



FCNL Statement to the U.S. House Judiciary Committee, pertaining to its hearing: *Oversight of the Trump Administration's Family Separation Policy*

Tuesday, February 26, 2019

The Friends Committee on National Legislation (FCNL) applauds the House Judiciary Committee effort to increase oversight of and condemn the cruel policy of forcible family separation. This policy's intent and impact violates the core of FCNL's foundational Quaker beliefs to respect the Divine in every person and protect the rights of migrants. Families should neither be separated, nor incarcerated. **We urge the Committee to end the equally devastating practice of family detention and curtail the use of adult immigrant detention that results in family separation.**

The Trump administration's practice of family separation caused irreparable harm to vulnerable migrant families. This policy – designed to deter migration – was an illegal, ineffective, and inhumane tactic. The true extent of damage caused by this unimaginable decision could last for generations.ⁱ It is among the darkest points in our nation's history. We urge the Committee to hold administrative officials accountable to reunifying families at every juncture. **A humanitarian crisis requires a humanitarian solution.** Migration is not a crime. It is essential that individuals, families, and children fleeing violence and instability in their home countries are given a full and fair opportunity to seek asylum or other forms of humanitarian protection as they arrive. If our nation does not afford this protection and due process, we set a dangerous precedent to violate international human rights law and our most basic responsibilities to one another.

This practice exposed our nation's deep entrenchment in a costly and unjust detention system. The family separation policy was born out of a decades-long practice and belief asserting criminalization and detention is the appropriate - and only - response to migration. That children must either be separated from their parents or incarcerated is a false choice. We urge the Committee to recognize the harm prolonged incarceration perpetuates for children, families, and individuals alike. Family detention centers are detrimental to physical, mental, and family healthⁱⁱ and compoundⁱⁱⁱ the traumas that individuals experience prior to arrival. Conditions in ICE detention centers and CBP facilities remain unaccountable^{iv}, inhumane^v, and increasingly fatal^{vi}. This Committee can and must help reverse course.

We urge the Committee to pursue legislation to end over-reliance on immigrant detention. The Dignity for Detained Immigrants Act (115th Congress)^{vii} would end the administration's authority to detain parents, children, asylum seekers and other vulnerable migrants. It would establish accountability standards for existing facilities and expand non-restrictive, community-based alternatives to detention^{viii}. **Congress must fully embrace community-based alternatives to detention as the solution to family separation.** Effective and cost-beneficial models exist but are severely underused. The 2016 Family Case Management Program (FCMP)^{ix} never saw more than 1,600 immigrants enrolled compared to the more than 350,000 held in ICE detention in just 2016. It was 99% effective in ensuring participants attended court appearances and ICE check ins and cost less than 7% of family detention but was ended with little explanation not even halfway through its pilot program.

Communities of faith have always been, and will continue to be, at the forefront of providing care to the most vulnerable in our society. **We are ready to be partners in investing in and strengthening the efficacy and lifespan of community-based alternatives to immigrant detention.** We urge Congress to partner with us in this effort by engaging in robust oversight over current family separation and detention practices and rejecting their expansion through standalone legislation and reduced funding.

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- ⁱ <https://www.washingtonpost.com/news/retropolis/wp/2018/05/31/barbaric-americas-cruel-history-of-separating-children-from-their-parents/>
- ⁱⁱ <https://www.womensrefugeecommission.org/rights/resources/1651-the-harm-of-family-detention>
- ⁱⁱⁱ <http://pediatrics.aappublications.org/content/139/5/e20170483>
- ^{iv} <https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf>
- ^v <https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-20-Feb19.pdf>
- ^{vi} <https://www.nbcnews.com/politics/immigration/22-immigrants-died-ice-detention-centers-during-past-2-years-n954781>
- ^{vii} <https://www.fcnl.org/documents/748>
- ^{viii} <https://justiceforimmigrants.org/2016site/wp-content/uploads/2017/07/The-Real-Alternatives-to-Detention-FINAL-06.27.17.pdf>
- ^{ix} <https://www.womensrefugeecommission.org/images/zdocs/Backgrounder-FCMP.pdf>