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.1 Moreover, separating children from their parents is cruel, traumatizing all those involved.2 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.”3

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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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. 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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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.\(^5\) 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.\(^6\)

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 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

\(^5\) See *R.I.L.R. v Johnson*, Information available at: [https://www.aclu.org/cases/rlr-v-johnson](https://www.aclu.org/cases/rlr-v-johnson)

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 Asociado (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 Institute 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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Juan P. Osuna, Director, Executive Office for Immigration Review
Ken Tota, Acting Director, Office of Refugee Resettlement