



CWS Strongly Opposes Family Separation & Urges Congress to Protect Family Unity

As a 72-year old humanitarian organization representing 37 Protestant, Anglican and Orthodox communions and 22 refugee resettlement offices across the U.S., Church World Service urges all Members of Congress to do everything in their power to end family separation at the U.S. border, as well as the detention and prosecution of parents. CWS affirms the right of individuals fleeing violence or persecution to seek safety and calls on Congress to recognize the importance of access to protection.

CWS remains strongly opposed to the Department of Homeland Security (DHS)'s policy of separating parents from their children at the U.S. border, and detaining and prosecuting parents. Asylum seekers have the legal right to seek protection from persecution and violence¹ and are complying with U.S. law. This policy is also producing more unaccompanied children who are being placed in the custody of the Office of Refugee Resettlement (ORR) at the Department of Health and Human Services (HHS). More than 700 children had already been separated from adults claiming to be their parents from October 2017 to April 2018, including more than 100 children under the age of four. DHS's Richard Hudson, Deputy Chief of the Operations Program for Customs and Border Protection (CBP), reported that from May 6 to May 19, 2018, 638 parents traveling with 658 minor children were prosecuted under the "zero tolerance" policy. When parents are prosecuted under this policy, they are separated from their children, who are placed in the care and custody of ORR. As a result, the administration's policy of separating families at the border has already led to hundreds of children being ripped from their parents' care. In addition, reports surfaced of devastating instances of physical, sexual, and emotional abuse against children in CBP custody. These practices are a moral outrage, and practical nightmare.

Families that are separated are often unable to find each other, speak, or be reunited; some may be deported without each other. Once separated, parents and children receive little information on how to locate and speak to one another and visits are often impossible. Immigration officials are often unwilling to release parents for the duration of their case, meaning that children will stay in ORR custody or live with another relative for months. In some cases, a parent or child may be deported without the other, leaving children stranded. This is despite the fact that the family often has the same asylum claim. The search for protection is not a crime; the United States has legal obligations under international² and U.S.³ law to ensure that individuals seeking protection are not returned to those who seek to exploit them. Existing U.S. asylum law provides a rigid system to safeguard U.S. national security, subjecting asylum seekers, who are often placed in detention, to mandatory biographic and biometric checks reviewed against various federal databases by well-trained fraud detection officers.⁴ In addition, the 2008 Trafficking Victims Protection Reauthorization Act (TVPRA) provides important procedural protections for unaccompanied children as they navigate the complex immigration process in order to accurately determine if they are eligible for protection.⁵

Families are the foundation of our communities. The administration's new and unprecedented policy of systematically removing children, including infants and toddlers, from their parents is cruel and wrong. Barriers to protection for vulnerable populations like asylum seekers and unaccompanied children are unnecessary and dangerously impede our moral and legal obligations to offer protection. CWS calls on all Members of Congress to protect family unity by urging the administration to end family separation and stop detaining and prosecuting parents; cutting funding for immigration detention, deportation, and border militarization; and increasing oversight over DHS and urge them to end these?? unjust policies.

¹Article 14, The Universal Declaration of Human Rights. <www.un.org/en/documents/udhr/index.shtml#a14>; U.S. Code Title 8: Aliens and Nationality, Chapter 12: Immigration and Nationality, Section 1158: Asylum. <<http://uscode.house.gov>>.

² The Convention on the Rights of the Child, Articles 2, 3, 6 and 22. www.ohchr.org/en/professionalinterest/pages/crc.aspx

The Universal Declaration of Human Rights, Article 14. www.un.org/en/documents/udhr/index.shtml#a14

United Nations General Assembly, Declaration on Territorial Asylum, 14 December 1967, A/RES/2312(XXII). www.refworld.org/docid/3b00f05a2c.html

United Nations High Commissioner for Refugees, A Framework for the Protection of Children www.unhcr.org/50f6cf0b9.html and United Nations High Commissioner for Refugees, Convention and Protocol Relating to the Status of Refugees. www.unhcr.org/3b66c2aa10.html

³U.S. Code Title 22: Foreign Relations and Intercourse, Chapter 78: Trafficking Victims Protection; and U.S. Code Title 8: Aliens and Nationality, Chapter 12: Immigration and Nationality, Section 1158: Asylum. <http://uscode.house.gov>

⁴ DHS Office of Inspector General, *Streamline: Measuring Its Effect on Illegal Border Crossing*, OIG-15-95, 15 May 2015.

https://www.oig.dhs.gov/assets/Mgmt/2015/OIG_15-95_May15.pdf.

⁵William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPR) § 235. <<http://www.state.gov/j/tip/laws/113178.htm>>.