

June 16, 2020

Chad Wolf  
Acting Secretary  
Department of Homeland Security  
301 7<sup>th</sup> 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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> In particular, DHS is targeting unaccompanied children sent with their parents to dangerous conditions in

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<sup>1</sup> 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>.

<sup>2</sup> 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>.

<sup>3</sup> *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.<sup>4</sup> 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)

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<sup>4</sup> 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