

Statement for the Record
Kids in Need of Defense (KIND)
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on
“Trump Administration’s Inhumane Family Separation Policy”
U.S. House Committee on Energy & Commerce
February 7, 2019

Kids in Need of Defense (KIND) was founded by the Microsoft Corporation and the United Nations Refugee Agency (UNHCR) Special Envoy Angelina Jolie, and is the leading national organization that works to ensure that no refugee or immigrant child faces immigration court alone. We do this in partnership with 585 law firms, corporate legal departments, law schools, and bar associations, which provide pro bono representation to unaccompanied children referred to KIND for assistance in their deportation proceedings. KIND has served more than 18,000 children since 2009, and leveraged approximately \$250 million in pro bono support from private sector law firms, corporations, law schools and bar associations. KIND also helps children who are returning to their home countries through deportation or voluntary departure to do so safely and to reintegrate into their home communities. Through our reintegration pilot project in Guatemala and Honduras, we place children with local nongovernmental organization partners, which provide vital social services, including family reunification, school enrollment, skills training, and counseling. KIND also engages in broader work in the region to address root causes of child migration, such as sexual- and gender-based violence. Additionally, KIND advocates to change law, policy, and practices to improve the protection of unaccompanied children in the United States, and is working to build a stronger regional protection framework throughout Central America and Mexico.

Background on the Zero Tolerance Policy and Family Separations

On May 7, 2018, Attorney General Jeff Sessions announced the Administration’s Zero Tolerance Policy (ZTP), under which families arriving at the border would be separated. Parents would be held in adult detention facilities and prosecuted for illegal entry—despite exercising their lawful right to seek asylum—while children would be reclassified as unaccompanied children and placed in the custody of the Office of Refugee Resettlement (ORR). From May to July 2018, at least 2,700 immigrant and refugee children were separated from their parents after crossing into the U.S. seeking safety. The majority of these families came from the Northern Triangle of Central America: Honduras, El Salvador, and Guatemala. The Trump Administration implemented the policy with no specific plan in place to connect or reunite these children with their parents and ultimately deported hundreds of parents without their children. The remote and scattered locations of the parents and children, challenges in gaining access to detention facilities, and the frequent transfers of child and adult detainees without notice created enormous obstacles to helping families access legal protections under the Immigration and Nationality Act during the height of the crisis.

The American Civil Liberties Union (ACLU) filed a lawsuit—the *Ms. L v. Sessions* case—which resulted in a court injunction mandating reunification of children with their parents by

July 26, 2018. With other direct legal service providers,¹ KIND formed a part of the Steering Committee ordered by the court, to provide legal expertise and input in the lawsuit and locate and interview the deported parents.

KIND's Response to the Zero Tolerance Policy

In response to the ZTP, KIND formed a dedicated Family Separation Response Team (FSRT). The other legal staff in KIND's 10 field offices also provide support on family separation cases, and senior legal services leadership provides oversight and support. In addition to directly handling the legal cases of separated children and their families, the FSRT provides expert mentorship and training to pro bono attorneys and staff, collaborates in ongoing coalition-building and litigation efforts, and works with partners across the U.S. to support families affected by the crisis. The team has also collaborated with KIND's Regional Team in the effort to locate deported parents in Central America.

Over the summer, KIND sent rotating teams of staff to the border attendant to the family separation crisis. In total, KIND assisted over 200 detained parents at Immigration and Custom Enforcement's Port Isabel Processing Center (PIPC). KIND staff provided triage services to help detained parents reestablish contact with their children, prepared them for their credible fear hearings (which are the initial threshold screenings for asylum), and helped them establish eligibility for reunification and release from detention. In addition, four KIND staff members provided screening and services to separated children and families who were transferred to the Karnes and Dilley family detention centers as well as ORR's Tornillo Emergency Reception Center. Additionally, KIND represented over 100 detained children who had been separated as part of this policy. The average age of these children was 10 years old.

KIND continues to serve these families to the extent possible. Despite the fact that many families have scattered throughout the U.S. in locations where KIND does not have a presence, every effort is made to provide remote support and/or referrals to local provider options.

In addition to the above, KIND has now received approximately 280 additional referrals for released, separated children across our 10 field offices, including numerous children whose parents were deported. KIND is also assisting dozens of reunified family units.

Summary

KIND strongly opposes the use of family separation for purposes of punishing or deterring the migration of children and families. Through our work we have witnessed the far-reaching and devastating impacts of the Administration's family separation policies on both the well-being of children and parents as well as their cases for legal protection. The lack of an integrated data system to track separated families across agencies created a chaotic situation last summer, in which parents and children were unable to locate or communicate with each other, in many cases

¹ The Steering Committee approved by the Court in the Ms. L litigation includes the law firm Paul, Weiss as well as three non-governmental organizations: Justice in Motion, Kids in Need of Defense (KIND), and the Women's Refugee Commission (WRC).

for several weeks. This lack of effective tracking also inhibited the prompt reunification of families separated by the Administration and remains of grave concern. KIND is similarly concerned about ongoing family separations, which continue to occur without any particular standards in place, systematic tracking of separations, or detailed information about why the separation occurred, such as evidence indicating that a parent poses a risk to their child's safety or well-being. KIND further objects to the proposed limits on third-party government oversight once children are in detention facilities. We hope the Committee will consider these problems and their long-term and detrimental effects on children and families, who often come to our country in search of protection from harrowing violence and other threats to their lives.

We urge the Committee to request assurances that all family separation policies will be promptly reevaluated and that the important recommendations outlined below will be implemented.

Introduction

Family unity is a fundamental human right and central principle of U.S. immigration policy and international law.² The Administration gutted this fundamental principle when it began separating families as a way to deter asylum seekers from seeking protection at the U.S./Mexico border. Families like that of Luisa, a 7-year-old child who was separated from her father after they entered the U.S. last summer.³ The day after this separation, Luisa's mother and 10-year-old brother entered the U.S. and passed a credible fear interview, which placed them into removal proceedings during which they may assert their claims for asylum. Although Luisa's brother and mother were released, Luisa stayed in a detention facility. On her own, she could not have made a case for asylum because she did not know why her family came to the U.S. When KIND spoke with Luisa, it was impossible to even conduct a legal assessment with her because she could not stop crying—she was so distraught by the separation that she simply sobbed during most of the meeting with an attorney.⁴

Additional policies of the Administration have delayed the release of children in detention to their families—even children that had gone through the horror of having been separated from their parents. Two sisters KIND is working with remained in ORR custody for nearly 8 months after being separated from their father, who was then deported. The girls' mother submitted all necessary paperwork for the girls' release, but officials insisted for months that one particular individual, who periodically resided in the home, but traveled frequently for work, also submit fingerprints. In December, ORR suddenly changed its policy and no longer required the missing fingerprints. The girls were finally released the week before Christmas and able to reunite with their mother. The children remain very concerned about their father, who was deported and faces ongoing threats to his safety.

² See U.N. International Covenant on Civil and Political Rights, art. 23, Dec. 16, 1966, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171; U.N. Convention on the Rights of the Child, art. 9, Nov. 20, 1989, 1577 U.N.T.S. 3. See also WILLIAM KANDEL, U.S. FAMILY-BASED IMMIGRATION POLICY, CONGRESSIONAL RESEARCH SERV. 2 (2014) (available at <https://trac.syr.edu/immigration/library/P9368.pdf>).

³ *How You Can Help Separated Families and Ensure Protection for Children*, KIND (June 28, 2018), <https://supportkind.org/resources/how-you-can-help-end-family-separation-and-ensure-protection-for-children/>.

⁴ *Id.*

These children belong with their families.

More Children Are Separated and Detained by the Government

These two stories offer a small window into the trauma experienced by the nearly 15,000 migrant children who were held in government custody in December 2018. ORR was running out of beds in its 130 shelters, forcing it to use emergency overflow tent facilities, like the one in Tornillo, Texas.⁵ That camp shuttered its doors after a troubling report issued by HHS' Office of Inspector General. The report warned of "serious safety and health vulnerabilities," even though the government must abide by court-mandated safety standards.⁶

The uptick in family separations came after the Department of Justice (DOJ) and the Department of Homeland Security (DHS) implemented a "zero-tolerance" immigration policy in the spring of 2018.⁷ The policy directed DHS border officials to refer every individual apprehended near the border who did not present at an official port of entry to DOJ for criminal prosecution, even when individuals were primary caregivers to children and exercised their lawful right to seek asylum.⁸ Adults were taken to federal detention facilities, while children were transferred into the care of ORR, which operates within HHS.⁹ Once separated from their parents, DHS classified the kids as "unaccompanied."¹⁰

Even before the ZTP, the *New York Times* reported that, from October 2017 to April 2018, over 700 children were taken from their parents.¹¹ The latest HHS Inspector General's report estimates that DHS separated thousands of children from 2017 to June 2018.¹² After the Administration officially acknowledged the ZTP, a Customs and Border Protection (CBP) official testified that 639 parents traveling with 658 children were processed for prosecution in the span of thirteen days in May alone.¹³ As of December 2018, HHS had identified 2,737

⁵ See Arelis R. Hernández, *Trump Administration Is Holding Record Number of Migrant Youths*, WASHINGTON POST (Dec. 21, 2018), https://www.washingtonpost.com/local/immigration/trump-administration-is-holding-record-number-of-migrant-youths/2018/12/21/183470c0-03b7-11e9-b5df-5d3874f1ac36_story.html?utm_term=.daae949b03.

⁶ Letter from Daniel R. Levinson, Inspector General, Dep't of Health & Hum. Serv., to Lynn Johnson, Assistant Secretary, Admin. for Child. & Fam., Dep't of Health & Hum. Serv. (Nov. 27, 2018) (on file at <https://oig.hhs.gov/oas/reports/region12/121920000.pdf>). See also Stipulated Settlement Agreement, *Flores v. Reno*, No. CV 85-4544- RJK(Px) (C.D. Cal. Jan. 17, 1997) (hereinafter *Flores*).

⁷ U.S. DEP'T OF HEALTH & HUM. SERV., OFFICE OF INSPECTOR GENERAL, OEI-BL18-00511, SEPARATED CHILDREN PLACED IN OFFICE OF REFUGEE RESETTLEMENT CARE (2019), 1 (hereinafter INSPECTOR GENERAL REPORT).

⁸ Press Release, KIND & Women's Refugee Comm'n, Family Separation at the Border (May 30, 2018) (on file at <https://supportkind.org/media/family-separation-at-the-border/>).

⁹ INSPECTOR GENERAL REPORT, *supra* note 7, at 2.

¹⁰ Press Release, *supra* note 8.

¹¹ Caitlin Dickerson, *Hundreds of Immigrant Children Have Been Taken From Parents at U.S. Border*, NYTIMES (Apr. 20, 2018), <https://www.nytimes.com/2018/04/20/us/immigrant-children-separation-ice.html>.

¹² INSPECTOR GENERAL REPORT, *supra* note 7, at 1, 13.

¹³ *TVPPRA and Exploited Loopholes Affecting Unaccompanied Alien Children: Hearing Before the Subcomm. on Border Security & Immigration*, 105th Cong. (2018) (statement of Richard Hudson, Deputy Chief of the Operations Program, Law Enforcement Operations Directorate, U.S. Customs & Border Protection).

children who had been separated from their parents under the policy and were required to be reunified under a June 2018 federal court order.¹⁴

Alarming, the HHS Inspector General’s report confirms what KIND has seen with its own caseload, which is that the Trump Administration continues to separate families at the border. Even after President Trump announced an end to the ZTP, ORR received at least 118 newly separated children between July 1 and November 7, 2018.¹⁵ ORR often receives little or incomplete information about the reasons for such separations.

Sponsors Fear Coming Forward

Once in custody, ORR must provide a safe and secure placement for a child in the “least restrictive setting that is in the best interest of the child” while he or she awaits immigration proceedings.¹⁶ ORR must prioritize reunification with a parent or close family member. However, recent Administration policies prevent ORR from bringing families back together. In the summer of 2017, ICE used information gathered from CBP, ORR, and the kids themselves to target, question, and arrest sponsors of unaccompanied children.¹⁷ More recently, ORR, CBP, and ICE entered a memorandum of agreement that, among other things, permits the sharing of information about sponsors and other adults in their homes, including for immigration enforcement purposes. As part of efforts to implement this agreement, ORR added burdensome sponsorship requirements. Between June and December 2018, sponsors and every adult living with them were required to submit their fingerprints as part of the vetting process. The government later admitted that the extra screening was “not adding anything to the protection or the safety of children.”¹⁸ As information-sharing for enforcement purposes persists, potential sponsors, who may be the safest and best person to care for the child, are deterred from coming forward to care for their young family members. Consequently, children remain in detention facilities, potentially indefinitely.

Tracking Mechanisms for Recording Family Relations are Deficient

The HHS Inspector General’s report emphasizes that the total number and current status of children separated from their parents or legal guardians by DHS and then referred to ORR’s care is unknown.¹⁹ Although HHS has devoted “considerable resources” to improving tracking mechanisms, the agency admits the lack of an existing and integrated data system that can track separated families across agencies poses significant challenges.²⁰ In HHS’ filing in the *Ms. L*

¹⁴ Miriam Jordan, *Family Separation May Have Hit Thousands More Migrant Children Than Reported*, NYTIMES (Jan. 17, 2019), <https://www.nytimes.com/2019/01/17/us/family-separation-trump-administration-migrants.html>.

¹⁵ *Id.* at 11.

¹⁶ 8 U.S.C. § 1232(c)(2).

¹⁷ Letter from KIND et al. to Cameron Quinn, Dep’t of Homeland Security & John Kelly, Dep’t of Homeland Security (Dec. 6, 2017) (on file at <https://cliniclegal.org/sites/default/files/pressreleases/Sponsor-Enforcement-OIG-CRCL-Complaint-Cover-Letter-FINAL-PUBLIC.pdf>).

¹⁸ Miriam Jordan, *Thousands of Migrant Children Could be Released After Sponsor Policy Change*, NYTIMES (Dec. 18, 2018), <https://www.nytimes.com/2018/12/18/us/migrant-children-release-policy.html>.

¹⁹ INSPECTOR GENERAL REPORT, *supra* note 7, at 13.

²⁰ *Id.*

case on February 1st, HHS noted that when DHS transferred children to ORR, “certain DHS components provided any anecdotal information about their separation of children to ORR on a discretionary, *ad hoc* basis by transmitting the information into the child’s record on the ORR portal.” The Declaration goes on to state, “For instance, certain Customs and Border Patrol (CBP) stations created notes in the records of children on the ORR Portal, using terms such as ‘separation’ in order to identify separation cases.” The fact that such information was not required, or was not diligently maintained in a systematic way, is shocking and unacceptable. ORR should demand that DHS input detailed information about any separations going forward into the ORR portal in a rigorous and systematic way.

The glaring problems with these tracking systems are not new. While there was no blanket family separation policy under the Obama Administration, family separations did occur in limited circumstances. As KIND and our partners highlighted in January 2017, children were separated from parents or legal guardians if there was a concern for the child’s safety such as an indication the adult abused the child, or if families were composed of individuals with “mixed” immigration statuses.²¹

When separations occur, DHS and HHS have no consistent or comprehensive means to document family status or track family members between their agencies. There is no database or hotline across ICE, CBP, and ORR that can help identify a separated family member’s location or assist with reunification.²² This is not only important for children separated from their parents and legal guardians, but it is important when, according to the Trafficking Victims Protection Act,²³ a child is classified as unaccompanied and separated from an extended family member or sibling.

DHS’s widespread failure to consistently record, track, and transmit family information has yielded damaging results. This reached a boiling point in the summer of 2018 when the government implemented the ZTP, triggering a crisis of chaos and confusion. Separated families are left with little, if any, knowledge of their family members’ locations. One family member may have exclusive access to information or key evidence for legal proceedings, which hampers and bifurcates immigration cases. Repatriations of parents and children have occurred without notice to counsel of record, or even to the adults hoping to receive the child off the plane in the country of origin.

Recommendation: To ensure children are not subject to needless harm and have access to due process, KIND recommends that HHS work with DHS to develop protocols and ensure child welfare professionals screen children to ensure separations are only done when it is in the best interest of the child. DHS should coordinate with HHS to identify separated families and to facilitate release and reunification.²⁴ DHS should bring back the Family Case Management

²¹ KIND, WOMEN’S REFUGEE COMM’N & LUTHERAN IMMIGRATION SERV., BETRAYING FAMILY VALUES: HOW IMMIGRATION POLICY AT THE UNITED STATES BORDER IS SEPARATING FAMILIES 4 (2017) (hereinafter BETRAYING FAMILY VALUES).

²² *Id.* at 4.

²³ 8 U.S. Code § 1232. Enhancing efforts to combat the trafficking of children

²⁴ BETRAYING FAMILY VALUES, *supra* note 21, at 2.

Program to support released families so that they may make a request for protection.²⁵ We are encouraged by ORR's efforts to modify its online case management system and create a consolidated spreadsheet.²⁶ Efforts to improve communication, transparency, and accountability for the identification, care, and placement of separated children should continue. Further, all family relationships should be recorded and communicated to ORR as well as the child's attorney in order to facilitate the family reunification process.

There Are No Stated Reasons for Separation

The HHS Inspector General's report notes that DHS only provides ORR with "limited information" about why a family has been separated.²⁷ Under current policies and practices, these decisions are arbitrary. They require no justification or documentation and do not involve the screener to have any child welfare expertise.²⁸ The HHS Inspector General's report emphasizes that "[i]ncomplete or inaccurate information about the reasons for separation, and a parent's criminal history in particular, may impede ORR's ability to determine the appropriate placement for a child."²⁹ It also notes that DHS does not consistently respond to ORR's requests for follow-up information about the reasons for a child's separation.³⁰ KIND continues to see cases in which neither ORR nor the attorney are notified that DHS separated a child from a parent. A parent can lose physical custody of their child without any judicial oversight and for reasons that are inconsistent with child welfare legal standards.³¹ For example, while a parent may have a prior deportation order or an arrest warrant in the home country, that history may actually be the basis of the parent's asylum claim for government persecution, such as in the case of a parent fleeing an oppressive government regime.

KIND has seen several recent cases, post-ZTP, of children separated from their parents for unknown reasons. In one case, a father was separated from his teenage daughter and no information was given for the reasons for the separation. Moreover, KIND only found out this child had been separated from her father through interviews with the child. The separation was not noted in her file and no one from ORR flagged the separation for the attorney of record. Frequently in these cases, KIND attorneys have had to track down the location of the parents, and then begin the difficult task of communicating with them at an ICE detention facility, often several hundred miles away. Even when KIND attorneys are able to establish contact with the separated parent, the parent is typically given little to no information as to why they were forcibly deprived of their ability to remain with their child. There is currently no formal written document issued to parents outlining the reasons for the separation, and no vehicle for them to challenge any assertions being made against them.

²⁵ <https://www.womensrefugeecommission.org/rights/resources/1653-family-case-management-program>

²⁶ The HHS Inspector General also commends this course of action in his January 2019 report. INSPECTOR GENERAL REPORT, *supra* note 7, at 13.

²⁷ INSPECTOR GENERAL REPORT, *supra* note 7, at 11.

²⁸ BETRAYING FAMILY VALUES, *supra* note 21, at 7.

²⁹ INSPECTOR GENERAL REPORT, *supra* note 7, at 12.

³⁰ *Id.*

³¹ BETRAYING FAMILY VALUES, *supra* note 21, at 7.

Recommendation: KIND recommends the government hire child welfare professionals at the border to supervise the protection of children and families and the circumstances in which family separations occur.³² Further, immigration enforcement agents should be trained to consider family unity as a primary factor in charging and detention decisions.³³ Written standards should be drafted, in consultation with child welfare experts, describing protocols and procedures for determining when separation may be in the best interest of a child. Immigration enforcement agents should also receive training on how to apply the “best interests of the child” framework for when they believe a child’s separation from their parent is warranted.³⁴ These instances include when a parent has a conviction for a violent offense or child abuse or neglect offense. DHS should also consider ORR’s best interest recommendation. Family separation should be recorded and justified in writing, with an opportunity provided to the parent or child to challenge the separation. ORR, family members, and attorneys should be able to easily access this information. In order to ensure that accurate information is available, ORR must demand that DHS input detailed information about any separations going forward into the ORR portal in a rigorous and systematic way.

Oversight of DHS and HHS Facilities Holding Migrant Children is Essential

Children being detained alone in such high numbers places enormous strain on the ORR system. Even prior to this Administration’s policies, ORR struggled to provide required post-release services for kids who legitimately needed support.³⁵ Currently, ORR is required by the *Flores* Settlement Agreement to hold children in the “least restrictive setting” possible.³⁶ Nonetheless, the Administration actively seeks to roll back *Flores* protections, which set out national standards for the government’s treatment, detention, and release of unaccompanied children and other minors. In September 2018, it proposed regulations that would relax *Flores* standards for how kids in custody can be held and transported.³⁷

The proposed regulations would eliminate the vital third-party oversight and monitoring that is currently provided through judicial enforcement of *Flores*. As recently as July 2018, the supervising court found that the government had breached the agreement in several ways, including by undertaking policies that “unnecessarily delay” the release of children to custodians.³⁸ In January 2019, *CBS News* reported that *Flores* counsel discovered facilities

³² *Id.* at 2.

³³ *Id.* at 1.

³⁴ *Id.* at 7.

³⁵ JENNIFER PODKUL & CORY SHINDEL, KIND, DEATH BY A THOUSAND CUTS: THE TRUMP ADMINISTRATION’S SYSTEMATIC ASSAULT ON THE PROTECTION OF UNACCOMPANIED CHILDREN 3 (2018).

³⁶ *Flores*, *supra* note 6.

³⁷ Apprehension, Processing, Care, and Custody of Alien Minors and Unaccompanied Alien Children, 83 Fed. Reg. 45486 (proposed Sept. 7, 2018) (to be codified at 45 C.F.R. pt. 410).

³⁸ KIND, Comment Letter on Proposed Rule Relating to Apprehension, Processing, Care and Custody of Alien Minors and Unaccompanied Alien Children 29 (Nov. 6, 2018), <https://supportkind.org/wp-content/uploads/2018/11/KIND-Comments-DHS-Docket-ICEB-2018-0002-11.6.18.pdf>.

holding unaccompanied children operating without licenses.³⁹ *Flores* counsel recounted that ORR has failed to notify children and parents of their rights relating to securing children’s release from facilities, discouraged parents from seeking their children’s release by passing their information to ICE,⁴⁰ and delayed background investigations of potential sponsors.⁴¹

Recommendation: ORR remains the appropriate entity to care for migrant children—it has experience resettling refugees and child welfare expertise. It is not an immigration enforcement agency. However, third-party monitoring of facilities must be retained and protected, particularly at a time when there is enormous strain on ORR’s resources. Compliance with *Flores* must not be left to discretion, especially at a time when ORR policies result in higher and longer detention rates for children.

Parents and Children Face Long-Lasting Consequences

Parents and children face lasting trauma as a result of their forced separations. In 2017, the American Academy of Pediatrics explained that detention stunts child development and causes severe psychological trauma, like depression and post-traumatic stress disorder.⁴² Medical and mental health experts have concluded that the forced separation of migrant children who fled violence can have particularly harmful consequences, even if the separation is brief.⁴³ At the Port Isabel detention center, a father articulated the pain he felt being separated from his 9-year-old son, saying, “I haven’t seen my son in over two months—I don’t want anything from the United States other than my son.”⁴⁴ A mother who was separated from her 6-year-old son said, “I don’t know how he’s doing; I haven’t spoken to him, I don’t know where he is. We’re here because we watched our family get murdered.”⁴⁵

Not only are family members physically separated, but their legal cases and experiences within the immigration enforcement system are also bifurcated. This raises serious due process concerns, and serious inefficiencies in a backlogged system, especially when individuals from the same family have the same claim for asylum. Children, in particular, may not know all the details or have important documents relating to their family’s asylum claim. When this happens, disparate results and incomplete information are far more likely to affect important immigration proceedings.

³⁹ Graham Kates, *Migrant Children in U.S. Are Being Held in Unlicensed Shelters, Lawyers Say*, CBS NEWS (Jan. 24, 2019, 2:17 PM), <https://www.cbsnews.com/news/migrant-children-in-u-s-are-being-held-in-unlicensed-shelters-lawyers-say/>.

⁴⁰ A leaked internal DHS memo from December 2017 proposed a Memorandum of Understanding between ORR and ICE, under which the agencies would coordinate to place undocumented sponsors in removal proceedings. It anticipated that the policy would “result in a deterrent impact on ‘sponsors’ who may be involved with smuggling children into the United States” and there would be “a short term impact on HHS where sponsors may not take custody of their children in HHS facilities, requiring HHS to keep the UACs in custody longer.” Memorandum from Dep’t of Homeland Security (Dec. 2017) (on file at <https://www.documentcloud.org/documents/5688664-Merkleydocs2.html>). This policy took effect four months later.

⁴¹ Kates, *supra* note 39.

⁴² JULIE M. LINTON ET AL., AM. ACAD. OF PEDIATRICS, DETENTION OF IMMIGRANT CHILDREN 6 (2017).

⁴³ BETRAYING FAMILY VALUES, *supra* note 21, at 12.

⁴⁴ #SilencedVoices, KIND, <https://supportkind.org/get-involved/silencedvoices/>.

⁴⁵ *Id.*

Recommendation: Children should not be separated from their parents barring instances in which separation legitimately protects the child and is in line with child welfare standards.

Conclusion

KIND condemns the use of any tactics to deter people from seeking protection in the United States that clearly harm children. KIND is deeply concerned about the lack of tracking mechanisms for separated families, ongoing separations, proposed limits on third-party oversight once children are in government care, and serious long-lasting psychological and legal impacts on the most vulnerable in our immigration system. Child protection must be a priority in the enforcement of our immigration laws. We urge the Committee to request assurances that all family separation policies will be promptly reviewed and that important changes will be immediately implemented.