

**FIRST FOCUS CAMPAIGN FOR CHILDREN
STATEMENT FOR THE RECORD**

JULY 31, 2018

**U.S. SENATE COMMITTEE ON THE JUDICIARY
“OVERSIGHT OF IMMIGRATION ENFORCEMENT AND FAMILY
REUNIFICATION EFFORTS”**

Chairman Grassley, Ranking Member Feinstein, Subcommittee Chairman Cornyn, Subcommittee Ranking Member Durbin and Members of the Senate Committee on Judiciary, thank you for the opportunity to submit this statement for the record.

The First Focus Campaign for Children is a bipartisan advocacy organization dedicated to making children and families a priority in federal policy and budget decisions. As an organization dedicated to promoting the safety and well-being of all children in the United States, we have been urging both Congress and the Administration to uphold the best interest of the children involved in all decisions regarding the long-term impact of forced family separation and detention due to immigration enforcement.

While we are grateful that court-ordered reunification efforts are underway, we remain concerned about the 711 children who have yet to be reunified with their parents, the treatment and standards that these children are subjected to while in the care of the Department of Health and Human Services (HHS), and the lack of legal representation to ensure the best interest of the child in all immigration proceedings.

We are also gravely concerned with the efforts of both the administration and members of congress to undermine protections for children in detention as determined by the Flores Settlement Agreement. Prolonged detention will have drastic consequences for children who have already been through multiple traumatic experiences. There is significant research on the effects of adverse childhood experiences (ACEs) on a child’s mental health and physical development. The American Academy of Pediatrics recommends discontinuing the general use of family detention and instead use community-based alternatives to detention for children and families.¹ The American College of Physicians also raised concerns about the intention of Congress and the Trump administration to expand the use of family detention stating, “The fundamental flaw of family detention is not just the risk posed by the conditions of confinement—it’s the incarceration of innocent children itself... Detention of innocent children should never occur in a civilized society, especially if there are less restrictive options, because the risk of harm to children simply cannot be justified.”²

Additionally, protections for unaccompanied children in the Trafficking Victims Protection

¹ <http://pediatrics.aappublications.org/content/early/2017/03/09/peds.2017-0483>

² <https://www.wyden.senate.gov/imo/media/doc/Doctors%20Congressional%20Disclosure%20SWC.pdf>

Reauthorization Act of 2008 (TVPRRA) must be preserved. We have seen the importance of these protections in the drastic increase of children in the care of HHS due to the administration's zero tolerance policy. Unfortunately, the administration's decision to deem these protections as "loopholes" has played a large role in the chaos that we see today.³ In 2017 the administration terminated the program that provided counsel for unaccompanied children, and we are hearing story after story of children as young as 3 and 4 years old appearing before immigration judges to present their case for asylum. Additionally, memos were issued to judges to revise the previous guidance that stated unaccompanied children had the right to be heard in a non-adversarial environment. In 2017 the administration also began targeting the sponsors of unaccompanied children for deportation and in 2018 instituted an information sharing agreement between ORR and ICE. Both policies are causing children to languish in shelters for long periods of time because undocumented family members are unable to come forward to sponsor them.

As the conversations continue to evolve around the issue of family separation and reunification, we ask that Congress uphold current protections for migrant children and build on that foundation by instituting a "best interest of the child" standard for all immigration policies. Children are often invisible during the process of asylum, and children and parents are often seen as separate units. We ask that you consider the role of children in the family and understand it is in the best interest of the child to be free from fear, free from detention, and together with his/her loved ones.

We thank you again for the opportunity to submit this written testimony. We look forward to working with you to implement policies that will help shape this conversation and ensure that all children thrive in the United States. Should you have any further questions please contact Kristen Torres, Policy Director for Child Welfare and Immigration at kristent@firstfocus.org.

Sincerely,



Bruce Lesley
President

³ https://supportkind.org/wp-content/uploads/2018/05/Rolling-Back-Protections-for-Children_Timeline-final.pdf