

June 10, 2019

The Honorable Lindsey Graham
Chair
Committee on the Judiciary
United States Senate
Washington, DC

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC

Dear Chairman Graham and Ranking Member Feinstein:

On behalf of First Focus Campaign for Children, a bipartisan children's advocacy organization dedicated to making children a priority in federal budget and policy decisions, I am writing to express our strong opposition to the Secure and Protect Act of 2019.

As an organization committed to the health and safety of all children in the United States we are extremely concerned with the attempts of both Congress and the Administration to undermine vital protections for children such as the Flores Settlement Agreement and the Trafficking Victims Protection Reauthorization Act (TVPRRA) to allow for the prolonged detention of children and immediate repatriation of unaccompanied children to dangerous situations.

Research consistently shows that detention for any amount of time has negative life-long consequences for a child's mental and physical well-being, and these consequences are compounded for children who have already experienced significant trauma. Children in detention facilities are ten times more likely than adults to experience symptoms of Post-Traumatic Stress Disorder (PTSD), and those rates increase the longer a child is in detention.¹ In addition to harming a child's mental and physical health, medical experts have also found that the conditions of detention can have life-long consequences for a child's academic, economic, and social development.²

The Secure and Protect Act acts in direct contradiction to what we know about the impact of detention and defies decades of protections for vulnerable children. This bill will be detrimental to the safety and well-being of migrant children in a myriad of ways. First, this bill rolls back protections in the Flores Settlement agreement that sets the standard for the detention, release, and treatment of migrant children as it calls for longer detention periods for children while simultaneously preventing states from requiring family detention facilities to adhere to state licensing requirements. The unprecedented deaths of more than 6 children in the custody of ICE and CBP underscores the need for more transparency and oversight of any facility entrusted with the care and custody of these children.

¹ Australian Human Rights Commission. (2015). The Forgotten Children: National Inquiry on Immigrant Children in Detention. Available at: <https://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/forgotten-children-national-inquiry-children>.

² American Academy of Pediatrics. (July 24, 2015). Letter to DHS Secretary Johnson. Available at: <http://bit.ly/1XXcHXD>.

Additionally, this bill eliminates protections for unaccompanied children ensured in TVPRA allowing for migrant children to be sent back to their country of origin without consideration for their safety at the sole discretion of immigration officers with no room for review. Once again, this move is in direct contradiction to the purpose of the TVPRA. Finally, this bill restricts availability of Special Immigrant Juvenile (SIJS) status for migrant children who have experienced abuse and neglect. The purpose of this relief was to prevent children from being returned to abusive or neglectful parents and dangerous situations in their home country. By increasing the burden of proof and standard for these children, this bill will undoubtedly cause immense harm.

As an organization committed to the well-being of children we strongly oppose any legislation that aims to rescind vital protections for children. These protections were not crafted to be loopholes for our nation's immigration laws. They were created to serve as defenders for the most vulnerable trapped within our broken immigration system. Rather than weakening protections for children in the face of this humanitarian crisis, Congress and the Administration should be strengthening such protections. Should you have any questions regarding this letter please contact Kristen Torres at Kristent@firstfocus.org.

Sincerely,

A handwritten signature in blue ink that reads "Bruce Lesley". The signature is written in a cursive, slightly slanted style.

Bruce Lesley
President