



June 20, 2018

Re: Amnesty International USA Recommends all House Members VOTE NO on Speaker Ryan's Border Security and Immigration Reform Act of 2018 and Chairman Goodlatte's Securing America's Future Act of 2018 (H.R. 4760)

Dear Members of Congress:

On behalf of Amnesty International USA and our more than two million members and supporters nationwide, we urge you to **VOTE NO** on both Speaker Ryan's Border Security and Immigration Reform Act of 2018 and Chairman Goodlatte's Securing America's Future Act of 2018 (H.R. 4760).

If passed into law, these bills would only exacerbate the deeply damaging policy of separating asylum-seeking families from their children and denying them meaningful access to protection. We urge Congress to instead pass a clean and robust DREAM Act that provides permanent residency and a pathway to U.S. citizenship for those who were brought to the United States as children, without trading away the human rights of Native Americans and people needing humanitarian protection. Further, we call on all Members of Congress to press the Administration to halt the forced separation of children from their parents or guardians, reunify separated families, and halt the prolonged detention of parents and guardians who arrive to the U.S. with children.

In May 2018, Amnesty International staff conducted a two-and-half week research mission along the U.S. southwest border. During this mission, our team interviewed 17 asylum-seeking parents who were forcibly separated from their children, and all but three of them had arrived at the U.S. at a port of entry to request asylum. We have preliminarily found that since 2017 the Department of Homeland Security (DHS) is forcibly separating children from their parents or guardians when these family units request asylum – a flagrant violation of the human rights of the parents and their children and a violation of U.S. obligations under refugee law. We urge Congress to pass legislation that would truly end this needless and cruel policy, while maintaining the fundamental human right to ask for asylum in a fair and efficient process, not reinforce it.

These Bills Would Only Worsen the Crisis of Separating Families at the Border

Nothing in either of these bills would prevent the Trump Administration from separating families from their children, and would only worsen a crisis of this Administration's own making. In fact, Speaker Ryan's bill would allow children to be kept in government detention centers for longer periods of time without basic standards of care or wellbeing being met. This is a flagrant attempt to undermine protections for asylum-seeking children held in U.S. custody as outlined in the [Flores settlement](#), a 1997 consent agreement signed by the federal government. Families who seek protection at our border, a right guaranteed under both U.S. and international law, should not be criminalized. This bill offers a false choice: either hold families seeking asylum in prolonged detention or separate them. Families should be neither locked up nor separated. Family detention has been documented to cause psychological and physical harms to children. Needlessly separating children from their families is nothing short of torture, and could have a deep and long-lasting effect on these children's well-being, including their mental health.

Attorney General Jeff Sessions announced the "zero-tolerance policy for criminal illegal entry" on April 6, 2018. Since the policy came into effect, more than 2,000 children have been separated from their parents or legal guardians at the U.S. border. Children's rights and best interests are violated in multiple ways: they are detained, they are forcibly separated from their parents or guardians, and they are exposed to deliberately inflicted severe mental suffering that could affect their development at a critical stage.

Both Bills Would Provide Over \$23 Billion in Funds to Build a Border Wall: Constructing a Border Wall Would Violate United States Human Rights Obligations

Both bills authorize Congress to spend over \$23 billion dollars for a physical border wall and military technology, including unmanned drones. President Trump has continued to condition the path to citizenship for DREAMers to a \$25 billion trust to fund a "border wall system." DREAMers should not be used as a bargaining chip, and any type of "border security" measure must guarantee people's right to seek asylum and not violate the human rights of communities living along the border, including Indigenous Nations. For the following reasons, we strongly urge you to reject all requests to fund a southern border wall.

First, the construction of a wall would cut through tribal land, requiring the U.S. government to obtain the free, prior, and informed consent of affected Nations, as prescribed by Article 19 of the United

Nations (“U.N.”) Declaration on the Rights of Indigenous Peoples. The U.S. must consult in good faith with Native American Nations that would be impacted by the construction of any wall. The National Congress of American Indians and the Tohono O’odham Legislative Council, the second-largest tribe in the U.S. by land holdings, both passed resolutions opposing the construction of the wall without tribal consent. Absent the free, prior, and informed consent of affected Native American Nations, Congress may not approve border wall funding without violating the U.N. Declaration on the Rights of Indigenous Peoples.

Second, the construction of a border wall could prevent asylum seekers from entering the U.S., including children and families from Central American countries who have survived torture or other persecution. In order to provide a fair asylum process, the U.S. government must ensure the existence of sufficiently located, secure, regulated border crossing points for asylum seekers. This is essential to ensure that the U.S. government does not violate the principle of non-refoulement, which is enshrined in the 1951 U.N. Convention Relating to the Status of Refugees and binding on States party to the 1967 Protocol.

Under U.S. and international law, the U.S. government must provide a fair and accessible asylum process, in order to ensure that people are not returned to situations where they would be persecuted, tortured, killed, or face serious human rights abuses. These protections must be upheld and cannot be sacrificed, compromised or negotiated away.

Pass a Clean Dream Act and End Family Separation

Instead of voting on legislation that makes radical and damaging changes to the U.S.’ immigration laws, Congress should instead pass a clean and robust DREAM Act that provides protection from deportation from the only country Dreamers have known.

Specifically, we urge Congress to pass a DREAM Act that:

- Provides permanent residency and a pathway to U.S. Citizenship for all Dreamers
- Does not allocate funding for the construction of a border wall on the U.S.-Mexico border which would violate the human rights of people living in U.S. border communities and Native American Nations

- Does not include additional “border security” measures that would endanger people seeking humanitarian protection or violate the human rights of communities along the border.

Further, we urge every Member of Congress to call for the Administration to end its policy of separating children from their families. Both bills currently under consideration by the House would do nothing to end this cruel practice.

Instead, we urge Congress to:

- End the policy of forcibly separating children from their parents or guardians immediately. Family units must be kept together in accordance with international standards on family unity.
- Urge the Administration to reunify, as quickly as possible, those families that have been separated.
- End the prolonged detention of parents and guardians who arrived in the U.S. with children.
- Reject any increase in funding for immigration detention facilities for children and families.

We urge every House Member to oppose Speaker Ryan’s Border Security and Immigration Reform Act of 2018 and Chairman Goodlatte’s Securing America’s Future Act of 2018 (H.R. 4760). These dangerous bills do not protect families seeking asylum, do not provide permanent protection to Dreamers, and violate human rights by further militarizing our border.

For more information, please contact Ryan Mace at 202.509.8185 or rmace@aiusa.org.

Sincerely,

Joanne Lin
National Director
Advocacy and Government Affairs
Amnesty International USA

Ryan Mace
Grassroots Advocacy & Refugee Specialist

Advocacy and Government Affairs

Amnesty International USA