

**Statement of**  
**Access To Law Foundation**  
**Americans for Immigrant Justice**  
**Center for Law and Social Policy**  
**Child Welfare League of America**  
**First Focus Campaign for Children**  
**IMPAC Fund**  
**Kansas Appleseed**  
**Kids in Need of Defense**  
**Lutheran Immigration and Refugee Service**  
**National Center for Youth Law**  
**National Immigrant Justice Center**  
**NC Child**  
**Ounce of Prevention Fund**  
**Ready At Five**  
**SchoolHouse Connection**  
**Schuyler Center for Analysis & Advocacy**  
**The Law Foundation of Silicon Valley**  
**Voices for Ohio's Children**  
**Voices for Utah Children**  
**WHALER's Creation**  
**Women's Refugee Commission**  
**Young Center for Immigrant Children's Rights**

**Submitted to the Committee on the Judiciary of the U.S. House of Representatives**  
**Hearing on May 18, 2017**  
**H.R. 2431,**

**(Michael Davis, Jr. and Danny Oliver in Honor of State and Local Law Enforcement Act)**

On behalf of 22 organizations committed to ensuring the best interest of children and families, we write to express our strong opposition to H.R. 2431, The Michael Davis, Jr. and Danny Oliver in Honor of State and Local Law Enforcement Act. Through our organizations' work with and on behalf of immigrant and undocumented children and families, we have witnessed firsthand the detrimental effects immigration enforcement measures such as immigration detention and other enforcement activities have on individuals, families, and communities.

This bill creates an unprecedented deportation force that will tear families apart and harm children's safety and well-being. Increased detention and deportation measures as proposed in this bill will put more than 5 million children--the vast majority of whom are U.S. citizens--at greater risk of being separated from a parent. We have a duty as a nation to protect these children who are integral to the fabric of our communities and schools and who will make up a significant portion of our future workforce.

We are deeply concerned with the impact such enforcement actions would have on the mental and physical health of children.<sup>1</sup> One study found that nearly 30 percent of children with one or more undocumented parent reported being afraid nearly all or most of the time, and three-quarters of undocumented parents reported their children were experiencing symptoms of post-traumatic stress disorder (PTSD).<sup>2</sup> The trauma of losing a parent to immigration enforcement actions has proven to have severe consequences to the child's well-being.<sup>3</sup> Research shows that a child is more likely to experience long-term behavioral changes when they witness their parent's apprehension, an occurrence that is much more common when local police are engaged in immigration enforcement activities.<sup>4</sup>

Immigration detention and deportation have a ripple effect on the wider community, causing anxiety among children in mixed-status families and making families fearful of sending their children to school, visiting places like health clinics, or attending immigration court proceedings. For example, after a raid earlier this year in Las Cruces, New Mexico, schools reported more than 2,000 children were absent the following two days.<sup>5</sup> H.R. 2431 seeks the expansion of the 287(g) program. Programs that enable state and local law enforcement officials to engage in immigration enforcement actions have served only to disrupt the daily lives of mixed-families and threaten children's health and well-being, since activities such as transporting children to school, picking children up at daycare, or taking children to the doctor become rife with risk. These programs also make our communities less safe, as community members are more reluctant to report crimes or participate with local authorities for fear of being detained or deported and separated from their families.

The bill also endangers the lives of refugee and asylum-seeking children and families, including unaccompanied migrant children and unaccompanied refugee children. Its overly broad provisions, which purport to target terrorists, will actually expose children and families who are fleeing terrorism, torture, and trafficking to unnecessary enforcement actions. It will prevent refugees and asylees from adjusting status or the ability to reunite with their children in the U.S. For example, some of the Sudanese Lost Boys who were kidnapped by the Sudanese People's Liberation Army

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<sup>1</sup> Kristina Cooke and Mica Rosenberg, "Parents fearing deportation pick guardians for U.S. children," (Reuters March 4, 2017), available at <http://www.reuters.com/article/us-usa-immigration-parents-idUSKBN16A16V>

<sup>2</sup> Sara Satinsky, Alice Hu, Jonathan Heller, et al., Family Unity, Family Health: How Family Focused Immigration Reform Will Mean Better Health for Children and Families (Human Impact Partners, 2013), <http://www.familyunityfamilyhealth.org/>.

<sup>3</sup> See, *Implications of Immigration Enforcement Activities for the Well-Being of Children in Immigrant Families* (Urban Institute and Migration Policy Institute, September 2015), available at: <http://www.migrationpolicy.org/research/implications-immigration-enforcement-activities-well-being-children-immigrant-families>

<sup>4</sup> The Urban Institute, *Facing Our Future: Children in the Aftermath of Immigration Enforcement*. (February 2010). <http://www.urban.org/research/publication/facing-our-future>

<sup>5</sup> American Academy of Pediatrics, Letter to Secretary Jeh Johnson (July 24, 2015), <https://www.aap.org/en-us/advocacy-and-policy/federal-advocacy/Documents/AAP%20Letter%20to%20Secretary%20Johnson%20Family%20Detention%20Final.pdf>.

(SPLA) and forced to become child soldiers could be barred from obtaining protection or from adjusting refugee status.<sup>6</sup>

Finally, this bill would allow for the detention of all children not designated as unaccompanied by Immigration and Customs Enforcement (ICE). ICE would be given complete discretion to detain children in secure (locked) facilities designed for incarceration and punishment, rather than protection. The provisions would also make these facilities immune to any child welfare licensing standards, which are designed to protect the safety of children and the community. The detention of children in these facilities compromises the health and well-being of children. Significantly, the Department of Homeland Security's own Advisory Committee on Family Residential Centers issued a report in late 2016 in which it concluded that "detention is generally neither appropriate or necessary for families--and that the detention or separation of families for purposes of immigration enforcement or management, or the detention of children is *never* in the best interest of children."<sup>7</sup> The American Academy of Pediatrics has confirmed the harms of detaining children, stating that, "The act of detention or incarceration itself is associated with poorer health outcomes, higher rates of psychological distress, and suicidality making the situation for already vulnerable women and children even worse."<sup>8</sup> Research also consistently shows that even a short amount of time in detention can exacerbate mental health outcomes, particularly for children who have already undergone significant trauma.<sup>9</sup>

America's future prosperity will depend on our ability to ensure that *all* children have a fair shot at achieving their full potential. As the youngest and most vulnerable members of our society, children are the most deserving of protection under the law, and every child should have access to the services and resources they need to grow and thrive. Neither detention nor the separation of families serves the interests of children, nor our interests as a nation. **Thus, any long-term solution to our immigration system must take into account the unique needs of children and protect and promote their fundamental rights and overall well-being.**

**It is for this reason 60 child advocacy organizations across the nation have signed on to the attached joint statement, "*On This We Agree: Children Require Special Care*," calling for the protection of children regardless of their immigration status.**

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<sup>6</sup> See e.g., Mark Bixler, "War's 'Lost Boy' grows up to graduate from college," (CNN November 9, 2009), available at: <http://www.cnn.com/2009/LIVING/11/09/lost.boys.sudan/index.html?iref=nextin>

<sup>7</sup> Report of the DHS Advisory Committee on Family Residential Centers, p.2 (September 30, 2016) available at: <https://www.ice.gov/sites/default/files/documents/Report/2016/ACFRC-sc-16093.pdf> (emphasis added).

<sup>8</sup> American Academy of Pediatrics, Letter to Secretary Jeh Johnson (July 24, 2015), <https://www.aap.org/en-us/advocacy-and-policy/federal-advocacy/Documents/AAP%20Letter%20to%20Secretary%20Johnson%20Family%20Detention%20Final.pdf>.

<sup>9</sup> Human Rights First, *Family Detention: Still Happening, Still Damaging*. (October 2015). <http://www.humanrightsfirst.org/sites/default/files/HRF-family-detention-still-happening.pdf>