



Serving Separated and Reunited Families: Lessons Learned and the Way Forward to Promote Family Unity

**The United States Conference of Catholic Bishops/Migration and Refugee Services
and Lutheran Immigration and Refugee Service**



Serving Separated and Reunited Families: Lessons Learned and the Way Forward to Promote Family Unity

By:

Ashley Feasley, Melissa Hastings, Maria Celina Marquez,
Dawnya Underwood, Sam Williams, & Nina Zelic

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We dedicate this report to the approximately 2,600 children who were traumatically separated from their parents, their parents who endured the unknown about their child’s well-being, our Catholic and Lutheran partners on the ground, and the many hardworking DHS and HHS officers and social workers who worked to reunify families in compliance with the federal court order.



Immigrants turn themselves in to Border Patrol agents after crossing the border from Mexico into the U.S., and wait to be transported to processing center near McAllen, Texas. CNS/Loren Elliot



Photo Credit: Giselleflissak/Getty Images

I. Introduction

The purpose of this report is to share insights and information on the social services provided by the U.S. Conference of Catholic Bishops/Migration and Refugee Services (USCCB/MRS) and the Lutheran Immigration and Refugee Service (LIRS) in response to the family separation crisis. USCCB/MRS and LIRS provided services on a charitable basis to assist the U.S. federal government in its reunification and release of 1,112 families who had been separated at the U.S./Mexico border due to the implementation of the Department of Justice’s (DOJ) April 6, 2018 “Zero Tolerance” memorandum and were initially eligible for reunification.¹

From July 2nd through July 29th, LIRS and USCCB/MRS worked in partnership to assist both the Department of Homeland Security (DHS) and the Department of Health and Human Services (HHS) in their work reunifying separated families. This report provides additional information about the reunited and released families who endured separation. It includes new and original data points collected by LIRS and USCCB/MRS, through their on-the-ground Catholic Charities and Lutheran service providers, regarding where the reunited families came from (countries of origin), where the reunited families were headed (destination cities), and where they were

processed for reunification.

Further, this report highlights the ongoing work of USCCB/MRS in partnership with Catholic Charities USA (CCUSA) and Catholic Charities members, and LIRS to provide, on a charitable basis, post-release services for every reunited and released family that was served by USCCB/MRS and Catholic Charities partners and LIRS. Finally, this report provides recommendations for policymakers, elected officials, and child welfare experts. In part, these recommendations aim to: (i) ensure that family unity and safety is a primary consideration in future immigration policy decisions impacting migrant families; (ii) prevent and mitigate future large-scale family separation; (iii) encourage use of alternatives to detention, namely post-release services and case management services, as these are vital policy tools to address asylum-seeking families arriving at the U.S./Mexico border; and (iv) ensure asylum-seeking families understand and comply with their immigration requirements and responsibilities.

II. Origins of Family Separation at the U.S./Mexico Border

In recent years, the demographics of migrants encountered at the U.S./Mexico border have shifted from a ma-

jority of adult males, often from Mexico and seeking seasonal employment, to families and unaccompanied children, primarily from Central America, fleeing to seek protection in the United States.² While this change in the composition of those crossing the U.S./Mexico border can be attributed to many different factors, including the improved economic conditions of the Mexican economy,³ a primary factor is the endemic violence that the residents of Northern Triangle countries of El Salvador, Guatemala, and Honduras are facing due to gang infiltration and corruption. Increasingly, families and children in poorer neighborhoods throughout the Northern Triangle are being targeted, threatened, and extorted by gangs and armed criminal groups. This is occurring more frequently as gangs expand their reach and control over neighborhoods, moving from solely urban and suburban communities to rural and agrarian communities as well.⁴ Additionally, situations of domestic and family violence pervade many homes and often are met with impunity and inaction due to the corruption within the law enforcement system and the weak civil protection scheme. As a result of these conditions, many of the families and children who arrive at the U.S./Mexico border have often been internally displaced in their own country several times in search of protection and have migrated north as a last resort.⁵

Due to the extensive protection issues in the Northern Triangle, the known dangers of the migration journey north, as well as the vulnerable nature of children traveling unaccompanied and family units traveling with children, the arriving families and unaccompanied children are often deeply traumatized and at increased risk of exploitation. These families and children consequently present a unique challenge to the U.S. government and the departments that are tasked to apprehend, maintain custody, and adjudicate their cases.

In recent years,⁶ several Administrations have attempted to address the increasing number of arriving family units with a variety of responses,⁷ including family detention,⁸ alternatives to detention,⁹ and in some instances, family separation. Indeed, the practice of separating families arriving at the U.S./Mexico border is not a new one.¹⁰ During the George W. Bush and the Obama Administrations, DHS separated families, both nuclear and extended, at the U.S./Mexico border. Yet, while separation of families did occur, a majority of these separations were due to child welfare concerns that had been flagged by DHS officers.¹¹ The end of the Obama Administration and into the beginning of the Trump Administration marked a significant increase in the number of families separated at the U.S./Mexico border by DHS’s Customs and Border Protection (CBP). Between October 2016 and February 2018, DHS separated an estimated 1,768 children from their parents, rendering them “unaccompanied.”¹² Both LIRS and USCCB/MRS, who are national providers of residential care and family reunification services for unaccompanied children, observed increased reports

of family separation by the children they served during this same time period, particularly in late 2017 and into 2018.¹³ It was later learned that part of the increase in separation cases seen during this time was due to a pilot of the zero-tolerance policy, operated by the Trump Administrations in the El Paso border sector between July and October 2017.¹⁴

A. Zero-Tolerance Policy

The number of separated families continued to increase in the spring and early summer of 2018 after implementation of the “zero-tolerance policy” by the DOJ. In April 2018, U.S. Attorney General Jeff Sessions notified all U.S. Attorneys’ offices along the Southwest Border via memo of a new zero-tolerance policy for prosecution of those entering the U.S. without authorization.¹⁵ On May 4, 2018, DHS noted its cooperation with the DOJ in relation to the policy, stating that it would refer all individuals who cross the U.S. border without authorization for criminal prosecution, including adult members of family units.¹⁶

The zero-tolerance policy relates to crimes of illegal entry under 8 U.S.C. § 1325(a), or an individual’s act of crossing the border between official ports of entry without authorization.¹⁷ For first-time offenders, illegal entry is a federal misdemeanor punishable by up to six months in prison or fines (or both).¹⁸ Under the new policy, the DOJ has sought to prosecute all individuals who cross the U.S. border without authorization, to the extent feasible. The policy does not make exceptions, even for families who willingly turn themselves over to CBP’s Border Patrol seeking protection.¹⁹ Further, in its review of the policy, the DHS Office of Inspector General (DHS-OIG) noted: “[W]hile the Government encouraged all asylum-seekers to come to ports of entry to make their asylum claims, CBP managed the flow of people who could enter at those ports of entry through metering, which may have led to additional illegal border crossings.”²⁰

DHS’s facilitation of the zero-tolerance policy, specifically its referral for prosecution of adult members of arriving family units, resulted in large-scale family separation. After encountering a family between ports of entry at the U.S./Mexico border, Border Patrol officers would typically either transfer individuals over age 18, in this case parents, into the custody of the DOJ’s U.S. Marshals Service or keep them in DHS custody to await prosecution; it would then designate any accompanying children who were traveling as part of the family unit as “unaccompanied.” As a result, the newly separated children would then be transferred to the custody of HHS’s Office of Refugee Resettlement (ORR). Accordingly, as a result of the zero-tolerance policy, family units arriving to the U.S./Mexico border were separated and placed into two different department’s care and custody: HHS/ORR for the children and typically DHS or DOJ for the parents. In large part due to this separation, the year-to-date FY 2018

number of referrals of children to ORR custody grew by 76% from March to May 2018.²¹

B. Executive Order on “Affording Congress an Opportunity to Address Family Separation” and the U.S. District Court for the Southern District of California’s Preliminary Injunction

After extensive national and international opposition to the implementation of the zero-tolerance policy, on June 20, 2018, President Trump issued an Executive Order (EO) on family separation, entitled “Affording Congress an Opportunity to Address Family Separation.”²² The EO

limits the widespread separation of families at the U.S./Mexico border. It does so by instructing DHS to, where possible, keep families detained together

“This has been one of the most emotional work experiences I have ever had. One of the parents told me that he had not seen his child in over five months. When the children and parents were finally reunited, it was beautiful. We were blessed to be part of this reunification process.”
- Antonio Fernandez, President and CEO of Catholic Charities of the Archdiocese of San Antonio

through the pendency of any criminal entry or immigration case.²³ In conjunction, it instructs the Department of Defense and other agencies to provide or construct facilities that can be used for expanded family detention.²⁴ It also instructs DOJ to seek exceptions to the temporal limitations placed on detention of children in unlicensed facilities, such as the existing family detention centers, as set forth in the Flores Settlement Agreement of 1997 and subsequent litigation.²⁵ The EO does not halt prosecutions under the zero-tolerance policy; DHS, however, subsequently noted that it would suspend referrals of families until it has capacity to detain families together.²⁶

The EO is also silent as to the 2,654 children²⁷ who had

already been separated from their parents under the zero-tolerance policy.²⁸ It provides no requirement or method for their reunification. Days later, however, on June 26th, the U.S. District Court for the Southern District of California in *Ms. L., et al. v. U.S. Immigration and Customs Enforcement, et al.* issued a class-wide preliminary injunction halting the practice of family separation and requiring that separated families be reunified, absent certain extenuating circumstances.²⁹ The court defined the applicable class as all adult parents who enter the U.S. at or between official ports of entry, have been or are detained in immigration custody, and have a minor child who was or will be separated from them and detained in DHS or ORR custody, absent a determination that the parent is unfit.³⁰

The court directed the government to reunify all parents within the class unless there was a determination that the parent is unfit or the parent voluntarily declined to be reunited with the child.³¹ Parents with children under the age of 5 were required to be reunified by July 10th (Phase 1), and parents with children ages 5-17 had to be reunified by July 26th (Phase 2).³²

III. Overview of the Reunifications

As of September 27, an estimated 2,296 families had been reunited.³³ Some of the reunified families remained in family detention facilities after reunification, some were reunited in their countries of origin after a parent’s deportation, and some were released after their reunification

and allowed to reunite with family and friends in final destinations throughout the United States. As discussed below, USCCB/MRS and LIRS served a combined 1,112 families that were reunified and released in July 2018.

A. Reuniting “Phase 1” Children Under Age Five: July 2nd - July 12th

On July 2nd, HHS contacted USCCB/MRS about possible assistance for separated families with children under age five that the government planned to reunite by the court’s July 10th deadline. HHS leadership at the Office of the Secretary and ORR expressed concern about the well-being of the families upon release and noted a desire to ensure that the families would have access to social services. These families were believed by HHS to number approximately 100 at the time; it was later determined that the Phase 1 class was comprised of 103 of the children separated and in ORR care, although not all of these children were immediately eligible for reunification.³⁴

On July 5th, DHS contacted both LIRS and USCCB/MRS to similarly discuss reunification operations for the Phase 1 families. While neither DHS nor HHS had a clearly developed plan for reunification at the time, both departments wanted to ensure that families had support upon release.

As a follow up to the conversations with both departments, LIRS and USCCB/MRS began to engage their extensive national networks of primarily Catholic Charities

and Lutheran service providers to ensure capacity and readiness to assist the families.³⁵ Planning for post-release services was not without its challenges. During subsequent conversations between LIRS and USCCB/MRS and both HHS and DHS, it appeared that there were some inter-agency miscommunications on how to oversee the first steps of family reunification for the Phase 1 families. Namely, it seemed unclear which agency was in charge of deciding how and where the family reunifications would occur. Further, as reported by the DHS Office of Inspector General, “lack of integration between CBP’s, ICE’s, and HHS’s respective information technology systems hindered efforts to identify, track, and reunify parents and children.”³⁶

Finally, on July 9th, DHS conducted a call with LIRS and USCCB/MRS during which it informed the two service providers that the reunification of the separated families from Phase 1 would take place at 15 sites³⁷ across the country (see map below). DHS explained that the children were already located at these 15 sites and that DHS’s Immigration and Customs Enforcement (ICE) would transport the separated parents who were eligible for release to these sites for the reunifications beginning the morning of July 10th. The departments also informed LIRS and USCCB/MRS that there were 55-60 children who would be reunited and released with their parents and would be needing assistance.³⁸

LIRS and USCCB/MRS, through their on-the-ground

Figure 1 – Phase 1 Reunification and Reception Sites



Father and Daughter Reunite and Work to Recover and Integrate in Los Angeles

*Cristina, * a 12-year old girl from El Salvador fled her country with her father to the United States in early 2018 to escape violence and seek safety and protection.. With the “zero-tolerance” policy in effect, she and her father experience the trauma of separation at the U.S./Mexico border upon apprehension by U.S. Border Patrol. Christina experienced an 88-day period of separation from her father before she could establish initial contact with her father in detention. Cristina reported that she was told her father would be deported to El Salvador, and her father reports that he was encouraged to sign deportation paperwork, being told that his daughter would be adopted and there was no possibility of reunification. Ultimately, father and daughter were able to reunite and passed through one of USCCB/MRS’ reception sites. Currently, they reside with family in the Los Angeles area and are receiving social service support through Catholic Charities of Los Angeles. Cristina’s social worker reports that Cristina continues to experience trauma and separation anxiety, and that she was initially fearful of going to school as she did not want to be separated from her father again. In addition, Cristina’s father has exhibited physical symptoms, including back and neck pain, believed to be a result of his own trauma experience. Catholic Charities is working to support the family in connecting with counseling services to address this issue. Currently, Cristina and her father are doing well with the support of Catholic Charities. Cristina is enrolled in school and doing well academically. The family has been connected with immigration legal services and are closely engaged with their attorney as they have expressed an eagerness to ensure compliance with all DHS and immigration reporting requirements. (*Name changed to protect confidentiality. Story provided by Catholic Charities of Los Angeles and the Archdiocese of Los Angeles.)*

partners, stood ready to provide direct services to these reunified families. USCCB/MRS set up 13 Catholic Charities reception sites, and LIRS set up two reception sites. Initial services available included immediate shelter, a hot meal, change of clothes, shower, and assistance with making travel arrangements from the designated family reunification site to the reunified family's intended destination in the United States.³⁹ The reunifications and reception operations began early in the morning of July 10th and were ongoing into July 12th. After being reunified, the families were provided with a list of the 15 sites where they could go to receive post-release services. Of the 57 children initially reunified, USCCB/MRS, Catholic Charities, Bethany Christian Services,⁴⁰ and LIRS served a combined 18 families. USCCB/MRS served nine families at two of its 13 available reception sites, and LIRS served nine families between its two reception sites. USCCB/MRS and LIRS surmise that some of the families reunified did not seek services due to confusion or uncertainty over what services were being offered and whether the provision of services required additional engagement with law enforcement. It is also unclear as to the extent to which DHS verbally communicated this information about services to those parents who were illiterate or did not read English or Spanish.

In addition to the relatively low number of families seeking services during this phase, the reception centers faced the consistent challenge of having families dropped off at the centers very late in the evening. These late drop offs made it difficult for the centers to secure sufficient staff capacity; they also were very taxing on children, who had to then stay up to hours well past their bed times.

Despite the challenges, both LIRS and USCCB/MRS welcomed the opportunity to provide for the immediate service needs for the 18 families. LIRS and USCCB/MRS have also committed to providing social services and case management to these families for up to three months in their final destination cities.

Reflections on Phase 1 from Catholic Charities of the Archdiocese of San Antonio

On the morning of July 10th, Catholic Charities of the Archdiocese of San Antonio received notification that several children under age five would be reunified and released in the area that day. Catholic Charities secured food, clothing, and housing for the families. It was not until 11:00 PM, however, that the reception center received the official count – five families would be released and in need of services. Even then, the families did not arrive to the hotel until approximately 2:00 AM the next day. They were personally received by Catholic Charities - San Antonio's CEO and several staff members. After the families had an opportunity to rest, Catholic Charities staff helped them to contact family members and secure travel arrangements to their final destinations.

B. Reuniting “Phase 2” Children Ages 5-17: July 12th - July 30th

On July 12th, DHS called USCCB/MRS and LIRS to discuss the possibility of their charitable engagement and assistance with the reunification of Phase 2 families (those with children ages 5-17). The estimated number of children for this phase was originally 2,551, although it was anticipated that not all would be immediately eligible for reunification.⁴¹

For Phase 2, ICE had pre-determined the mechanism for reunification and release prior to speaking to LIRS and USCCB/MRS; it conveyed those plans on the July 12th call. For those families deemed eligible for reunification, the government decided that the children in ORR custody would be transported by ORR to certain adult immigrant detention facilities operated by ICE. These facilities, located primarily along the U.S./Mexico border in Texas and Arizona, were the sites at which identified separated parents who were eligible for reunification and release were detained. Once ORR transported a separated child to the immigrant detention facility where his or her parent was detained, ORR officials would conduct an interview with the parent; pending a positive interview result, the child would then be reunited with his or her parent at the detention facility and formally released from ICE custody. From that point of reunification, the family would board a bus operated by MVM. Inc., a transport company and contractor with ICE, that would take them to one of five reception centers operated by Lutheran and Catholic partners in nearby communities.

Table 1 shows the detention centers from which families were reunited at and released, as well as the corresponding Catholic and Lutheran service providers assisting the families.

Beginning the evening of July 13th, MVM Inc. dropped off the first eight reunified and released families to Catholic Charities of the Rio Grande Valley in McAllen, Texas. Over the next 17 days, Catholic Charities and Lutheran reception sites coordinated with DHS leadership in

Table 1 – Phase 2 Reunification Sites and Corresponding Service Providers⁴²

Detention Center	Service Provider
Port Isabel Service Processing Center (Los Fresnos, TX)	Catholic Charities of the Rio Grande Valley (McAllen, TX)
Otero County Processing Center (El Paso, TX)	Annunciation House (El Paso, TX) and Lutheran Family Services Rocky Mountains (Albuquerque, NM)
West Texas Detention Facility (El Paso, TX)	Annunciation House (El Paso, TX) and Lutheran Family Services Rocky Mountains (Albuquerque, NM)
El Paso Processing Center (El Paso, TX)	Annunciation House (El Paso, TX) and Lutheran Family Services Rocky Mountains (Albuquerque, NM)
South Texas Detention Complex (Pearsall, TX)	Catholic Charities of the Archdiocese of San Antonio (San Antonio, TX)
Eloy Detention Center (Eloy, AZ)	Lutheran Social Services of the Southwest (Phoenix, AZ)

Washington, DC, USCCB/MRS and LIRS, as well as local ICE field offices to serve 1,112 reunited and released families. As with Phase 1 families, USCCB/MRS and LIRS partners provided families with immediate shelter, a hot meal, change of clothes, shower, and assistance with making travel arrangements to the reunified family's intended destination in the United States.

The Phase 2 process was not without its challenges. For example, one obstacle faced by some of the families related to their travel documents. In certain airports, the Transportation Security Administration (TSA) officers refused to initially accept the families' identification documents provided by ICE. Ultimately, some families missed flights due the confusion surrounding these papers.

Another challenge faced by all of the reception sites was that many of the newly reunified and released families arrived at the reception centers with their immigration paperwork, such as the Notice to Appear (NTA) and the ICE

check-in information, completed with the wrong address. Rather than listing their final destination, the documents would list the address of the particular reception site or the immigrant detention facility itself. Upon elevating this issue, ICE attempted to change the addresses of those families who were to be reunified and released prospectively. Some of the reception centers, however, received NTAs for families that had already moved on to their final destinations in other cities. Efforts are ongoing to ensure that when such NTAs are incorrectly sent to the initial reception site, the information is subsequently sent on to the families' service providers in their final destination cities.

While the experience was a chaotic and fast moving, it was also a positive one. Local groups assisted the Catholic and Lutheran reception sites, and LIRS and USCCB/MRS worked in close coordination, to the extent possible, with the DHS Washington office and the local ICE field offices in El Paso, San Antonio, and Phoenix.

Lupe's Experience

Lupe and her daughter, recently reunified and served by a USCCB/MRS affiliate during Phase 2, had an exceptionally difficult travel experience due to questions with their DHS-supplied documentation. Lupe was stopped by TSA agents in the Columbus, Ohio airport and told that she could not board her connecting flight due to questions about her identification documents. After having to spend the night in the airport due to the misunderstanding, Catholic Social Services Columbus offered to step in and care for the family until alternative arrangements could be made. Lupe ended up calling family members in her final destination city and asking them to make the long journey to Columbus to come get her and her daughter. Lupe and her family were accompanied by Catholic Charities staff while they waited for their family to arrive (*Name changed to protect confidentiality. Story provided by Rachel Lustig, Executive Director of Catholic Charities, Columbus, Ohio.)*

IV. LIRS and USCCB/MRS Family Reunification Services and the Catholic and Lutheran Direct Service Providers

LIRS and USCCB/MRS are proud to assist the federal government in aiding the reunified and released families. Both organizations have expertise in this area, developed through years of service and partnership with the federal government in family reunification and child protection services for unaccompanied children. Additionally, the national character of the Catholic and Lutheran networks allow for service provision in most areas of the United States.

A. USCCB's & LIRS's Long Tradition of Serving Immigrant Children and Families

USCCB/MRS's Programs. USCCB/MRS has operated programs, working in a public/private partnership with the U.S. government, to help protect unaccompanied children from all over the world for nearly 40 years. Since 1994, USCCB/MRS has operated the "Safe Passages" program. This program serves undocumented immigrant children apprehended by DHS and placed in the custody and care of ORR. Through cooperative agreements with ORR, and in collaboration with community-based social service agencies, the Safe Passages program provides community-based residential care (foster care and small-scale shelter placements) to unaccompanied children in ORR custody, as well as family reunification services (pre-release placement screening and post-release social services for families). In fiscal year 2017, the USCCB/MRS Safe Passages program served 1,294 youth who arrived as unaccompanied children—1,042 through the family reunification program and 252 through the residential care programs.

Additionally, the Catholic Church in the United States has long worked to support immigrant families who have experienced immigrant detention, providing legal assistance and pastoral accompaniment and visitation within immigrant detention facilities, as well as social assistance upon release.

LIRS's Programs. For more than 40 years, LIRS has provided child welfare services to refugee and migrant children who are unaccompanied or separated from family. These children have typically fled war, civil conflict, persecution, trafficking, extreme poverty, or maltreatment. Some children come to join family, while others know only that they must leave their homes in order to survive.

LIRS began providing family reunification services including post release services in the 1990's as a protective measure for children at risk of trafficking, extortion and abuse by smugglers connected to organized criminal groups. Today, LIRS's family reunification services provide screening, assessment, and support services to ensure safe and healthy reunifications for migrant children with relatives in the U.S. LIRS's local partners screen and assist parents and relatives prior to reunification, and



Sr. Norma Pimentel welcomes a child at the Basilica of Our Lady of San Juan Del Valle in San Juan, TX.

then provide follow-up services and monitoring after reunification (helping with school enrollment, legal service referrals, medical and mental health referrals, etc.). LIRS and its local partners help to ensure children's safety, support family unity, and develop connections that promote community integration and family well-being. Through risk assessment, action-planning with families around areas of need and concern, systems advocacy with community providers, and culturally-appropriate services and community referrals, post-release services strengthen families and protect children.

B. Phase II Catholic and Lutheran Reception Sites.

Catholic Charities of the Rio Grande Valley (CCRGV). CCRGV is the charitable branch of the Diocese of Brownsville, with projects that provide assistance to the most vulnerable in the community. The mission of CCRGV is to help improve the quality of life for those in its community by providing help and creating hope to individuals and families experiencing an emergency crisis in their lives. In the summer of 2014, CCRGV responded

to the influx of immigrants arriving at the U.S./Mexico border by establishing the Humanitarian Respite Center at which immigrant families are provided with food, clothing, medicine, a phone call, and any other basic need they might have. Through the Humanitarian Respite Center, CCRGV has significant experience working with newly arrived families. Since opening the Humanitarian Respite Center, it has welcomed and served more than 100,000 individuals. During Phase 2, CCRGV partnered with the USCCB/MRS to serve the largest number of families, those who were reunited in the Port Isabel Detention Center. Led by Executive Director Sister Norma Pimentel, the recently reunited and released families were warmly welcomed.

Annunciation House. Annunciation House is an organization that, for the past 40 years, has been providing hospitality to arriving refugees and immigrants on the U.S./Mexico border in El Paso, Texas. The work of hospitality at Annunciation House includes shelter, meals, legal assessment and orientation, reunification with families in the U.S., and border advocacy. In addition to its three houses of hospitality, Annunciation House partners with local churches to increase capacity whenever the flow of arriving refugees requires it. Annunciation House is an adamant advocate for the non-detention of refugees and asylum seekers. For the past several years, Annunciation House has been arranging hospitality for over 20,000 asylum seekers annually, most of whom come from the

Northern Triangle and Mexico. Rooted in the Catholic social justice Gospel tradition, Annunciation House is an independent organization staffed primarily with volunteers who live and work in the houses of hospitality. Led by Founder/Director Ruben Garcia, Annunciation House partnered with USCCB/MRS during Phase 2 to serve families who were reunified and released from the El Paso Processing Center, Otero County Processing Center, and the West Texas Detention Center.

Catholic Charities of the Archdiocese of San Antonio. Catholic Charities of the Archdiocese of San Antonio's mission is to provide for the needs of the San Antonio community through selfless service under the sign of love. Helping people in need since 1941, Catholic Charities of the Archdiocese of San Antonio is the largest Catholic social services agency in San Antonio, serving over 297,000 people last year from birth to natural death. The agency preserves families and promotes self-sufficiency through 45 programs and five agencies that include: Family and Children's Services, Family Self-Sufficiency Programs, Refugee Resettlement, Caritas Legal Services,

Senior Services, and Housing Services. Led by Executive Director J. Antonio Fernandez, Catholic Charities San Antonio partnered with USCCB/MRS during Phase 1 and Phase 2 to serve families who were reunified and released in the San Antonio area and from the South Texas Detention Center.

"Catholic Charities of the Rio Grande Valley had the privilege of serving 600 families under the family reunification program. On the first night we welcomed families, I recall walking a mother and daughter to their room. The little girl, who was about seven years old, turned around and told me: 'Hoy no voy a llorar' (Tonight I am not going to cry). 'Why,' I asked. She said: 'I have been crying every night for the past month, but tonight I sleep with mom.'"

- Sister Norma Pimentel, Executive Director of Catholic Charities of the Rio Grande Valley

Lutheran Social Services of the Southwest (LSS-SW). Since 1970, LSS-SW has responded to Arizona's changing needs by offering quality services and resources that contribute to a stronger and healthier Arizona for all people. Today, a staff of almost 500 work in 10 Arizona counties and serve 1 out of 90 Arizonans. LSS-SW partners with other nonprofit organizations (such as Lutheran Immigration and Refugee Service) and government agencies to ensure that their cumulative efforts are maximized. Led by Director for Refugee and Immigration Services Dragan Subotic, LSS-SW operated a response based out of its Phoenix office to welcome reunified and released families from the Eloy Detention Facility during Phase 2.

Lutheran Family Services Rocky Mountains, Albuquerque. Founded in 1948 to provide adoptive placement for babies, over time Lutheran Family Services Rocky Mountains has grown to provide programs to meet new community needs, including: birth parent counseling, foster care, aging services, international adoptions, services to refugees, aid following disasters, and parent education. With offices located in Denver, Colorado Springs, Fort

Collins, Greeley/Evans and Fort Morgan, CO, and Albuquerque, NM, as well as services provided in Wyoming, Montana and Western Nebraska, Lutheran Family Services Rocky Mountains responds to critical social and emotional needs of approximately 30,000 people annually. Led by Vice President of Refugee & Community Services, James Horan, Lutheran Family Services Rocky Mountains organized a team out of its Albuquerque office to serve reunified and released families from the El Paso Processing Center, Otero County Processing Center, and the West Texas Detention Center during Phase 2.

V. Data on the Reunited and Released Families Served by LIRS and USCCB/MRS

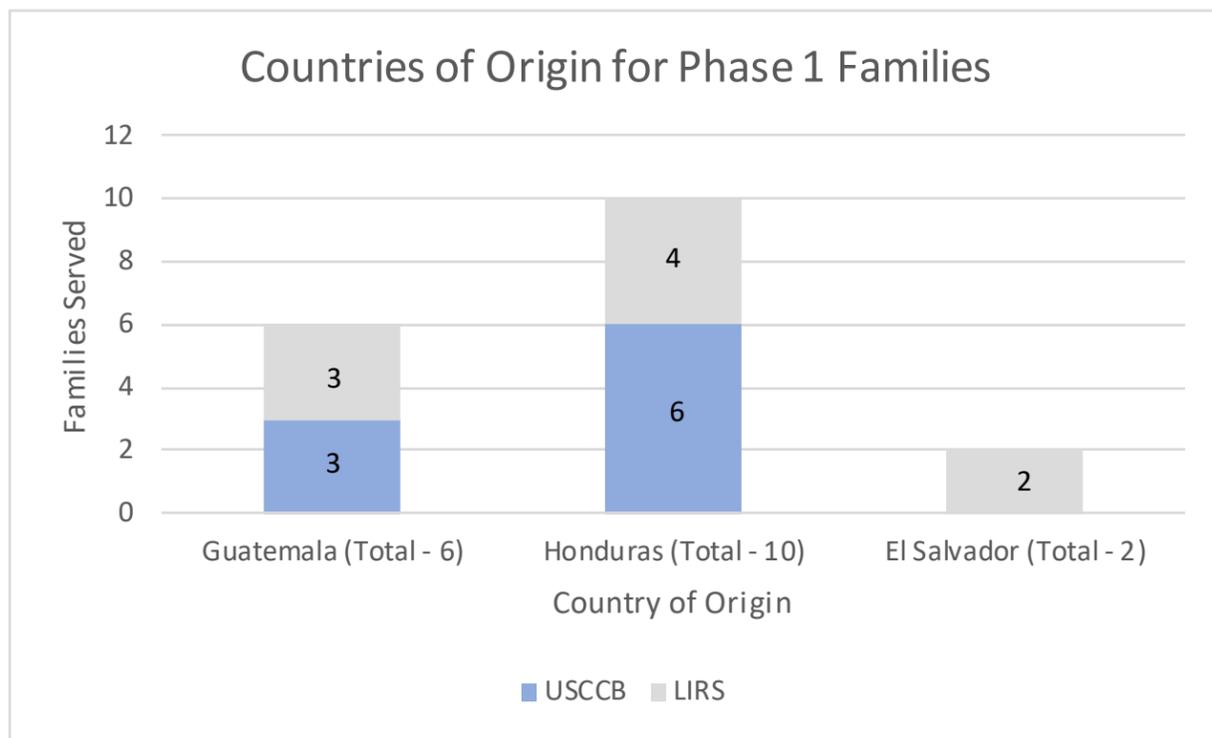
During the Phase 1 and 2 reunifications, USCCB/MRS and LIRS requested that the local Catholic Charities and Lutheran partners conduct intakes of every family served by the reception sites. These intakes, or “needs assessments,” were comprised of a series of questions that included the family’s initial biographical information, final destination in the U.S., social service and medical needs, and, where possible, immigration status information. LIRS and USCCB/MRS collected this information for two reasons: (1) to ensure that the two organizations could refer the families served at the Catholic and Lutheran reception centers for social services and limited legal assistance in their final destination cities, if the families so desired; and (2) to help gather data and get a better snapshot of the reunified and released families.

Catholic and Lutheran reception sites worked quickly to efficiently manage the high volume of families arriving daily in need of immediate services and support. Given the urgent needs of the families, staff and volunteers collected what information they could without further burdening the families. Below are some of the key findings and statistics from the data that USCCB/MRS and LIRS collected.

A. Countries of Origin

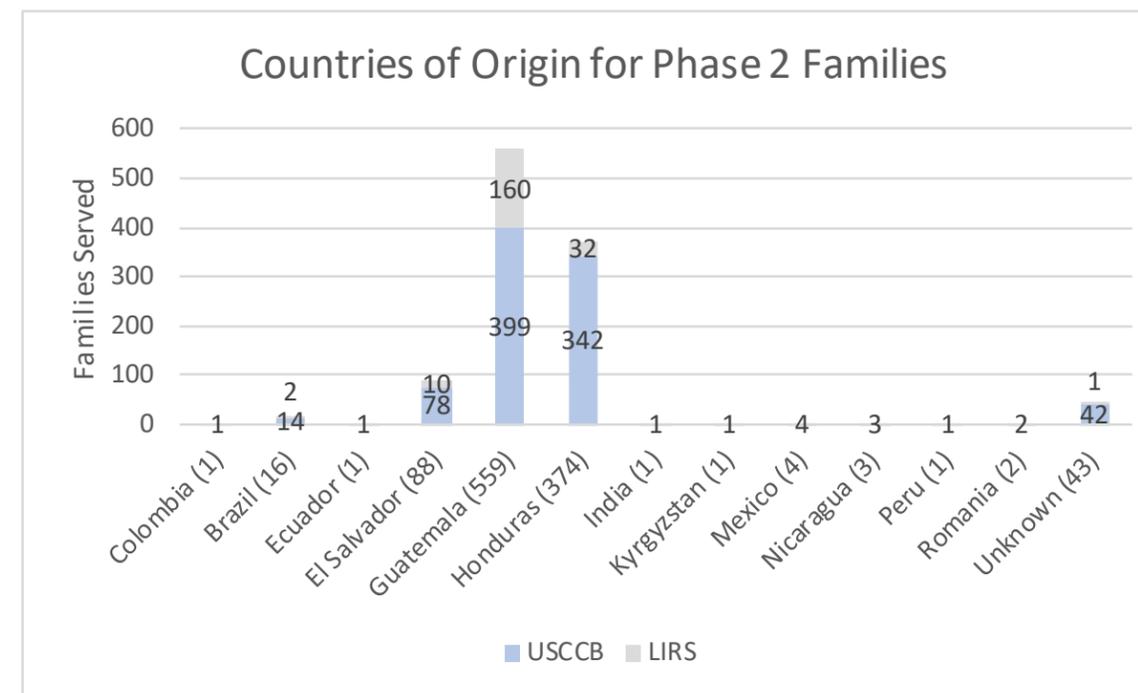
The vast majority of separated and reunified families that USCCB/MRS and LIRS served in Phases 1 and 2 were from the Northern Triangle. Of the Phase 1 families served by USCCB/MRS and LIRS, the majority (56%) were from Honduras. The next largest population served was from Guatemala (33%), and the smallest population was from El Salvador (11%).

Figure 2.1 – Countries of Origin for Reunified and Released Families Served by USCCB/MRS and LIRS During Phases 1



In comparison, the majority of Phase 2 families served by USCCB/MRS and LIRS were from Guatemala (51%). The next largest Phase 2 populations were from Honduras (34%) and El Salvador (8%). Phase 2 was also comprised of a small number of families from countries in North and South America, Asia, and Europe.

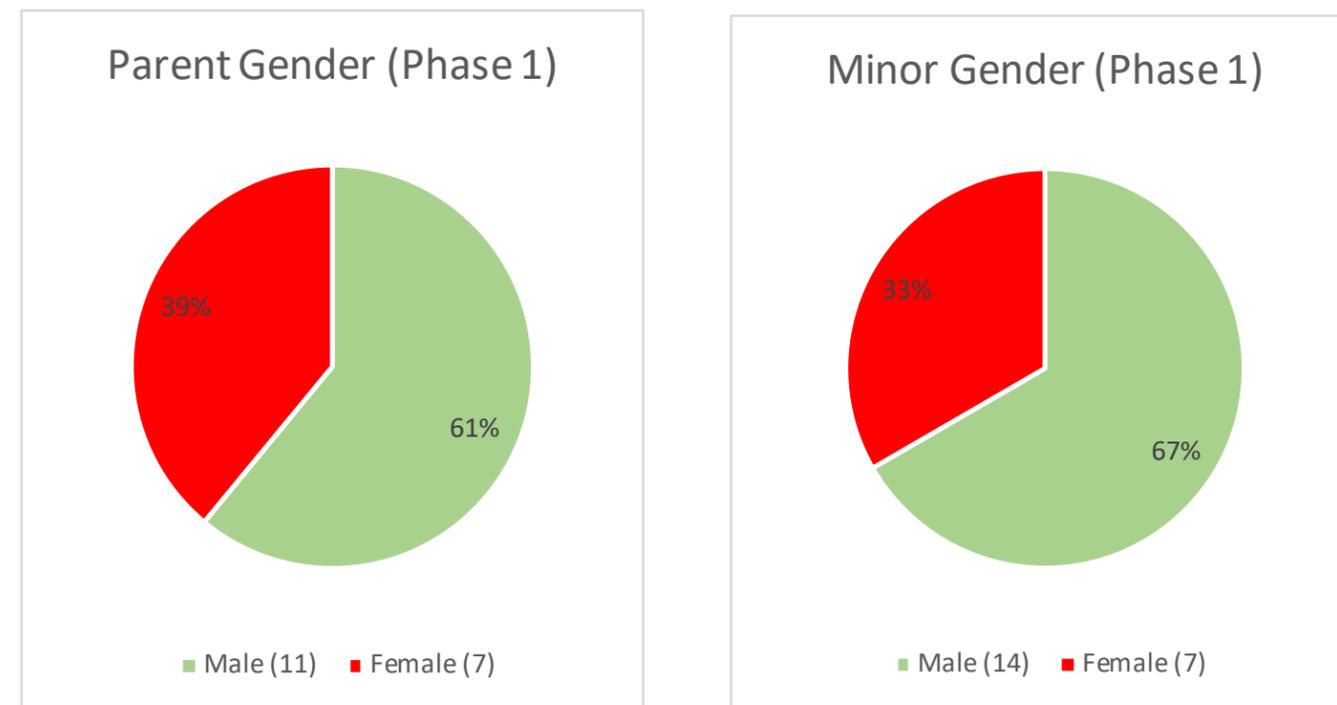
Figure 2.2 – Countries of Origin for Reunified and Released Families Served by USCCB/MRS and LIRS During Phase 2



B. Gender of Parents and Children

USCCB/MRS and LIRS data shows that the majority of Phase 1 reunified and released families were composed of male parents and male children. Of these parents, 61% were male and 39% were female. Similarly, of Phase 1 children, 67% were male and 33% were female.

Figures 3.1 & 3.2 – Gender of Parents and Children Served by USCCB/MRS and LIRS Reception Centers During Phase 1



VI. Ongoing Needs and Addressing Trauma

As a result of their previous separation, the reunified families served by USCCB/MRS (in collaboration with Catholic Charities) and LIRS demonstrate an acute need for ongoing support services. Little is yet known about the extent of the traumatic impact of the recent forcible separation of children from their parents at the border. Initial reports from local service providers indicate that families are experiencing symptoms of trauma, including separation anxiety.

Existing literature provides insights on assessing and understanding the unique experiences and needs of separated children and their families. There has been extensive study exploring the short- and long-term effects of trauma and toxic stress on children, including analyses of the effects of Adverse Childhood Experiences (ACEs) over time.⁴⁴ Researchers have found that the impact of trauma can be compounded and that children can experience the effects of trauma long-term, across various domains in their lives (education, physical health, mental health, relationally, etc.).⁴⁵ There have been additional explorations of the impact of trauma on recently arrived unaccompanied immigrant children, and recent studies indicate that detention by DHS of immigrant children is a potential threat to their health and well-being.⁴⁶

Current tools used to identify and categorize traumatic experiences in children are often inadequate in capturing immigrant children's experiences of trauma,⁴⁷ and this will be no different in assessing the traumatic experiences of separated children. As such, when assessing the traumatic events that can negatively affect migrant children's well-being, all four stages in the arc of migration (pre-migration, migration, detention, and post-release) must be considered.⁴⁸ In the case of separated children, their experiences during the period of time after apprehension and before release might deviate markedly from their recent migrant peers. Further, aside from the voluntary programming being provided by USCCB/MRS in partnership with Catholic Charities and LIRS, there are no post-release services available to the most vulnerable and highest-needs separated and reunified families.⁴⁹

A further key distinction may be made between separated children and unaccompanied immigrant children - while these separated children were treated as unaccompanied after their apprehension and separation, they did not arrive to the United States unaccompanied. These children arrived to the U.S. believing that they would continue to remain under their parents' care, which made their forced separation even more jarring. Literature has found that

relational trauma negatively affects brain development and the mental health of infants,⁵⁰ which is even more relevant given that 103 of the separated children were under the age of five. Young children are at heightened risk of experiencing negative outcomes when separated from an incarcerated caregiver⁵¹ or when separated from caregivers in the context of foster care.⁵² Moreover, researchers contend that immigrant children who have experienced prolonged separation from their parents experience layered post-reunification challenges⁵³ and that unaccompanied immigrant children experience a myriad post-reunification integration challenges.⁵⁴

Consequently, services and support are critical to ensure these children's and families well-being after reunification and release. USCCB/MRS and LIRS recognize the trauma caused by the unexpected rupture of attachment and will take this into account in addressing challenges that arise when families are back together. Given the trauma that children have experienced, extended post-release services for children provided by the government and implemented by child welfare experts would help mitigate some of the difficulties that families are encountering in integrating into their final destination cities and also complying with their immigration proceedings. For example, providing post-release services in these months subsequent to family reunification can ensure that families are informed of their immigration obligations and ensure that no family breakdowns occur.

VII. Looking Forward: Alternatives to Detention and Asylum-Seeking Families

As the reunification efforts for separated families in the U.S. winds down, LIRS and USCCB/MRS, as well as other legal- and social-service providers, pivot to identifying future needs of formerly separated families and presenting programmatic and policy-based solutions that ensure these and future arriving families' humane treatment, as well as their compliance with our immigration laws. One such solution is alternatives to detention (ATDs). A spectrum of ATDs have long existed as an option the government can use in place of mass detention.⁵⁵ Such alternatives are often preferable as they avoid inflicting unnecessary and long-lasting trauma on children and families.⁵⁶ Additionally, detaining families that do not present a flight or safety risk is an unnecessary use of limited DHS resources.⁵⁷ As demonstrated by the data in Section V above, many of the reunited families have intended destinations in U.S., with family and friends at those destinations. These strong community ties, as well as credible asylum claims,⁵⁸ create strong incentives for compliance with immigrant requirements and make many arriving families viable candidates

Providing Post-Release Services to Jose's Family

Jose was one of the thousands of parents who had to watch their children being taken from them as a result of the zero-tolerance policy. He stated it was the worst experience of his life and described the heart break of seeing his son crying and scared. After the family's eventual reunification, Jose remained worried that his son would be taken from him again. In addition, he faced the challenges of adjusting to life in a new community, buying basic necessities, finding an attorney, and enrolling his son in school. Thankfully, LIRS and its affiliates were able to assist Jose and his son with these concerns. LIRS provided provide the family with school supplies, including a backpack, folders, and other materials. They also gathered donated clothing for the family, which was essential since Jose's son only owned one change of clothes. The family was also thankful to receive referrals to community resources and a legal services provider, as well as assistance with the school enrollment process. The staff member providing these post-release services noted of the experience: "I saw the smiles and happiness in their eyes; it just made the visits so worthwhile." (*Name changed to protect confidentiality. Story provided by LIRS affiliate).*

for alternatives to detention.

Both LIRS and USCCB/MRS have experience with ATD programming. Religious groups have long been involved in hospitality, accompaniment, and hosting immigrants.⁵⁹ Most recently, from 2013- 2015, both USCCB/MRS and LIRS operated ATD pilot programs in partnership with ICE. The USCCB/MRS pilot program operated in Baton Rouge, Louisiana and Boston, Massachusetts, while LIRS's program operated in Chicago, Illinois and San Antonio, Texas. Building from this work, in FY 2016 and FY 2017, ICE used several ATD programs that went beyond traditional forms of release (such as parole, bond, or order of supervision), to include case management in the Family Case Management pilot program.⁶⁰ This program, which ran from late 2015 until it was canceled in June 2017, focused solely on families and operated in five cities. The Family Case Management pilot program had compliance rates of 99% with immigration court hearings and cost only \$36 per day/ per family.⁶¹ Approximately 994 families were served in the program. Catholic Charities and LIRS community service providers participated in the Family Case Management Program (FCMP) within the five cities.

Critics of alternatives to detention have suggested that the FCMP was not effective in terms of removal rates and long-term costs.⁶² These arguments, however, are unsupported by comprehensive data due to the government's decision to end the FCMP in June 2017, only approximately a year and half into what was supposed to be a five-year program cycle. It is no surprise that removal rates were low during the period of operation given that most of the enrolled families' cases were still ongoing at the time of program closure. A full data set is required in order to fully understand the long-term effectiveness and cost of the FCMP.

From USCCB/MRS's and LIRS's varied experiences with ATDs, as well as with family reunification, the orga-

nizations believe that alternatives to detention for arriving asylum-seeking families would be both an effective and humane option. Consequently, LIRS and USCCB/MRS have made the commitment to provide to each of the reunified families they have served, in their final destination city, with up to three months of post-release services, which includes social services, a legal orientation, and a referral to a qualified and trustworthy low or pro bono legal services provider. These services will also help ensure families are educated on DHS and immigration court requirements. They further will provide families with referrals for their immediate needs, as well as support to help ensure they will be self-sufficient after the service period ends. USCCB/MRS and LIRS are driven to provide such services by the belief that they will help support the separated families, reduce their ongoing trauma, and help ensure positive compliance outcomes.

VIII. Recommendations

Generally, absent child protection concerns, the U.S. government should not be separating children from their parents.

- A. To Administrative Departments of the Federal Government (DHS and HHS) on Oversight, Data Collection, Information Sharing, and Provider Training
1. **Delineate Administrative Responsibility on Family Unity and Separations.** An official "Family Unity" Ombudsman should be appointed to lead coordination of the remaining family reunifications and monitor future incidences of family separation. This position should be within DHS as it is the agency with the greatest visibility at the point of separation.
2. **Create a Standing Interagency Task Force.** The Family Unity Ombudsman should lead the creation

of an interagency task force on family separation that meets quarterly with NGO and government stakeholders. The task force should be required to provide DHS-OIG, DHS-CRCL, and Congress with annual reports on family separation. It should also be responsible for monitoring monthly reports by DHS and ORR on family separation rates and cases. In the event that the monthly number of family separation cases increases by more than 20% from the previous month, the Family Unity Ombudsman should be required to issue a report to Congress, as well as a corresponding public press release, within 30 days. This report and press release should discuss the increase in separated families, suspected causes, and any remedial actions being taken. Finally, the task force should issue a one-time report to Congress on: (i) the number of separated children released from ORR's care during FY 2017 and FY 2018 prior to the court's preliminary injunction during; (ii) the percent of such children released to category one, two, and three sponsors, respectively; and (iii) the percent of these children that are receiving government-funded post-release services.

3. **Increase Data Collection.** DHS should ensure that it documents family relationships for all individuals traveling with family, including extended family. In addition, DHS should issue guidance on family tracing for all pertinent staff.

Similarly, both ICE and ORR should have ready access to CBP's data on family separations to track parents and children referred to their care that may have been newly subject to family separation. ORR should also add another data requirement in the ORR UAC ("unaccompanied alien child") portal. Data on family separation needs to be updated every week and be accessible to ORR UAC care providers. ORR's tracking of separated children in its care should be electronically available and searchable by facility.

4. **Document Justification for Separation.**

Every incidence of family separation should be clearly recorded and the explanation for separation, including specific criminal charges (whether the crime was immigration-related, child abuse-related, etc.) should also be documented. This information needs to be readily shared and accessible to all component agencies of DHS, as well as ORR. Additionally, DHS policy guidance should denote that even if family relationships are questioned, the alleged relationship must be documented.

5. **Streamline Information Sharing.** There should be a secure database that family members and their attorneys and advocates can access that has information (location of members, reason for separation,

etc.) about individual cases of family separation. This should be information that DHS is collecting that has been scrubbed of any DHS-proprietary/national security information.

6. **Improve Training for Care Providers.** ORR

should create training material for UC providers that addresses family separation and train them on how to review paperwork, and record and report incidences of family separation to ORR and to the Family Unity Ombudsman.

B. To Administrative Departments of the Federal Government (DHS and HHS) on Any Future Operations Relating to Family Reunification

1. **Release Reunited Families During Business Hours.** Families should not be delivered to service providers or reception centers outside of agreed upon business hours. Reuniting families during the night can increase their stress and add to children's confusion; it is also very difficult for providers to adequately staff facilities during off-hours. Future operations should make an effort to drop children off during normal but extended business hours, with 6am and 8pm being the outliers with which families can safely and humanely be transported.
2. **Ensure Travel Document Guidance and Notification.** DHS needs to pay special attention to the issuance of travel documentation, and it should educate all CBP and TSA officers about individuals who may be traveling during reunification operations. If there are questions with a family member's travel documents, DHS officials should ensure that the family member has an opportunity to explain his or her special circumstances and also to call any family/friends in his or her final destination, as well as contact any NGO advocates and legal counsel who may be able to assist them.
3. **Ensure Immigration Paperwork Reflects Families' Final Destination Cities.** As a general practice, DHS should issue NTAs and other discharging immigration paperwork with a family's final destination address, rather than the address of the reception site or the site of the immigration detention facility court. Failing to put the correct address on immigration paperwork makes it difficult for families to attempt to comply with their proceedings. In the family detention context, ICE already lists the final destination address of the individual that they release. We urge ICE ensure the appropriate address is listed for all arriving families.

C. To Administrative Departments of the Federal Government (DHS and DOJ) on Access to Justice, Immigration Compliance, and Legal Education

1. **Improve and Expand Discharge Guidance.** DHS should augment its existing detention and processing center discharge guidance to include: (i) a clear explanation of how ICE and the Executive Office for Immigration Review (EOIR) are two separate agencies with distinct sets of procedures for address updates, communications, and hearings; (ii) instructions on how to update an address with ICE and with EOIR, including a blank standardized form for each; (iii) the 800 number for the EOIR immigration court hotline and guidance on how to use the hotline to obtain information about an individual's case; and (iv) instructions on requirements and responsibilities of being released on bond or parole, on an alternatives to detention program, or on one's own recognizance. This information should also be provided verbally for individuals who are illiterate, in a language they can fully understand.

2. **Streamline Change of Address and Venue Procedure.** DOJ should streamline the process for non-citizens to change their address and move to change their venue for immigration hearings. EOIR should collaborate with DHS to formulate a single unified change of address form (available in Spanish and other languages) that, when submitted physically or electronically to EOIR or any ICE office or contractor, would automatically trigger an update of a noncitizens address with all relevant immigration agencies and EOIR. This unified form would streamline the process, reducing the burden for not only the noncitizen but also for DHS and EOIR.

D. To Administrative Departments of the Federal Government (DHS, DOS, and DOJ) on Future Policy-Making for Asylum-Seeking Families Arriving to the U.S. Border

1. **Reinstate the Family Case Management Program.** DHS should reinstate the Family Case Management Program for the duration of the five years initially contemplated by the pilot program. This would allow a more accurate analysis of the program's cost effectiveness, immigration compliance rates, and ability to effectuate removals.
2. **Expand Programs Addressing Root Causes of Migration.** The Department of State should work to expand and further implement gang and internal displacement prevention programming that looks to address the increased targeting not just of youth but of entire family units by gangs.
3. **Rescind the Zero-Tolerance Policy.** DOJ should formally rescind its April 6th memorandum on "Zero-Tolerance for Offenses Under 8 U.S.C. § 1325(a)." This is not to suggest that prosecutions could not be brought for such offenses, but it would

restore federal prosecutors' ability to utilize their discretion and balance various factors when determining whether it is appropriate to bring such a case forward. At a minimum, exceptions should be explicitly made to the memorandum to address families seeking protection.

E. To Congress on Existing Protections, Oversight, Post-Release Services, and ATDs

1. **Invest Robustly in All Forms of Alternatives to Detention.** Congress should fund more robustly alternatives to detention in the DHS budget. Congress should also ensure that DHS is working to undertake and pilot diverse alternatives to detention programming - in the form of the Intensive Supervision Appearance Program (ISAP) as well as alternative to detention programming that utilize case management and, in some cases, NGO participation.
2. **Require Reporting on ATD Outcomes and Costs.** Congress should instruct DHS to publicly report on the outcomes of ATD programs and ensure that a continual pilot period is undertaken to secure transparent and viable data on the effectiveness of such programs. It should also mandate reporting by DHS about the costs of family detention compared to alternatives to detention, including the Family Case Management Program.
3. **Maintain Existing Protections for Unaccompanied and Accompanied Children.** Given the long-lasting physical and mental consequences of detention on children, proposals seeking to alter existing safeguards relating to such detention (such as those in the Flores Settlement Agreement of 1997) must be firmly rejected. Immigrant children should be viewed as children first and foremost.
4. **Ensure Oversight of Continued Reunification Efforts and Detention.** Congress should utilize its oversight power to ensure the remaining eligible families are promptly reunified and that DHS is able to articulate clear and individualized justification for its decision to place certain reunified families in detention.
5. **Support Robust Funding for Post-Release Services.** Congress should also ensure, through the appropriations process, that separated children released to non-parent sponsors receive post-release services from ORR to address their trauma. It should also ensure that federal funding is dedicated to providing additional support services to the reunified and released families.
6. **Create Greater Capacity for Effectuating Legal Outcomes for Asylum-Seeking Families.**

Congress should further invest in augmenting the capacity of the immigration courts by hiring more judges and providing additional funding for new courtroom facilities. Additionally, Congress should ensure robust funding for legal information programs such as the Legal Orientation Program and the Information Help Desk, which do not fund immigration counsel but help provide information to detained and released immigrants to ensure that they know more about compliance requirements.

F. To the Northern Triangle Governments on Collaboration and Communication

- 1. Increase Communication with Direct Service Providers and Local Consular Offices.** The Northern Triangle country governments should increase their communication with UC service providers (including residential care, social service, and legal service providers) and local consular offices to ensure more direct communication on separation cases. Such engagement can lead to easier identification of separated children, technical assistance in family tracing and family reunification, and a more expeditious way for the foreign governments' respective child welfare agencies to become involved in individual cases.
- 2. Map Existing Consular and Legal Services.** The Northern Triangle governments should create a tool to map the existing consular and legal services that each respective government operates in the United States. This tool should then be shared that with immigration social and legal service providers to facilitate coordination with the consulates.

G. To NGOs on Coordination of Service

- 1. Improve Coordination to Serve Separated Families.** Numerous NGOs have generously expressed interest in and many have initiated services for reunited families in various locations across the U.S. Improved coordination and national communication among legal and social services providers would facilitate NGOs ability to address families' ongoing needs and fill geographic gaps to ensure all families are covered. NGOs should coordinate to develop a centralized location to share pro bono resources available to reunited families - legal, medical, mental health, trauma, etc. This coordination is also important to avoid duplicating services - both to ensure NGO resources are most effectively being utilized and to avoid overwhelming the released families.



Sr. Donna Markham welcomes a newly reunited family in Arizona.

IX. Conclusion

USCCB/MRS and LIRS urge the Administration to ensure that family unity remains a primary concern during all future immigration enforcement operations at the U.S./Mexico border. USCCB/MRS and LIRS further encourage the Administration to commit to immigration policies that are humane and uphold each individual's human dignity. Such policies should also ensure compliance with immigration requirements and be fair to the U.S. taxpayer. As always, USCCB/MRS and LIRS stand ready to work with the Administration to help develop policies that meet these goals.

X. Acknowledgements

In addition to all our Catholic and Lutheran partners named in this report and providing post-release services, USCCB/MRS would like to thank CCUSA for its significant contributions. In support of local Catholic Charities agencies receiving reunited families, both at the point of reunification and final destination, CCUSA provided funding to several Catholic Charities agencies and Catholic related organizations. Through this support, local agencies were able to assist families with food, shelter, transportation and legal support. In addition, CCUSA supported local agency efforts by deploying staff from around the country to provide additional assistance to border agencies.

USCCB/MRS and LIRS further express their sincere thanks to the following organizations for their support and assistance in various ways with the reunification and post-release services efforts.

- Catholic Charities USA
- U.S. Conference of Catholic Bishops' Catholic Campaign for Human Development
- Islamic Relief USA
- The Church of Jesus Christ of Latter-day Saints
- Bethany Christian Services
- GHR Foundation
- FWd.us
- Kids in Need of Defense (KIND)
- Catholic Legal Immigration Network, Inc. (CLINIC)
- Texas Civil Rights Project
- Foundations and Donors Interested in Catholic Activities- (FADICA)
- International Rescue Committee-Phoenix

Endnotes

- 1 Attorney Gen. Jefferson Sessions, U.S. Dep't of Justice, *Zero-Tolerance for Offenses Under 8 U.S.C. §1325(a)* (Apr. 6, 2018), available at https://www.justice.gov/opa/press-release/file/1049751/download?utm_medium=email&utm_source=govdelivery.
- 2 U.S. Customs and Border Protection, *U.S. Border Patrol Southwest Border Apprehensions by Sector FY2018*, DEP'T OF HOMELAND SEC. (Sept. 6, 2018), <https://www.cbp.gov/newsroom/stats/usbp-sw-border-apprehensions>.
- 3 Kimberly Amadeo, *Mexico's Economy Facts, Opportunities, and Challenges*, The Balance (Aug. 3, 2018), <https://www.thebalance.com/mexico-s-economy-facts-opportunities-challenges-3306351>.
- 4 Clare Ribando Seelke, Cong. Research Serv., *El Salvador: Background and U.S. Relations* 6 (2017), available at <https://fas.org/spp/crs/row/R43616.pdf>.
- 5 E.g., U.S. Conference of Catholic Bishops/Migration and Refugee Serv., *Temporary Protected Status: A Vital Piece of the Central American Protection and Prosperity Puzzle* 3-4, 6 (2017), available at <http://www.usccb.org/about/migration-policy/fact-finding-mission-reports/upload/el-salvador-honduras-report-20171016.pdf>; *UNHCR Alarmed by Sharp Rise in Forced Displacement in North of Central America*, UNHCR (May 22, 2018), <http://www.unhcr.org/en-us/news/briefing/2018/5/5b03d89c4/unhcr-alarmed-sharp-rise-forced-displacement-north-central-america.html>.
- 6 See, e.g., *United States Border Patrol Southwest Family Unit Subject and Unaccompanied Alien Children Apprehensions Fiscal Year 2016: Statement by Sec'y Johnson on Southwest Border Security*, U.S. CUSTOMS AND BORDER PROTECTION (Oct. 18, 2016), <https://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016>.
- 7 Julia Hirschfield Davis & Michael Shear, *How Trump Came to Enforce a Practice of Separating Migrant Families*, N.Y. TIMES (June 16, 2018), <https://www.nytimes.com/2018/06/16/us/politics/family-separation-trump.html>.
- 8 President Bush opened the T. Don Hutto Residential Center to house family units in 2006, but the facility was subject to many lawsuits. Additionally, while President Obama ended the practice of family detention in 2009, he later resumed the practice of detaining families in 2014. See, e.g., Spencer S. Hsu, *ACLU Settles Suit on Illegal Migrant Holding Facility*, WASHINGTON POST (August 28, 2007), <http://www.washingtonpost.com/wp-dyn/content/article/2007/08/27/AR2007082701315.html?noredirect=on>; Nick Valencia, *Unjust: Rights groups slam spread of facilities for immigrant families*, CNN (December 20, 2014), <https://www.cnn.com/2014/12/19/us/immigrant-family-detention-center/index.html>.
- 9 In 2014, Immigration and Customs Enforcement signed Memorandums of Understanding with LIRS and USCCB/MRS to operated alternative to detention pilot programs. Additionally, in late 2015, ICE began operation of the family case management program, an alternative to detention program for asylum-seeking families. U.S. Conference of Catholic Bishops/Migration and Refugee Serv., *et al.*, *The Real Alternatives to Detention*, JUSTICE FOR IMMIGRANTS, available at <https://justiceforimmigrants.org/2016site/wp-content/uploads/2017/07/The-Real-Alternatives-to-Detention-FINAL-06.27.17.pdf> (last visited on Sep. 25, 2018).
- 10 Anne Flaherty, *Origins of Family Separation Issue Stretch Back Many Years*, THE ASSOC. PRESS (June 19, 2018), <https://www.apnews.com/26b88518310f47018b724e200b28e88f>.
- 11 *Id.* (“Gil Kerlikowske, the U.S. Customs and Border Protection commissioner from early 2014 to the end of Obama’s term, said parents were split from their children if they were arrested — maybe on a drug charge — or had an outstanding warrant. But, he writes, the number of separations was “minuscule” considering how many people were coming at the time.”).
- 12 Lisa Riordan Seville & Hannah Rappleye, *Trump Admin Ran ‘Pilot Program’ for Separating Migrant Families in 2017*, NBC NEWS (Jun. 28, 2018), <https://www.nbcnews.com/storyline/immigration-border-crisis/trump-admin-ran-pilot-program-separating-migrant-families-2017-n887616> (finding further that from October 2016 to June 2018, DHS separated over 4,100 children from their

parents).

13 USCCB/MRS received 23 cases of family separation reported by its Children’s Services network in the past year. *See also Letter to DHS – Civil Rights/Civil Liberties and DHS – Office of Inspector General on Separation of Family Members*, 6 (Dec. 11, 2017).

14 Riordan & Rappleye, *supra* note 12; Dara Lind, *Trump’s DHS is Using an Extremely Dubious Statistic to Justify Splitting Up Families at the Border*, Vox (May 8, 2018), <https://www.vox.com/policy-and-politics/2018/5/8/17327512/sessions-illegal-immigration-border-asylum-families> (calling into question the Administration’s claim that the pilot program reduced the number of families attempting to cross the border without authorization by 64% and instead showing that family unit apprehensions increased during the pilot program period).

15 Sessions, *supra* note 1.

16 *Statement From DHS Press Secretary on April Border Numbers*, DEP’T OF HOMELAND SEC. (May 4, 2018), <https://www.dhs.gov/news/2018/05/04/statement-dhs-press-secretary-april-border-numbers>.

17 Sessions, *supra* note 1; 8 U.S.C. § 1325(a) (“(a) Improper time or place; avoidance of examination or inspection; misrepresentation and concealment of facts – Any alien who (1) enters or attempts to enter the United States at any time or place other than as designated by immigration officers, or (2) eludes examination or inspection by immigration officers, or (3) attempts to enter or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall, for the first commission of any such offense, be fined under title 18 or imprisoned not more than 6 months, or both, and, for a subsequent commission of any such offense, be fined under title 18, or imprisoned not more than 2 years, or both.”).

18 8 U.S.C. § 1325(a).

19 *See* Sessions, *supra* note 1.

20 DHS OFFICE OF THE INSPECTOR GENERAL, SPECIAL REVIEW - INITIAL OBSERVATIONS REGARDING FAMILY SEPARATION ISSUES UNDER THE ZERO TOLERANCE POLICY 4 (2018).

21 Compare Acting Assistant Steve Wagner, *Statement before the Senate Homeland Security and Government Affairs Committee. Permanent Subcommittee on Investigations*, 2 (April 26, 2018), <https://www.hsgac.senate.gov/imo/media/doc/Wagner%20Testimony.pdf> (stating that, during FY 2018, ORR had received 21,574 referrals through March); with Commander Jonathan White, *Statement before the Senate Judiciary Committee*, 1 (July 31, 2018), <https://www.judiciary.senate.gov/imo/media/doc/07-31-18%20White%20Testimony.pdf> (stating that during FY 2018, ORR had received 37,900 referrals through May).

22 Exec. Order No. 13841, 83 Fed. Reg. 29,435 (June 20, 2018).

23 *Id.*

24 *Id.*

25 *Id.* at 29,436.

26 Brett Samuels, *Border Agents Suspend Prosecution Referrals for Illegal Border Crossers*, THE HILL (June 25, 2018), <http://thehill.com/latino/394010-border-agents-suspend-prosecution-referrals-for-illegal-border-crossers>.

27 Joint Status Report at 2, *Ms. L. et al., v. ICE*, Case No. 18cv428, Dkt. No. 210 (S.D. Cal. Aug. 30, 2017), *available at* <https://www.aclu.org/legal-document/ms-l-v-ice-joint-status-report-4>.

28 *See* Exec. Order No. 13841, *supra* note 22.

29 Preliminary Injunction at 23, *Ms. L. et al., v. ICE*, Case No. 18cv0428, Dkt. No. 83 (S.D. Cal. June 26, 2018), *available at* <https://www.aclu.org/legal-document/ms-l-v-ice-order-granting-plaintiffs-motion-classwide-preliminary-injunction>.

30 Class Certification at 5, *Ms. L. et al., v. ICE*, Case No. 18cv0428, Dkt. No. 82 (S.D. Cal. June 26, 2018), *available at* <https://www.aclu.org/legal-document/ms-l-v-ice-order-granting-part-plaintiffs-motion-class-certification>.

31 Preliminary Injunction, *supra* note 29, at 23. Parties to this litigation, and certain related cases, have subsequently requested that the court approve their settlement agreement, which relates to addressing the asylum claims of certain class members who have been continuously present in the U.S. since June 26, 2018. *See* Pending Agreement at 2, *Ms. L. et al., v. ICE*, Case No. 18cv0428, Dkt. No. 220 (S.D. Cal. Sep. 12, 2018), *available at* https://www.aclu.org/sites/default/files/field_document/2018-09-12_notice_lodging_agreement_dckt_220_0.pdf

32 Preliminary Injunction, *supra* note 29.

33 Joint Status Report at 3, *Ms. L. et al., v. ICE*, Case No. 18cv0428, Dkt. No. 243 (S.D. Cal. Sep. 27, 2018),

34 Joint Status Report, *supra* note 33, at 2.

35 In this period, USCCB/MRS and LIRS reached out to its Catholic Charities USA and Catholic Charities, Lutheran Social Services network to assess capacity.

36 DHS OFFICE OF INSPECTOR GENERAL, *supra* note 20, at 9.

37 Phoenix, Arizona–Catholic Charities Communities Services; Los Angeles, California – Catholic Charities of Los Angeles; Miami, Florida – MRS/Miami; Chicago, Illinois – Catholic Charities of the Archdiocese of Chicago; Detroit/ Grand Rapids, Michigan – Catholic Charities of Southeast Michigan; Baltimore, Maryland – Esperanza; Newark, New Jersey – Catholic Charities of the Archdiocese of Newark; New York, New York – Lutheran Social Services; Harlingen, Texas – Catholic Charities Rio Grande Valley; Houston, Texas – Catholic Charities of the Archdiocese of Galveston-Houston; El Paso, Texas – Annunciation House Inc.; San Antonio, Texas – Catholic Charities San Antonio; Fairfax, Virginia – Catholic Charities of Arlington.

38 *See* 2018 Family Separation Reunification Background Notes (July 11, 2018) (available for review upon request).

39 For the entire reunified population that LIRS and USCCB/MRS served in July 2018, it is estimated that over 90% of the families did not stay in the city of initial reunification. *See* Section V, *infra*, for greater detail.

40 USCCB/MRS and LIRS partner Bethany Christian Services provided assistance with family reunification and support in the Grand

Rapids and Detroit Michigan site.

41 Joint Status Report at 2, *Ms. L. et al., v. ICE*, Case No. 18cv428, Dkt. No.124 (S.D. Cal. July 19, 2018), *available at* <https://www.aclu.org/legal-document/ms-l-v-ice-joint-status-report-4>.

42 *See Section IV(B), infra*, for more detail on the Catholic and Lutheran partners that provided services to families released from each of the detention facilities.

43 The Phase 2 data collected from families served by USCCB/MRS includes parents and children for whom data on gender was not reported. The graphs above reflect the closest estimation of the gender breakdown based on the information reported.

44 Sara B. Johnson, Anne W. Riley, Douglas A. Granger, & Jenna Riis, *The science of early life toxic stress for pediatric practice and advocacy*, 231 PEDIATRICS 319-327 (2013).

45 Jordan P. Davis, Tara M. Dumas & Brent W. Roberts, *Adverse childhood experiences and development in emerging adulthood*, 6 EMERGING ADULTHOOD 223–234 (2017).

46 Julie M. Linton, Marsha Griffin, & Alan J. Shapiro, *Detention of immigrant children*. 139 PEDIATRICS 1-13 (2017).

47 Glenn Flores, & Juan C. Salazar, *Immigrant Latino children and the limits of questionnaires in capturing adverse childhood events*, 140 PEDIATRICS 1-3 (2017).

48 *See* Linton, *et al, supra* note 46.

49 During July, in the *Ms. L. et al., v. ICE*, the Southern District of California suspended home studies and post release services (PRS) for unaccompanied children that would be mandated by the Trafficking Victims Protection Act (TVPRA) to ensure more timely compliance in the reunification. If children had qualified for the TVPRA-mandated PRS, such services would still be in place to ensure that children could receive these basic child welfare tools. Currently, reunified and released children are reliant on social service providers such as LIRS and USCCB/MRS’s ad hoc ability to provide such services.

50 Allan N. Schore, *The effects of early relational trauma on right brain development, affect regulation, and infant mental health*, 22 INFANT MENTAL HEALTH JOURNAL 201-269 (2001).

51 Joseph Murray, J., David P. Farrington, D. P., & Ivana Sekol, *Children’s antisocial behavior, mental health, drug use, and educational performance after parental incarceration: A systematic review and meta-analysis*, 138 PSYCHOLOGICAL BULLETIN 175-210 (2012).

52 E. Christopher Lloyd, & Richard P. Barth, *Developmental outcomes after five years for foster children returned home, remaining in care, or adopted*, 33 CHILDREN AND YOUTH SERVICES REVIEW 1383-1391 (2011).

53 Cecilia Menjivar, & Krista M. Perreira, *Undocumented and unaccompanied: Children of migration in the European Union and the United States*, JOURNAL OF ETHNIC AND MIGRATION STUDIES 1-21 (2017).

54 Jayshree S. Jani, *Reunification is not enough: Assessing the needs of unaccompanied migrant youth*, 98 FAMILIES IN SOCIETY: THE JOURNAL OF CONTEMPORARY SOCIAL SERVICES 127-136 (2017).

55 U.S. Conference of Catholic Bishops/Migration and Refugee Serv., *et al., The Real Alternatives to Detention, supra* note 9.

56 The American Academy of Pediatrics has reported that detained children experience developmental delay, poor psychological adjustment, post-traumatic stress disorder, anxiety, depression, suicidal ideation, and other behavioral problems. Even brief stints in detention can lead to psychological trauma and lasting mental health risks. Julie M. Linton, *et al, supra* note 46.

57 Costs in FY 2019 are anticipated to be \$319 per individual/per day for those in family detention. DEP’T OF HOMELAND SECURITY, U.S. IMMIGRATIONS AND CUSTOMS ENFORCEMENT BUDGET OVERVIEW CONGRESSIONAL JUSTIFICATION, FISCAL YEAR 2018, 128 (2018), *available at* https://www.dhs.gov/sites/default/files/publications/CFO/17_0524_U.S._Immigration_and_Customs_Enforcement.pdf.

58 U.S. Citizenship and Immigration Serv., *Credible Fear Workload Report Summary FY 2018 Total Caseload, 1* (2018), *available at* https://www.uscis.gov/sites/default/files/USCIS/Outreach/Notes%20from%20Previous%20Engagements/PED_CFandRFstatsJan2018.pdf (*showing that according to the Workload Summary for FY2018, 76% of individuals established credible fear in their interview as of January 2018*).

59 U.S. Conference of Catholic Bishops/Migration and Refugee Serv., *et al., The Real Alternatives to Detention, supra* note 9.

60 ICE, through its contractor Geo Care, ran the Family Case Management Program as an ATD for certain families from January 2016 through June 2017. The program utilized supervision and case management to ensure compliance with immigration requirements. While the program was terminated well before the conclusion of the envisioned 5-year pilot, it was quite successful during the time in which it ran. In fact, it had a 99% success rate in enrollees appearing for their immigration court proceedings. GEO CARE, FAMILY CASE MANAGEMENT PROGRAM, 2 (2017).

61 *Id.*

62 *See, e.g., Senate Homeland Security and Government Affairs Committee Hearing on The Implications of the Reinterpretation of the Flores Settlement Agreement for Border Security and Illegal Immigration Incentives* (2018), <https://www.hsgac.senate.gov/imo/media/doc/Testimony-Albence-2018-09-18.pdf> (discussing concerns with the FCMP during questioning of Matthew T. Albence (ICE)).

