

***Via electronic mail***

July 17, 2020

Mr. Matthew Albence  
Acting Director  
U.S. Immigration and Customs Enforcement  
500 12th St. SW  
Washington, DC 20536

**Appeal from Experts in Child Welfare, Child Health, and Child Development: Free the Families  
and Promote Family Unity**

Dear Acting Director Albence,

We, the undersigned organizations, have well-recognized expertise in the fields of child welfare and child health, development, and safety. We urgently request that U.S. Immigration and Customs Enforcement (ICE) safely and immediately release all children *together* with their families from the Karnes Family Residential Center, the South Texas Family Residential Center in Dilley, and the Berks Family Residential Center. We recognize the June 26 ruling by U.S. District Court Judge Dolly M. Gee to release children being held in family detention centers by July 17, a deadline that was yesterday extended to July 27, does not require ICE to release children together with their parents. However, we fear that any plan that would separate children from their parents and caregivers will have significant and long-lasting consequences for the safety, health, development, and well-being of children.

This is not the first time we have written this administration with an appeal to support family unity,<sup>1</sup> and **we write to you again today, after witnessing this administration's continued systematic implementation of practices to separate immigrant families.<sup>2</sup> Amidst the backdrop of a public health crisis, we must renew our shared concern that your agency will harm children by taking them from their parents in order to deter or punish families who come to this country seeking protection.**

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<sup>1</sup> We first sent a letter demanding the halt of family separations on January 16, 2018, available at [https://static1.squarespace.com/static/597ab5f3beba0a625aaf45/t/5a5e55cf0d9297a44bbb8d3e/1516131791958/2018\\_01\\_16+Child+Welfare+Juvenile+Justice+Opposition+to+Parent+Child+Separation+Plan.pdf](https://static1.squarespace.com/static/597ab5f3beba0a625aaf45/t/5a5e55cf0d9297a44bbb8d3e/1516131791958/2018_01_16+Child+Welfare+Juvenile+Justice+Opposition+to+Parent+Child+Separation+Plan.pdf). We resubmitted an appeal letter on June 7, 2018, available at <https://www.childrensdefense.org/wp-content/uploads/2018/08/child-welfare-juvenile.pdf>.

<sup>2</sup> See, e.g., Young Center, *Family Separation is Not Over: How the Trump Administration Continues to Separate Children From Their Parents to Serve its Political Ends*, (June 2020), available at <https://static1.squarespace.com/static/597ab5f3beba0a625aaf45/t/5f032e87ff32c80f99c7fee5/1594044048699/Young+Center-Family+Separation+Report-Final+PDF.pdf>

Since the early days of the COVID-19 crisis, Members of Congress, attorneys, and the advocacy community have reminded ICE of its discretion and authority to release families from detention. Instead, ICE has doubled down on troublesome actions that support family separation, including presenting detained parents with the false choice of either separating from their children or agreeing to be detained together with their children indefinitely during the COVID-19 pandemic, at great danger to their health and safety.<sup>3</sup>

Family separation causes extraordinary harm to children. There is overwhelming evidence that children need to be cared for by their parents and caregivers to be safe and healthy, to grow and develop.<sup>4</sup> Similarly, ample research well establishes that separating children from their parents and caregivers leads to serious, negative consequences to children's health and development.<sup>5</sup> Separations, even when they are temporary, disrupt the parent-child relationship and put children at increased risk for both physical and mental illness. Adverse childhood experiences—including the incarceration of a family member—are well-recognized precursors of negative health outcomes later in life.<sup>6</sup> And the psychological distress, anxiety, and depression associated with separation from a parent would follow the children well after the immediate period of separation—even after eventual reunification with a parent or other family. We are deeply concerned that ICE will formalize such harm by releasing children from detention without their parents.

Family unity is a foundational principle of child welfare law. In order to grow and develop, children need to remain in the care of their parents where they are loved, nurtured, and feel safe. Thus parents' rights to the care and custody of their children are afforded particularly strong protection under the U.S. Constitution.<sup>7</sup> While parent-child relationships are generally the province of state law, federal law also recognizes the principle of family unity by providing strong incentives for states to keep children with their parents and to provide services to families to

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<sup>3</sup> See, e.g., Amnesty International, *Family Separation 2.0: 'You Aren't Going to Separate Me from My Only Child,'* (May 2020), available at [https://www.amnestyusa.org/wp-content/uploads/2020/04/Amnesty-International-USA-Family-Separation-2.0\\_May-21-2020-.pdf](https://www.amnestyusa.org/wp-content/uploads/2020/04/Amnesty-International-USA-Family-Separation-2.0_May-21-2020-.pdf)

<sup>4</sup> See, e.g., American Psychological Assn, *Parents and Caregivers are Essential to Children's Healthy Development*, <http://www.apa.org/pi/families/resources/parents-caregivers.aspx>.

<sup>5</sup> See, e.g., Sankaran, Vivek, Church, Christopher, "Easy Come, Easy Go: The Plight of Children Who Spend Less than 30 Days in Foster Care," 19 U. Pa. J. L. Soc. Change 207 (2017), available at <https://scholarship.law.upenn.edu/jlasc/vol19/iss3/2/> (identifying harms to children arising from even short-term separation from a parent's custody as a result of state action); and Zayas LH, Aguilar-Gaxiola S, Yoon H, Rey GN, "The Distress of Citizen-Children with Detained and Deported Parents," J. Child & Fam. Studies, 2015; 24(11):3213-3223, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4667551/> (the arrest and separation of parents "serve[s] only to complete the trauma, and the certain detrimental impact on the children's mental health.").

<sup>6</sup> See, e.g., Dube SR, Cook ML, Edwards VJ, Health-related Outcomes of Adverse Childhood Experiences in Texas, 2002, *Prev Chronic Dis.*, 2010; 7(3):A52, available at [http://www.cdc.gov/pcd/issues/2010/may/09\\_0158.htm](http://www.cdc.gov/pcd/issues/2010/may/09_0158.htm).

<sup>7</sup> See, e.g., *Santosky v. Kramer*, 455 U.S. 745, 753 (1982) (a parent's right to the care and custody of her child is a fundamental liberty interest).

prevent separation and maintain family unity.<sup>8</sup> Failing to release children together with their parents from family detention would eviscerate that principle.

For all these reasons, we call for an end to family detention and urge ICE to safely and immediately release children and their parents together. We also call for ICE to embrace a permanent policy of family unity in order to prevent family separations and their long-lasting harm to children.

Thank you for your attention to this matter.

Sincerely,

### **National Organizations**

AIDS Alliance for Women, Infants, Children, Youth & Families  
Alliance for Strong Families and Communities  
American Academy of Child and Adolescent Psychiatry  
Association of Children's Residential Centers (ACRC)  
Autistic Women & Nonbinary Network  
Buffett Early Childhood Institute at the University of Nebraska  
Campaign for Trauma-Informed Policy and Practice  
Center for Disability Rights  
Center for Law and Social Policy (CLASP)  
Center for the Study of Social Policy  
CenterLink: The Community of LGBT Centers  
Child Care Services Association  
Child First, Inc.  
Child Welfare League of America  
Children's Advocacy Institute  
Children's Defense Fund  
Children's Trust Fund Alliance  
Defending Rights & Dissent  
Disability Rights Education & Defense Fund (DREDF)  
Dominican Sisters of Sinsinawa  
Educare Learning Network  
Family Focused Treatment Association  
First Focus Campaign for Children  
Futures Without Violence

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<sup>8</sup> See U.S. Dep't of Health and Human Services, Children's Bureau, Child Welfare Information Gateway, *Reasonable Efforts to Preserve or Reunify Families and Achieve Permanency for Children*, (March 2016), available at <https://www.childwelfare.gov/pubPDFs/reunify.pdf> ("Federal law has long required State agencies to demonstrate that reasonable efforts have been made to provide assistance and services to prevent the removal of a child from his or her home.").

Generations United  
Holy Spirit Missionary Sisters - USA-JPIC  
Justice Strategies  
Leadership Conference of Women Religious  
Meritan Foster Care  
National Association for Children's Behavioral Health  
National Association of Counsel for Children  
National Association of Pediatric Nurse Practitioners  
National Center for Youth Law  
National Center on Adoption and Permanency  
National Crittenton  
National Disability Rights Network (NDRN)  
National Respite Coalition  
National Youth Advocate Program, Inc.  
North American Council on Adoptable Children  
Provincial Council Clerics of St. Viator (Viatorians)  
Save the Children Action Network  
School Social Work Association of America  
Sueños Sin Fronteras de Tejas  
The Children's Village  
The National Alliance to Advance Adolescent Health  
Voice for Adoption  
Witness at the Border  
Worth Rises  
Young Center for Immigrant Children's Rights  
Youth Law Center  
ZERO TO THREE

### **State and Local Organizations**

Adoption Center  
Aldea - The People's Justice Center  
Center for Children's Initiatives  
Child and Family Policy Center  
Child Guidance Center of Southern Connecticut  
Children Now  
Children's Defense Fund - California  
Children's Defense Fund - Minnesota  
Children's Defense Fund - New York  
Children's Defense Fund - Ohio  
Children's Defense Fund - Texas  
Children's Defense Fund - SRO  
Children's Home & Aid  
Children's Institute

CHJC

Coalition for Children Youth and Families

Colorado Children's Campaign

Cornerstones of Care

Family Care Network

Florida Chapter of American Academy of Pediatrics, Inc.

FosterAdopt Connect

Grassroots Leadership

Haitian Bridge Alliance

Hathaway Sycamores

Legal Services for Children

Massachusetts Law Reform Institute

Michigan Council for Maternal and Child Health

National Association of Social Workers - Texas Chapter

Oasis Legal Services

Oregon Child Abuse Solutions

Our Children Oregon

Prevent Child Abuse Oregon

Strategies for Children

Thompson Child & Family Focus

Voices for Vermont's Children

Walden Family Services

West Central Initiative

West Michigan Partnership for Children

WI Early Childhood Association

Zero to Five Montana

**International Organizations**

Fund for Community Reparations for Autistic People of Color's Interdependence, Survival, and Empowerment

Unidas Para Vivir Mejor

V-Day/One Billion Rising