is Separating Families*. March 2017. Pp. 12-13. <https://www.womensrefugeecommission.org/rights/gbv/resources/1450-betraying-family-values>. See also: American Immigration Council. *Divided by Detention: Asylum-Seeking Families’ Experiences of Separation*. August 2016. <https://www.americanimmigrationcouncil.org/research/divided-by-detention-asylum-seeking-families-experience-of-separation>

<sup>3</sup> See “AAP Statement Opposing Separation of Mothers and Children at the Border.” March 4, 2017. Available at: <https://www.aap.org/en-us/about-the-aap/aap-press-room/Pages/immigrantmotherschildrenseparation.aspx>. For further discussion and recommendations on the treatment of immigrant children, see also: Linton JM, Griffin M, Shapiro AJ, AAP COUNCIL ON COMMUNITY PEDIATRICS. Detention of Immigrant Children. *Pediatrics*. March 2017. Available at: <http://pediatrics.aappublications.org/content/pediatrics/early/2017/03/09/peds.2017-0483.full.pdf>

ensure the United States does not erroneously deport an individual to a country where they will face harm and persecution, are already full of obstacles for asylum seekers who undergo these interviews in detention and after a long and harrowing journey. In addition to not being able to fully articulate an asylum claim that may be linked to the circumstances of a separated family member, separation could also result in only one family member retaining important documents that help the family to establish identity or provide much needed evidence to support their claim. Currently, DHS components and the Office of Refugee Resettlement lack the mechanisms to ensure not only that communication between separated family members is coordinated, but also to ensure that family members who have been separated can pursue their case together if they wish to do so.

In addition, rendering thousands of children unaccompanied and sending them to ORR custody will overwhelm the system and cause a crisis in care. A recent analysis showed that the costs to ORR alone of potential family separation would be over \$300 million annually, not including the additional costs DHS will face as well.<sup>4</sup> And although ORR currently cares for thousands of unaccompanied children, those traveling together with families may be more likely to be very small children, including infants and toddlers, who will require enormous additional resources and capacity to ensure appropriate care. In other words, family separation would not only traumatize families and create obstacles to protection, it will come at great financial cost and create chaos while overburdening current government systems.

The stated purpose for your proposal, to deter families from making the journey, neither justifies such an inherently cruel measure nor can it be met. The families who are currently turning themselves in to U.S. border officials or presenting themselves at ports of entry are doing so because they feel they have no other choice for survival. Deterrence efforts will have little effect when someone is fleeing harm and feels that they have no other option but to seek protection elsewhere. When the National Immigrant Justice Center, a legal service provider in Chicago that represents hundreds of asylum seekers, talked to some of their clients about whether the prospect of separation from their children would have deterred them, several underscored this point. In the words of one: “Because of the circumstances, even if I knew [we might be separated], I would make the journey to the United States and I would have begged and pleaded not to be separated. Both options are terrible.” Another said: “The only thing that I thought about was my children. I did not want to leave my country, but we had to because of the security for me and my children. My son was two and a half and my daughter was about fourteen. I knew she was afraid and I just tried to tell her we would be safe.”

Moreover, rather than protect those seeking safety at the southern border from the “terribly dangerous networks” you describe, separating families may actually exacerbate the vulnerability to smugglers and traffickers they already face. Those same families who feel they have no other choice but to flee may now try any alternative available to the perceived risk of family separation, meaning they may well be driven only further into the hands of unscrupulous smugglers and traffickers.

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<sup>4</sup> Center for American Progress and Kids in Need of Defense. “Separating Mothers from their Children at the Border is Wrong and Costly.” March 2017. <https://www.americanprogress.org/issues/immigration/news/2017/03/13/427970/separating-mothers-children-border-wrong-costly/>

To threaten families who are fleeing harm and legally seeking protection at our borders with family separation in order to deter their migration is cruel and unjust. Similar policies of detaining asylum-seeking families to deter their migration have already been found by a U.S. court to violate U.S. law.<sup>5</sup> DHS must respect the principles of family unity and liberty in its immigration and border enforcement policies. Families should not be separated nor needlessly locked up in costly and inhumane family or adult detention facilities. The Department has long had alternatives available to both practices, including to mitigate flight risk and support compliance with immigration requirements and court proceedings.<sup>6</sup>

Secretary Kelly, we urge you and the Administration not to implement a policy of separating migrant families. Respecting the fundamental right to family unity and the right to seek safety without fearing punishment through detention or separation from one's children, parents, or other family members is not at odds with our laws and values but in fact a central component of those laws and values that this Administration has committed to uphold.

If you have any questions, please do not hesitate to reach out to Katharina Obser at the Women's Refugee Commission at [katharinao@wrcommission.org](mailto:katharinao@wrcommission.org) for more information.

Sincerely,

### **National Organizations**

Alianza Americas  
Alliance for Citizenship  
Alliance to End Slavery & Trafficking  
American Academy of Pediatrics  
American Civil Liberties Union (ACLU)  
American Federation of Teachers  
American Friends service committee  
American Immigration Council  
American Immigration Lawyers Association  
American Psychological Association, Division 24, Executive Committee  
American-Arab Anti-Discrimination Committee  
Americans for Immigrant Justice  
AMIGA Lawyers  
Amnesty International USA  
Asian Pacific Institute on Gender-Based Violence  
ASISTA  
Asylum Seeker Advocacy Project (ASAP) at the Urban Justice Center  
Casa de Esperanza: National Latin@ Network for Healthy Families and Communities  
Catholic Legal Immigration Network, Inc.  
Center for Community Change

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<sup>5</sup> See *R.I.L.R. v Johnson*. Information available at: <https://www.aclu.org/cases/rilr-v-johnson>

<sup>6</sup> American Immigration Lawyers Association, Lutheran Immigration and Refugee Service, National Immigrant Justice Center, and Women's Refugee Commission. *The Real Alternatives to Family Detention*.  
<https://www.womensrefugeecommission.org/images/zdocs/Real-Alternatives-to-Family-Detention.pdf>

Center for Constitutional Rights  
Center for Gender & Refugee Studies  
Center for Law and Social Policy  
Child Welfare League of America  
Church World Service  
Columban Center for Advocacy and Outreach  
Committee in Solidarity with the People of El Salvador (CISPES)  
Community Initiatives for Visiting Immigrants in Confinement (CIVIC)  
Council on American-Islamic Relations  
Detention Watch Network  
Dominicans Mission San Jose  
ECPAT-USA  
Evangelical Lutheran Church in America, Advocacy Office  
Fair Immigration Reform Movement  
First Focus  
Franciscan Action Network  
Friends Committee on National Legislation  
Futures Without Violence  
Global Campaign to End Child Detention  
Grassroots Leadership  
HIAS  
Human Rights Campaign  
Human Rights First  
Human Rights Watch  
Immigrant Legal Resource Center  
Interfaith Worker Justice  
International Rescue Committee  
Justice Strategies  
Kids in Need of Defense  
Latin America Working Group (LAWG)  
Latino Commission on AIDS  
LatinoJustice PRLDEF  
Leadership Conference of Women Religious  
League of United Latin American Citizens  
Lutheran Immigration and Refugee Service  
Mennonite Central Committee U.S. Washington Office  
MomsRising/MamásConPoder  
NASW-NM  
National Asian Pacific American Women's Forum  
National Center for Youth Law  
National Council of Jewish Women  
National Council of La Raza  
National Immigrant Justice Center  
National Immigration Law Center  
National Justice for Our Neighbors  
National Latina Institute for Reproductive Health

National Latina/o Psychological Association  
National Network for Immigrant and Refugee Rights  
National Partnership for New Americans (NPNA)  
NETWORK Lobby for Catholic Social Justice  
Oxfam America  
Pax Christi USA  
Redwood Justice Fund  
Refugee and Immigrant Center for Education and Legal Services (RAICES)  
Save the Children  
Scalabrini International Migration Network  
Sisters of Mercy South Central Community  
Sojourners  
Southeast Asia Resource Action Center (SEARAC)  
Southern Border Communities Coalition  
Southern Poverty Law Center  
Tahirih Justice Center  
Teach Plus  
The Advocates for Human Rights  
U.S. Committee for Refugees and Immigrants  
UC Davis Immigration Law Clinic  
Unitarian Universalist Service Committee  
Washington Office on Latin America (WOLA)  
We Belong Together  
Women's Refugee Commission  
Young Center for Immigrant Children's Rights

### **State/Local Organizations**

Abused Woman's Aid in Crisis  
African Services Committee  
Alliance for Children's Rights  
American Gateways  
Apoyo Legal Migrante Asociafo (ALMA)  
Artemis Justice Center  
Asylum Seeker Assistance Project  
Atlas: DIY  
Beckner Immigration Law PLLC  
Boston College Center for Human Rights and International Justice  
Center for the Human Rights of Children, Loyola University Chicago  
Central American Resource Center (DC)  
Central American Resource Center Los Angeles  
Chelsea Collaborative  
Church Council of Greater Seattle  
Coalition for Humane Immigrant Rights (CHIRLA)  
Community Legal Services in East Palo Alto  
Community, Faith and Labor Coalition

Connecticut Legal Services  
DC-Maryland Justice for Our Neighbors  
Dominican Sisters of San Rafael  
Dorcas International Insitute of Rhode Island  
End Domestic Abuse WI  
Finex House Legal Advocacy Program  
Florida Immigrant Coalition  
Florida Legal Services, Inc.  
Fordham Law School Feerick Center for Social Justice  
Friends of Broward Detainees  
Greater New York Labor Religion Coalition  
Her Justice  
Hillsides  
Human Rights Initiative of North Texas  
Immigrant Defenders Law Center  
Immigrant Legal Advocacy Project  
Immigration Center for Women and Children (ICWC)  
Immigration Taskforce, SWPA Synod, Evangelical Lutheran Church in America  
Indianapolis Worker Justice Center  
Iowa Coalition Against Domestic Violence  
Just Neighbors  
Justice Center of South East MA  
Justice for our Neighbors Houston  
Justice For Our Neighbors Southeastern Michigan  
Justice for Our Neighbors West Michigan  
Kino Border Initiative  
La Plata County Thrive! Living Wage Coalition  
Latin American Coalition  
Law Office of Monica Eav Glicken PC  
Lawyers Committee for Civil Rights of the San Francisco Bay Area  
Los Angeles Center for Law and Justice  
Mass Interfaith Worker Justice  
Massachusetts Immigrant and Refugee Advocacy Coalition  
MetroWest Legal Services  
Miami Workers Center  
MICA Project  
Migrant and Immigrant Community Action Project  
My Sisters' Place  
National Farm Worker Ministry  
Nationalities Service Center  
Nebraska Appleseed Center for Law in the Public Interest  
Northern Illinois Justice for Our Neighbors  
Northwest Immigrant Rights Project  
Palm Beach County Coalition for Immigrant Rights  
Perez-Jenkins Law LLC  
Public Counsel

Puentes Advocacy Counseling & Education  
Reformed Church of Highland Park  
Rio Grande Valley Equal Voice Network  
Rocky Mountain Immigrant Advocacy Network  
Safe Horizon  
Safe Passage Project  
Sanctuary for Families  
SC Appleseed Legal Justice Center  
SEIU Florida Public Services Union  
SEPA Mujer, Inc.  
Services, Immigrant Rights, and Education Network (SIREN)  
South Florida Interfaith Worker Justice  
Southwestern Law School Immigration Law Clinic  
Stockton University  
Swanson Law Office  
Terra Firma Healthcare and Justice for Immigrant Children  
The Florence Immigrant and Refugee Rights Project  
The Legal Aid Society, New York  
TN Coalition to End Domestic & Sexual Violence  
Tulsa Immigrant Resource Network  
Unitarian Universalist Mass Action Network  
UnLocal, Inc.  
UNO Immigration Ministry  
USC International Human Rights Clinic  
Violence Intervention Program  
Volunteer Attorneys for Rural Nevadans  
Washington Defender Association Immigration Project  
Washington Immigration Defense Group  
Whitlock & Gray, LLC

CC: Kevin K. McAleenan, Acting Commissioner, U.S. Customs and Border Protection  
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