



SEVENTY-FIVE YEARS

Friends Committee on National Legislation

A Quaker Lobby in the Public Interest

FCNL Statement to the U.S. Senate Homeland Security and Governmental Affairs Committee, pertaining to its hearing:

The Implications of the Reinterpretation of the Flores Settlement Agreement for Border Security and Illegal Immigration Incentives

Tuesday, September 18, 2018

FCNL urges members of the Homeland Security and Governmental Affairs Committee to reject replacing the cruel policy of forcible family separation with the equally devastating practice of family detention. Members of the Religious Society of Friends (Quakers) have called on the Friends Committee on National Legislation (FCNL) to pursue policies that promote and protect the rights and safety of all immigrants, refugees, and migrants. The administration's "zero-tolerance" criminal prosecution policy resulted in the cruel and abrupt separation of families without route for reunification. Its intent and impact violates the core of FCNL's foundational Quaker beliefs to respect the Divine in every person. Families should neither be separated, nor incarcerated. Family detention is not a viable nor humane solution to forcible family separation.

The answer to this self-created crisis is an end to "zero-tolerance" prosecution and a full embrace of community-based alternatives to detention for families and asylum seekers. Implementing "zero-tolerance" for family units ignores the administration's responsibility to practice prosecutorial discretion, an essential part of a fair justice system. Strong, healthy families are a core underpinning for communities to flourish spiritually and economically. Our elected leaders must design federal policies to protect the most vulnerable in our society; there are few more susceptible to harm than children.

The *Flores* settlement agreement is not a loophole, it is a legal safeguard for children. *Flores* – and its legal reiterations – requires the government to prioritize a child's welfare when they fall into federal custody, so that children are not housed in inappropriate and unsafe conditions. Under *Flores*, children must be released from custody without delay with preference for release to a parent, or, if necessary, be held in the least restrictive and appropriate setting licensed by a child welfare entity. *Flores* outlines the *minimum* standards that this country should practice in its treatment of migrant children. These standards should be abided by, even strengthened. The spirit of *Flores* should not be misinterpreted in a quest to expand family detention.

FCNL urges members to speak out against the administration's attempt to circumvent *Flores* through the recent [proposed regulation](#) and reject similar legislation. Child welfare must be front of mind when implementing policy. It is proven that detention has harmful, [long-term](#) impacts on children. Even one week in detention results in lasting [psychological](#) trauma. It is unconscionable given this knowledge and our nation's moral fortitude that the administration is not deterred from employing family detention and seeking its expansion.



It is essential that individuals, families, and children seeking safety at our southern border are given a full and fair opportunity to seek asylum. If our nation does not afford due process to those who are most in need we are failing in our basic duty to fellow children of God and degrading our global leadership on human rights protection. We urge members of Congress to provide oversight to the Department of Homeland Security to ensure they are protecting access to asylum, as outlined in both international and U.S. law.

We urge members to obligate the administration to utilize and expand community-based alternatives to detention for families and asylum seekers. Children should be free and experience love, not kept in the confines of a secure detention facilities. There are proven, cost-efficient ways to keep children with their family members and abide by our immigration laws and asylum obligations. The Family Case Management Program (FCMP) was ended with little explanation not halfway through a pilot program in June 2017. FCMP helped families navigate their asylum and removal proceedings with support from case managers and communities. It was 99% effective for court appearances and ICE check ins for all who were enrolled in the program.

Communities of faith have always been and will continue to be forefront of providing care to the 'least of these' in our society (Matthew 25:40). 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 partner with us in this effort and reject all attempts to expand family detention.