

END FAMILY SEPARATION AND DETENTION

SUMMER 2018

All Members of Congress should oppose and end the practice of family detention for immigration purposes and push the Trump Administration to reunify all remaining families that have been separated at the border. Congress should conduct vigorous oversight to ensure that the forced separation of children from their parents or guardians is no longer happening and does not resume.

Amnesty International opposes family separation and is calling for the end to the detention of children for immigration purposes, whether accompanied or unaccompanied, separated or held together with their family, as it is never in their best interest. Parents and children in family detention should be immediately released together. For years, the United States has used detention centers to “deter” irregular migrants. Many of these families were fleeing violence and persecution, seeking refuge to a country that calls itself a beacon of hope to the world. Upon arrival they were separated, in some cases hundreds of miles apart, with adults held in immigration detention centers and children in government-run shelters. Detention of asylum seekers undermines U.S. obligations under refugee and human rights law. Besides presenting barriers to obtaining and easily communicating with legal representation, detention makes it difficult to impossible for those in detention to communicate with family members or other witnesses in their home country or in the U.S. to obtain crucial documents to support their asylum claim.

Community-Based Alternatives to Family Detention

The U.S. can implement humane and rights-respecting policies that neither separate nor detain families seeking protection. Parents and children should be kept together and released to community-based sponsors through humane alternative-to-detention options. There are effective community-based alternatives to immigration detention, which include reporting requirements, parole or an affordable bond, and supervision programs operated by community-based organizations. The Trump Administration terminated the Family Case Management Program (FCMP), even though it was 99-percent effective in ensuring that asylum-seeking parents and their children appeared at their immigration court hearings. The FCMP was effective by helping families find legal representation, guiding them through the court system, and connecting them with other community resources.

Members of Congress should cosponsor and support both the Keep Families Together Act (H.R. 6135) and the REUNITE Act (S. 3227)

In June 2018, House Judiciary Committee Ranking Member Jerrold Nadler (D-NY) led more than 190 House Members in introducing the Keep Families Together Act (H.R. 6135). This legislation creates a presumption that detention is not the best interests of families and children, requires the Department of Homeland Security (DHS) to favor family unity, prevents detention and separation except in extraordinary circumstances, requires training for government officials who encounter families, and requires DHS to provide separated families with basic information about their relatives and meet specific standards for detention centers.

Senator Kamala Harris (D-CA) introduced the Reunite Every Unaccompanied Newborn Infant, Toddler and other Children Exeditiously Act, or the REUNITE Act (S. 3227) in July 2018. This legislation requires reunification of children who remain separated, requires the U.S. Government to establish an office for locating and reuniting children with parents to expedite reunification, and requires agencies to publish guidance describing how they will reunify families. Further, the REUNITE Act creates a presumption of release on recognizance, parole, or bond for parents of separated children, restores the FCMP, and creates presumption that parents will not be deported until their child’s immigration proceeding is over or the child turns 18.

AIUSA Recommendations to Congress:

(1) Oppose and end the practice of family detention for immigration purposes; **(2)** Reunify, as quickly as possible, all families that have been separated at the border; **(3)** Immediately release, together, parents and children in detention; **(4)** Reject any increase in funding for immigration detention facilities for children and families, instead supporting more humane community-based alternatives to detention including reinstating the Family Case Management Program (FCMP); **(5)** Conduct vigorous oversight to ensure that the forced separation of children from their parents or guardians is not happening and does not resume; **(6)** For all members to cosponsor and support the Keep Families Together Act (H.R. 6135); and the Reunite Every Unaccompanied Newborn Infant, Toddler and Other Children Exeditiously (REUNITE) Act (S. 3227).

Should you have any questions, please contact Amnesty International USA’s Government Relations Office by emailing Meredith Cullen at MCullen@aiusa.org.

