

June 16, 2020

Chad Wolf
Acting Secretary
Department of Homeland Security
301 7th Street, S.W.
Washington, D.C. 20528

Re: Recent DHS Measures That Threaten the Safety and Family Unity of Vulnerable Immigrant Children

Dear Acting Secretary Wolf:

The undersigned 122 organizations strongly oppose recent Department of Homeland Security (DHS) measures that threaten the safety and family unity of vulnerable immigrant children. DHS appears to have disregarded the lessons of 2018, when its family separation policy split thousands of children from their parents, inflicted enduring damage on separated kids, and spurred bipartisan outrage. Under cover of the COVID-19 pandemic, the Department has redoubled its efforts to undo legal protections that keep kids safe and families together. By expelling arriving unaccompanied children, deporting unaccompanied children already living within the U.S. without required court proceedings, and reviving family separation at detention centers, it is once again causing kids profound suffering and disturbing the nation's conscience. We urge DHS to end these destructive policies immediately.

Since March, DHS has expelled over 1,000 unaccompanied children who arrived at the U.S. southern border.¹ These summary returns violate the bipartisan Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) by depriving kids of protection screenings, court hearings, and referrals to Office of Refugee Resettlement custody—of any meaningful opportunity, in other words, to seek protection from danger. Expelled children face the risk of human trafficking, persecution, and other grave harm. Though DHS has used COVID-19 as a pretext for its actions, medical experts have made clear that this policy lacks a valid public health rationale.² Indeed, DHS has full authority to exempt unaccompanied children and asylum seekers, as it has other populations, from the entry restrictions underlying such returns. But the Department has refused to do so.

During this same period, DHS has deported certain unaccompanied children living within the U.S. without according them the legal safeguards that Congress plainly intended. Among other actions, it is truncating these kids' access to counsel and stripping them of court proceedings.³ In particular, DHS is targeting unaccompanied children sent with their parents to dangerous conditions in

¹ Human Rights First, "Pandemic as Pretext: Trump Administration Exploits COVID-19, Expels Asylum Seekers and Children to Escalating Danger" (May 2020); <https://www.humanrightsfirst.org/sites/default/files/PandemicAsPretextFINAL.pdf>.

² Priscilla Alvarez, "Health experts slam Trump administration's use of public health law to close border" *CNN* (May 18, 2020); <https://www.cnn.com/2020/05/18/politics/border-closure-public-health/index.html>.

³ *See, e.g.*, Lomi Kriel, "The Trump Administration Is Rushing Deportations of Migrant Children During Coronavirus" *ProPublica* (May 18, 2020); <https://www.propublica.org/article/the-trump-administration-is-rushing-deportations-of-migrant-children-during-coronavirus>.

Mexico under the “Migrant Protection Protocols” (MPP) who then re-entered the U.S. alone in pursuit of safety. This use of MPP, a program that cripples due process while placing families’ lives in peril, as an excuse to preclude legal protections for unaccompanied children doubles down on MPP’s harmfulness and risks returning kids to immediate danger.

Finally, directly echoing its initiatives in 2018, last month DHS revived family separation at Immigration and Customs Enforcement (ICE) family detention centers in Texas and Pennsylvania.⁴ Notwithstanding health and safety concerns at these facilities stemming from the pandemic, ICE failed to exercise its authority to release detained families together. Instead, ICE agents forced parents into an impossible—and wholly unnecessary—choice: keep their families detained indefinitely or face separation from their children. Panic quickly spread among family members who feared being split apart.

The national outrage stirred by the family separation crisis of 2018 yielded a clear message: our country will not abide policies that systematically undermine children’s safety and family unity. Tragically, the measures adopted by DHS under cover of the pandemic do exactly that. They should end now. We call upon the Department to cease expulsions of unaccompanied children and asylum seekers at the U.S. southern border; stop deportations of unaccompanied children living in the U.S. interior without required court proceedings; release detained families together; and never again pursue family separation.

Sincerely,

ACCESS

ADL (Anti-Defamation League)

Advocates for Basic Legal Equality, Inc.

Advocating Opportunity

Al Otro Lado

ALDEA - The People's Justice Center

Alianza Americas

Alianza Nacional de Campesinas

America’s Voice

American Academy of Pediatrics

American Federation of Teachers (AFT)

American Immigration Council

American Immigration Lawyers Association

Americans for Immigrant Justice

Appleseed

Association of Maternal & Child Health Programs

Asylum Seeker Advocacy Project

Asylum Works

Athens Immigrant Rights Coalition (Georgia)

Bellevue Program for Survivors of Torture

Bethany Christian Services

Black Alliance for Just Immigration (BAJI)

⁴ See, e.g., Chantal Da Silva, “ICE Accused of Using Coronavirus Crisis to Launch ‘Family Separation 2.0’” *Newsweek* (May 19, 2020); <https://www.newsweek.com/ice-accused-using-coronavirus-crisis-launch-family-separation-2-0-1505156>.

Casa de Esperanza: National Latin@ Network for Healthy Families and Communities
Catholic Charities of the Archdiocese of Washington
Catholic Legal Immigration Network, Inc.
Center for Gender & Refugee Studies
Center for Law and Social Policy (CLASP)
Center for the Study of Social Policy
Center for Victims of Torture
Centro Legal de la Raza
Charlotte Center for Legal Advocacy
ChildFund International
Children's Advocacy Institute
Children's Defense Fund
Children's Defense Fund-New York
Children's Defense Fund-Ohio
Children's Defense Fund Texas
Children's Trust Fund Alliance
Chinese-American Planning Council (CPC)
Christian Reformed Church Office of Social Justice
Church World Service
Coalition on Human Needs
Committee for Hispanic Children & Families (CHCF)
Connecticut Legal Services Inc.
Empire Justice Center
Families Belong Together
Family Focused Treatment Association
Fordham Law School Feerick Center for Social Justice
Freedom Network USA
Government Accountability Project
Harvard Immigration and Refugee Clinical Program
HIAS
Hispanic Federation
Hispanic Interest Coalition of Alabama
Hope Border Institute
Human Rights First
Human Rights Initiative of North Texas
Immigrant Advocates Response Collaborative
Immigrant Defenders Law Center
Immigrant Justice Corps
Immigrant Legal Advocacy Project
Immigrant Legal Resource Center
Immigration Counseling Service
Immigration Hub
Institute for Women in Migration (IMUMI)
International Refugee Assistance Project
International Rescue Committee
Justice Action Center

Justice in Motion
Justice Revival
Kids in Need of Defense
Kino Border Initiative
Latin America Working Group
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
Leadership Conference of Women Religious
Legal Aid Justice Center
Legal Council for Health Justice
Lutheran Immigration and Refugee Service
Michigan Immigrant Rights Center
Mid-South Immigration Advocates
Mississippi Center for Justice
National Association of Pediatric Nurse Practitioners
National Association of Social Workers
National Association of Social Workers - Texas Chapter
National Coalition of Latinxs with Disabilities (CNLD)
National Council of Jewish Women
National Immigrant Justice Center
National Immigration Law Center
National Network for Immigrant & Refugee Rights
National WIC Association
NETWORK Lobby for Catholic Social Justice
Niskanen Center
North Carolina Justice Center
Northwest Regional Primary Care Association
OneAmerica
Our Children Oregon
Oxfam America
Partnership for America's Children
Physicians for Human Rights
RAICES
Rian Immigrant Center
Save the Children Action Network
SchoolHouse Connection
Sisters of Mercy of the Americas Justice Team
Sisters of St. Joseph, Brentwood Office of Justice, Peace, Integrity of Creation
Southeast Asia Resource Action Center (SEARAC)
SPLC Action Fund
Tahirih Justice Center
The Florence Immigrant & Refugee Rights Project
The National Foundation to End Child Abuse and Neglect
The Ray E Helfer Society
The Secure Families Collaborative of Sonoma County
U.S. Committee for Refugees and Immigrants
Union for Reform Judaism

United Methodist Women
Washington Office on Latin America
Wind of the Spirit Immigrant Resource Center
Witness at the Border
Women's Refugee Commission
Workers Circle
Young Center for Immigrant Children's Rights
ZERO TO THREE