



October 31, 2018

Debbie Seguin
Assistant Director
Office of Policy, U.S. Immigration and Customs Enforcement
Department of Homeland Security
500 12th Street SW
Washington, DC 20536

RE: DHS Docket No. ICEB-2018-0002

Dear Assistant Director Seguin:

Child Trends is a nonpartisan research organization focused exclusively on improving the lives and prospects of our nation's children, youth, and their families. For nearly 40 years, decision makers have relied on our rigorous research, independent analyses, and clear communications to improve public policies and interventions that serve children and families. The National Research Center on Hispanic Children & Families ("Hispanic Center"), led by Child Trends along with our research and university partners, is a research hub intended to improve the lives of low-income Hispanic children and their families. This statement does not necessarily represent the views of our funders or partner organizations.

On September 7, 2018, the U.S. Department of Homeland Security and the Department of Health and Human Services proposed a rule that would amend current regulations for the apprehension, processing, care, custody, and release of unauthorized immigrant minors in custody.¹ The proposed rule would allow the U.S. Department of Homeland Security to detain accompanied children and their parents together in federally licensed programs during their immigration proceedings beyond the 20-day limit previously established through court decisions.

Child Trends and the National Research Center on Hispanic Children & Families recommend that the U.S. Department of Homeland Security and the Department of Health and Human Services withdraw their proposed rule, as it would likely cause

substantial harm to children and families. Since the original 2001 Flores ruling, we have gained more information about the damage to children and families created by forced separation policies, and about alternatives to detention that have less hazardous consequences yet would still meet the departments' goal of keeping families together.²⁻⁴

Abundant and conclusive research shows that forceful separation from parents is harmful for children. Therefore, **we support the U.S. Department of Homeland Security's and the Department of Health and Human Services' commitment to keeping families together.** Children forcefully separated from a primary caregiver experience trauma and chronic stress that is toxic to the brain, with long-term consequences. There is evidence that experiences of ongoing stress alter an individual's ability to respond to stress, ultimately changing the brain's structure and function.⁵ Consequently, children exposed to severe stressors like family separation are significantly more likely to suffer serious functional and health impairments over their lives, including posttraumatic stress, insecure attachment, behavioral problems, depression, anxiety, lower IQ, immune system deficits, and chronic health problems.⁶

Studies also indicate that young children separated from their parents due to detention are more likely to experience eating and sleeping difficulties, and excessive clinginess and irritability, whereas older children often exhibit withdrawn or aggressive behavior.⁴ Very young children also lack the ability to provide for their own emotional and behavioral needs; therefore, they must rely on the attachment to their caregiver to cope with any stress they encounter.⁷ Strangers cannot replace the reassurance that primary caregivers provide for their children.⁸

For families entering a new country, the trauma of separation may be further compounded by prior exposure to adversity. Families seeking asylum in the United States have often endured dangerous conditions in their country of origin (e.g., extreme poverty, gang violence, persecution) and during the immigration process (e.g., instability, abuse, sex trafficking).^{9,10} Children exposed to adversity can recover from trauma,¹¹ but studies show that the presence of supporting, loving, and stable caring adults is critical.^{5,12,13}

However, prolonged detention is an inappropriate solution to keeping families together, as it is hazardous to both children and families. Children need their parents to mitigate the stressors associated with the immigration process and the circumstances in their home countries from which their families were fleeing. Yet detention exposes parents and children to profound stress associated with the uncertainty of the detention process, additional fear and instability, and potential experiences of abuse, neglect, and violence.¹⁴

For families that have experienced previous trauma, detention places them at risk of re-traumatization, which can severely hinder the healing process and cause further harm.¹⁵

Further, parents' own experiences of distress and traumatization can disrupt their immediate and long-term well-being and may impede their ability to buffer their children's suffering.¹⁶⁻¹⁸ There is evidence that immigrants who are arrested or detained for a prolonged time are at increased risk of experiencing physical and mental health problems such as post-traumatic stress disorder, anxiety, depression, health-related disability, and suicidality.^{4,19,20} In turn, children whose parents experience these difficulties show behavioral, psychological, and health problems that can be observed even after a long period of time.^{21,22}

Young children held in detention may not be aware of their circumstances, but they can nevertheless internalize their parents' stress and be adversely affected by it.²³ Older children, who may have a greater understanding of the situation, experience these stressors directly. In general, studies show that children in detention experience numerous developmental, emotional, and health problems that include suicidal behavior, sleep disturbances, regressions to age-inappropriate behavior, decreased eating, severe depression, feelings of hopelessness, and aggression.^{24,25}

With prolonged detention, families' exposure to stressors accumulates, as does the risk for negative outcomes. There is a well-established dose-response relationship between adversity exposure and poor outcomes: The greater the exposure to adverse experiences, the greater the risk for negative outcomes.²² Stated simply, each day that families are exposed to detention-related stressors, the risk for long-term harm increases and the road to recovery becomes more challenging.¹³

The research is clear: Children and youth need safe, nurturing, stable, and predictable environments to thrive.^{5,26,27} With restricted space and limited (or no) access to adequate medical and psychological services and learning opportunities, detention centers do not offer children and youth the environments they need to play, learn, and develop optimally. Instead, they experience social isolation, increased exposure to violence, and victimization; these factors set children on a negative trajectory of serious emotional, behavioral, and academic problems with high costs to individuals and society.²⁸

The potential harm to children and families posed by the proposed rule is unnecessary, as alternatives to detention that have less hazardous implications would also meet the Departments' goal of keeping families together. There are effective, humane, and cost-effective alternatives to detention that include GPS and/or telephone monitoring, home

visits, check-ins, and community monitoring. These methods promote family unity and fairness, and reduce trauma; they also satisfy the government’s need to monitor and track immigrant families that do not yet have legal status and ensure that they attend court hearings and follow the law. At the same time, these alternatives allow immigrants to gain access to much-needed resources that address their safety, health, and counseling needs.

- Alternatives to detention have been found to be effective in ensuring that immigrants appear at their court hearing. In an alternative program tested by the Bureau of Immigration and Customs Enforcement, now known as U.S. Immigration and Customs Enforcement (ICE), in 2004—an approach that included case management, home visits, reporting to offices, and tracking technology (GPS or telephonic reporting system)—nearly all (99 percent) participating immigrants appeared at their scheduled court hearing.²⁹ This finding gives us confidence in the ability of alternative programs to safeguard the well-being of immigrants seeking legal status, while ensuring that immigrants follow the country’s immigration policies and mitigating the risk of losing oversight.
- Current immigrant detention policies carry unnecessarily exorbitant financial costs for the government. In 2018, the federal government is expected to spend over \$3 billion on immigrant detention.³⁰ ICE estimates that it spends \$133.99 per adult bed each day;³¹ others, including the General Accountability Office, argue that this is an underestimate, and that the real cost is around \$200 per detainee per day.^{32,33} Detaining families together is even more costly, at \$319.37 per day for a family bed, according to ICE.³¹ Alternatives to family detention—such as home and office visits, alert responses, court tracking, and/or technology—are significantly cheaper and still effective, with daily costs as low as \$5 to \$6 per person.³³

We appreciate the opportunity to provide comments and suggestions regarding the Apprehension, Processing, Care, and Custody of Alien Minors and Unaccompanied Alien Children, and we are able to expand on any of these points as you seek solutions that are mindful of our concerns. For any questions regarding this letter, please contact Carol Emig at Child Trends (cemig@childtrends.org; 240.223.9203) or Lina Guzman at the National Research Center on Hispanic Children & Families (240.223.9206; lguzman@childtrends.org).

Sincerely,

/s/

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Lina Guzman
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