

United States Senate
WASHINGTON, DC 20510

March 22, 2018

John Kelly
Acting Inspector General
U.S. Department of Homeland Security
Washington, DC 20528

Dear Mr. Kelly:

We respectfully request that you investigate allegations that the Department of Homeland Security (DHS) is separating the children of asylum-seekers from their parents.

Recent reports highlighted the case of a seven-year-old girl and her mother from the Democratic Republic of Congo (DRC) who were separated for more than four months after they presented themselves at the border and sought protection in accordance with the law.¹ DHS apparently took this troubling action even though a United States Citizenship and Immigration Services (USCIS) asylum officer found that the mother had a credible fear of being harmed if she was returned to the DRC and that she therefore had a significant possibility of receiving asylum.²

This is reportedly only one of many recent cases in which DHS has separated children from their parents who are seeking asylum. According to one analysis, at least 155 such cases were identified as of October 2017.³ Reports further indicate that DHS may soon formalize a policy of detaining children of asylum-seekers separately from their parents.⁴ This would be an unacceptable breach of our legal and humanitarian obligations to innocents who are fleeing war and terrorism.

¹ See, e.g., *A frightened child in Chicago and an immigration policy unbecoming of America*, Chicago Tribune, February 28, 2018, <http://www.chicagotribune.com/news/opinion/huppke/ct-met-aclu-lawsuit-immigration-family-chicago-huppke-20180227-story.html>; *A mother and child fled Congo fearing death. ICE has held them separately for months, lawsuit says*, Washington Post, February 27, 2018, https://www.washingtonpost.com/news/morning-mix/wp/2018/02/27/mother-child-fled-congo-fearing-death-ice-has-held-them-separately-for-months-lawsuit-says/?utm_term=.3eed7019387e.

² Id.

³ The analysis is cited in a December 11, 2017 complaint filed by multiple organizations with the DHS Acting Inspector General and the DHS Officer for Civil Rights and Civil Liberties regarding the separation of family members at the U.S.-Mexico Border, <https://www.womensrefugeecommission.org/images/zdocs/Family-Separation-Complaint-FINAL-PUBLIC-12-11-17.pdf>.

⁴ See, e.g., *Trump Administration Considers Separating Families to Combat Illegal Immigration*, New York Times, December 21, 2017, <https://www.nytimes.com/2017/12/21/us/trump-immigrant-families-separate.html>; *To curb illegal border crossings, Trump administration weighs new measures targeting families*, Washington Post, December 21, 2017, https://www.washingtonpost.com/world/national-security/to-curb-illegal-border-crossings-trump-administration-weighs-new-measures-targeting-families/2017/12/21/19300dc2-e66c-11e7-9ec2-518810e7d44d_story.html?utm_term=.0fe7089c09cd.

Any alleged deterrent effect this practice may have in reducing the number of individuals seeking safe haven under our laws is a wholly insufficient justification for forcibly separating children from their parents, particularly in light of its harmful impact. Indeed, the American Academy of Pediatrics and the American Medical Association have both condemned the separation of families in immigration detention.⁵ As the American Academy of Pediatrics found:

Studies of detained immigrants have shown that children and parents may suffer negative physical and emotional symptoms from detention, including anxiety, depression and posttraumatic stress disorder. When children live in fear for prolonged periods of time, they may develop toxic stress, which causes harm to the developing brain and can result in short and long-term health consequences.⁶

In a recent statement, DHS claimed, “DHS does not currently have a policy of separating women and children. However, we retain the authority to do so in certain circumstances – particularly to protect a child from potential smuggling and trafficking activities.”⁷ We of course expect DHS to do everything in its lawful power to protect children from smugglers and human traffickers. However, separating a young child from her mother for months, as happened in the aforementioned case, clearly goes far beyond the reasonable steps needed to protect a child.

DHS further stated, “We ask that members of the public and media view advocacy group claims that we are separating women and children for reasons other than to protect the child with the level of skepticism they deserve.”⁸ It is unacceptable for any government agency to ask the public to be skeptical of claims made by attorneys representing their clients when the agency has provided no information to rebut these claims. This request is particularly inappropriate from the current leadership at DHS, whose truthfulness has been challenged by its own employees.⁹ In fact, the public and media has every right to view DHS’s claims with skepticism, especially since such a policy reportedly remains under consideration.¹⁰

As a result, we ask you to open an investigation that considers the following, among other issues:

1. The circumstances of the separation of the aforementioned mother and her seven-year-old child.

⁵ *American Academy of Pediatrics Urges Compassion and Appropriate Care For Immigrant and Refugee Children*, March 13, 2017, <https://www.aap.org/en-us/about-the-aap/aap-press-room/pages/american-academy-of-pediatrics-urges-compassion-and-appropriate-care-for-immigrant-and-refugee-children.aspx>; *Opposing Detention of Families Seeking Refuge in the U.S.*, June 12, 2017, <https://www.ama-assn.org/ama-adopts-new-policies-improve-health-immigrants-and-refugees>.

⁶ *AAP Urges Compassion and Appropriate Care for Immigrant and Refugee Children*, March 13, 2017, <https://www.healthychildren.org/English/news/Pages/AAP-Urges-Compassion-and-Appropriate-Care-for-Immigrant-and-Refugee-Children.aspx>.

⁷ Statement from Acting DHS Press Secretary Tyler Q. Houlton, March 4, 2018, <https://twitter.com/SpoxDHS/status/970478050306641920>.

⁸ *Id.*

⁹ *ICE Spokesman Resigns, Saying He Could No Longer Spread Falsehoods for Trump Administration*, New York Times, March 13, 2018, <https://www.nytimes.com/2018/03/13/us/california-ice-spokesman-resigns.html>.

¹⁰ See, e.g., *Trump Administration Considers Separating Families to Combat Illegal Immigration*, New York Times, *supra* note 4.

2. DHS policy on the separation of children of asylum seekers from their parents since January 20, 2017.
3. Implementation by U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) of DHS policy on the separation of children of asylum seekers from their parents since January 2017, including any guidance, training, and oversight of ICE and CBP agents.
4. The number of children of asylum-seekers DHS has separated from a parent since January 20, 2017.
5. The average length of separation and the longest period of time a child has been separated.
6. The number of children of asylum-seekers who are currently detained separately from a parent.

Thank you for your time and consideration. We look forward to your prompt response.


Sincerely,


RICHARD J. DURBIN
United States Senator


TAMMY DUCKWORTH
United States Senator

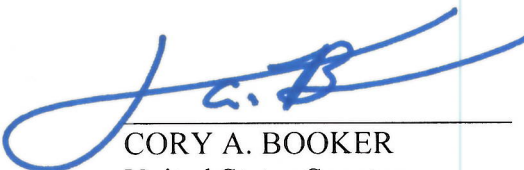

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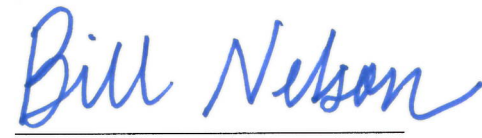

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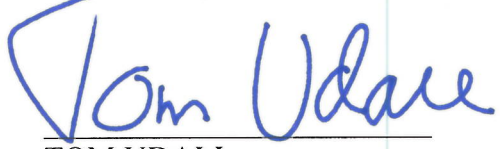

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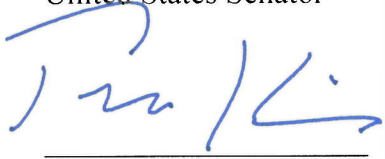

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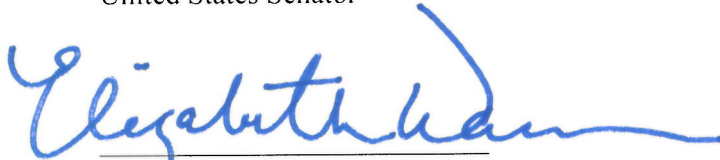

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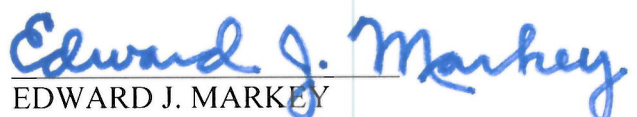

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