

Exh.

A

Declaration of Shalyn Fluharty

I, Shalyn Fluharty, declare and state pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am an attorney licensed to practice law in the State of California since 2010. My practice has focused on representing detained unaccompanied immigrant children and detained immigrant families before the Executive Office of Immigration Review and the Department of Homeland Security.
2. I currently serve as the Managing Attorney of the Dilley Pro Bono Project in Dilley, Texas. The Dilley Pro Bono Project is a partnership among the American Immigration Council (the "Council"), American Immigration Lawyers Association ("AILA"), Catholic Legal Immigration Network, Inc. ("CLINIC"), and Texas RioGrande Legal Aid, Inc. ("TRLA"). The Dilley Pro Bono Project, through a non-traditional pro bono model centered on teams of volunteer lawyers, provides direct legal representation to thousands of women and children every year who are detained at the South Texas Family Residential Center ("STFRC") in Dilley, Texas.
3. I am above the age of 18 years. I make this Declaration based on my own personal knowledge, and could and would competently testify to the matters contained herein if called upon to do so.
4. I submit this Declaration in support of the Council's and AILA's joint comments in response to the proposed regulations, "Apprehension, Processing, Care, and Custody of Alien Minors and Unaccompanied Alien Children," published in the Federal Register on September 7, 2018.
5. As the Managing Attorney of the Dilley Pro Bono Project, I have provided legal services to more than 25,000 asylum-seeking mothers and children who have been detained at STFRC. Most, if not all, of the families detained at STFRC are in expedited removal proceedings and are seeking humanitarian relief in the United States. I am the attorney of record for the vast majority of these families before the Asylum Office within United States Citizenship and Immigration Services (USCIS) and the Executive Office for Immigration Review (EOIR).
6. I have personally met with thousands of mothers and children detained at STFRC. Almost all of them have explained to me that they had no choice but to flee their home country and travel to the United States in search of safety. Almost all of them have described to me horrific experiences that they survived, death and other threats that they received, and harms that await them should they be forced to return.

7. It is exceedingly clear to me that the vast majority of the families with whom I have met left risked everything--including leaving everything and everyone they knew (sometimes, and most devastating to them, their children who could not make the journey with them), endured the extreme hazards of the journey to the United States, faced the possibility of harsh treatment by U.S. immigration officials at the border, and risked the possibility of ultimately not being successful with their asylum claim--because they had no alternative. To stay meant they faced imminent death.

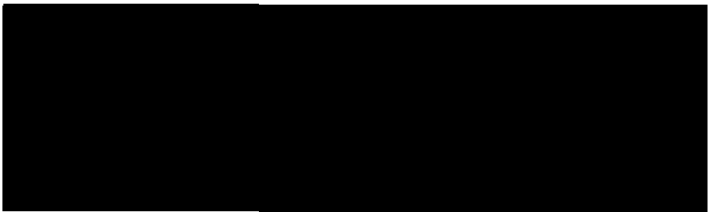
Dated: November 6, 2018
Dilley, Texas



Shaylyn Fluharty

Exh.

B



TO: Maria E. Andrade, Attorney at Law

FROM: Margaret Bassett, LPC-S
Director, Expert Witness Initiatives
Institute on Domestic Violence & Sexual Assault
The School of Social Work
The University of Texas at Austin

RE: Celia Primero Ismalej

DATE: February 18, 2015

Introduction:

I have prepared this independent assessment of Celia Primero Ismalej's application for asylum. In preparation for this report, I interviewed Ms. Primero for two hours on February 10th, 2015 at the Karnes City Residential (Detention) facility. Additionally I read case notes provided to me by Attorney Maria E. Andrade and reviewed current literature. This report documents findings that support theories and research related to trauma and the impact of detention.

I have over 25 years of experience working in the field of family violence and sexual assault. I have worked directly with thousands of victims in residential settings, non-residential settings and in the criminal justice system. I am currently director of expert witness initiatives at the University of Texas at Austin School of Social Work in the Institute on Domestic Violence and Sexual Assault (IDVSA).

I am licensed by the Texas State Board of Examiners of Professional Counselors, (LPC-S), #17008.

The interview with Ms. Primero consisted of a bio-psycho-social-history social work assessment with an emphasis on gathering a history of direct physical and nonphysical violence that was directed toward Ms. Primero by members of her extended family, in addition to the continued threat of future harm/death. Specifically I was asked to provide my expert professional opinion on the impact this violence had on Ms. Primero as well as the impact of detention on her mental health. My review and summary are included in this report.

History and chronology of targeted violence

Celia fled [REDACTED] June of 2014 with her 10 month old son, [REDACTED]. She arrived in the United States in August of 2014 and has been detained since.

Celia was forced to flee her home due to increasing threats to her life and the lack of safety or protection in her community and surrounding villages and towns. Celia has no confidence in the police and in fact when she did go to them, there was no measurable follow through.

Celia grew up experiencing what could be described as a "reign of terror" acted out against she and her family by extended family members on her father's side. Celia's father, [REDACTED] is from [REDACTED]. He married [REDACTED], who was from [REDACTED] a more indigenous population. [REDACTED]'s family did not accept [REDACTED] nor did they accept their children. [REDACTED] raised her children in her customs which caused them to be seen as "different" by [REDACTED] family.

Celia talked about the violence and abuse she suffered growing up. [REDACTED] would hit and harass Celia and her siblings. They would call them names and throw dirt on them when they found them in the river. [REDACTED]

[REDACTED] Celia was not able to avoid [REDACTED] they all washed and bathed in the same river and went to the same schools.

[REDACTED]

[REDACTED]

In [REDACTED] attempted to kill [REDACTED] They had sticks and machetes. Some man [REDACTED] saw what was happening and intervened. [REDACTED] and Celia's [REDACTED] were able to escape and run to the home. Celia reports that she witnessed her mother being attacked afar from her home and was very scared. [REDACTED] Celia also reports that [REDACTED] was suicidal after this attack, made statements that she couldn't stand it anymore and that it would be better if she killed herself. She asked Celia to take care of the younger siblings. Celia's [REDACTED] talked her mother from committing suicide. Celia says that her mother changed after this, "she was different after that. She just cried and cried all the time". She deteriorated even more after [REDACTED] was killed in [REDACTED]

In [REDACTED] Celia married [REDACTED]

In [REDACTED] She pushed [REDACTED] to the ground, broke her container, grabbed her by the hair

and began to hit her. [REDACTED] had a bloody nose. [REDACTED] and [REDACTED] filed a police report however the officer only gave [REDACTED] a warning, [REDACTED] No charges were ever made.

In [REDACTED] Celia was walking with her son [REDACTED] in her arms. [REDACTED] saw her and began to yell insults at her. She pointed at [REDACTED] and yelled "throw out that thing" then grabbed [REDACTED] from Celia's arms and threw him to the side. Celia bent to pick up [REDACTED] and [REDACTED] hit her in the head with a rock. Celia was able to run to [REDACTED] home. Celia needed medical attention and received 2 stitches as a result of this beating. Celia filed a police report and was given an appointment. Celia showed up for the appointment and they waited "half a day" for [REDACTED] to appear. She never showed. The police told Celia they would send her and [REDACTED] another appointment notice but they never did. Celia reported that everybody knew the police wouldn't follow up.

In [REDACTED] was killed in a hit and run motorcycle accident. The truck that hit him never stopped and as far as Celia knows there was never an investigation. Celia believes that [REDACTED] family is responsible for [REDACTED] death based upon statements [REDACTED] made after his death.

In [REDACTED] Celia reports that [REDACTED] threatened to kill a man. Within a year that man died. [REDACTED] was put in jail for a week and then released. Celia believes that [REDACTED] killed this man. Celia believes when [REDACTED] family says they will do something, that they will follow through with it.

[REDACTED]
[REDACTED] The police officer only took Celia and [REDACTED] contact information and told them the report was over. Celia believes [REDACTED] was never contacted. [REDACTED] returned within a month and attempted to physically assault both of them again. He told them that he would kill them, that he would come in the middle of the night and kill them. [REDACTED] would return to the home sporadically and it was always to fight. Celia talked with [REDACTED] told Celia there was nothing he could do, [REDACTED]. At this point [REDACTED] began talking with Celia about fleeing to the United States.

In [REDACTED] Celia came to the US alone but was deported. When she returned to [REDACTED] she moved in with her mother in [REDACTED]

[REDACTED]
[REDACTED] They beat him and stole his bike from him. After that [REDACTED] was afraid to go to work because they would kill him. [REDACTED] couldn't leave the house. Celia reports that [REDACTED]

threatened [REDACTED] Celia reports that [REDACTED] was always around and that she and [REDACTED] were afraid to go anywhere. [REDACTED] decided to come to the United States. [REDACTED] told Celia to stay home as much as possible to be safe. After he had settled in the United States, [REDACTED] went for Celia and that was when she was detained.

On [REDACTED] threatened Celia again. [REDACTED] This scared Celia who believes that [REDACTED] will kill her.

On [REDACTED] told Celia (in Spanish) "Oh good. Now I can make good on the threat that I should have carried out before. Now for sure I am going to kill you. You made a complaint against me and I will kill you when you least expect it." Celia believes that [REDACTED] will follow through with the threat and kill her.

A few days before Celia left for the United States, [REDACTED] killed an old man, the grandfather of one of the gang members. Celia reports that the police did nothing, adding "they only respond to money."

On [REDACTED] Celia left for the United States with her youngest son [REDACTED] and was detained upon arrival. She and [REDACTED] have been in a detention center for the last 7 months.

In December 2014, while in detention, Celia called her mother. [REDACTED] told her that [REDACTED] had been beaten up by [REDACTED] and that they were asking him where Celia was. [REDACTED] needed medical care as a result of the beating.

Cummulative trauma

The cumulative trauma that Celia has experienced as a result of the targeted violence directed toward she and her immediate family throughout her life is readily apparent. In describing her life in [REDACTED] Celia reports that she "lived in fear." She was not able to walk alone, she always had to go with someone. After the birth of her children, Celia became even more fearful and desperate to protect them. Not only did Celia believe that [REDACTED] would kill her, but she lives in a constant state of fear that they will kill her mother and/or her other son. When asked how the violence impacted her Celia replied "I am not able to forget what happened, I am always having nightmares of them [REDACTED] killing my mom and my son, even when I am awake."

When asked to describe physically how the violence has impacted her Celia reports "I mostly don't sleep. I get up and assure myself my son is ok. I sit on the bed and think about what happened to me and to my family. I can't sleep. I have bad headaches and my chest weighs very heavy, my heart is painful." Celia reports that there are moments when she is alone that she will cry and at times she will get dizzy and her eyesight goes away, usually when she is overcome with fear for her family and her son. She reported that she went to the Dr. and was told that was "normal" and to just not be upset.

¹ Families celebrate the first-, seventh-, and fourteenth-year anniversaries of the death of a family member. The soul will be remembered with music at a happy social gathering. Pecllcer, Sergio Navarrete, From Maya Achi Marimba Music in Guatemala(Temple University Press)

Emotionally Celia showed a constricted affect and removal of association that is consistent with an individual experiencing trauma or stressor related disorder, such as PTSD. (DSM V, 2014). Celia identified emotional and physical symptoms of anxiety, depression and unease that impact her on a daily basis.

Detention aggravates Celia's preexisting trauma

Detention has the effect of creating an environment that forces Celia to re-experience her trauma on a daily basis, which serves to re-traumatize her. When asked what would be different if she was not in detention she talked about making her own food, cleaning, taking care of her children. She would be able to buy her own food instead of having to ask for what she needs, "it bothers me to have to ask for everything. Usually I won't ask for things. I sit in my room so my son can play." She is in a constant state of fear and anxiety- what will happen to her, what will happen to her children. She is experiencing intrusive memories, night terrors, and physical symptoms. She expresses a sense of agency when she considers someone else, for example talking about being able to buy her own food so she can feed her son- but has no real sense of future. The impact of detention on Celia is to create a situation that exacerbates the trauma she is already struggling with.

It can be argued that detention provides for women and children's basic needs; food and shelter. It is equally true that detention disempowers women and children. This lack of control over their future places women and children in positions of uncertainty, fear and isolation. At a minimum this can lead to depression and anxiety. Detention is neither developmentally nor socially appropriate for children. Additionally, parents who are detained may become too depressed and anxious to provide adequate care for their children. Over time, if they are denied appropriate treatment, their symptoms may worsen. This has the potential to impair their ability to care for their children. The negative emotional impact of detention has been well documented in the literature. Numerous studies have shown that women who are detained are more likely to develop psychiatric symptoms including depression, post-traumatic stress and anxiety (Coffey, Kaplan, Sampson, and Tucci, 2010; Robjant, Hassan and Katona, 2009; Steel, Silove, Brooks, Momartin, Alzuhairi & Suslijik, 2006). minimization of time spent in detention is strongly recommended. The isolating and controlled environment of detention is re-traumatizing Celia and furthering her symptoms of PTSD. Continuing to be detained prevents Celia from receiving much-needed services and support from mental health professionals and from her husband, [REDACTED] and other family members in the United States.

Women like Celia who are trauma survivors are psychologically vulnerable thus at increased risk of developing mental health problems in response to being detained. Longer detention tends to aggravate symptoms and increases the likelihood of long term mental health problems. Even short-term detention can negatively impact women, an impact that lasts after they have been released. The fear, uncertainty and lack of control over her life that Celia lives with while being detained mimics the fear, uncertainty and lack of control she experienced in Guatemala.

Diagnosis

The Diagnostic and Statistical Manual of Mental Disorders 5th edition, (DSM-V) is a reference manual that mental health professionals and physicians use to diagnose mental disorders. In the chapter Trauma and Stressor Related Disorder is a diagnoses of Posttraumatic Stress Disorder (PTSD) that captures the symptoms I observed in Celia during my interview with her. Celia identified multiple

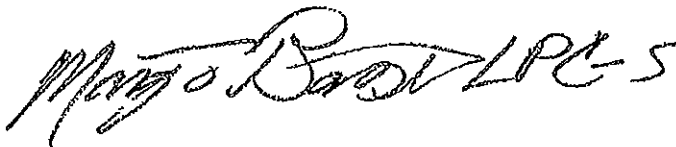
traumatic events; big T events, such as [REDACTED] threats to her life and that of her family, physical assault and witnessing life threatening violence directed toward her parents. Celia also identified little t events, such as the cumulative impact of chronic bullying with the occasional escalation to more severe violence- and the inability to escape. Her responses of withdrawing and staying in her room are reinforcing negative alterations in how she thinks and how she feels. Her method of coping is to withdraw and dissociate- physically remove herself and emotionally remove herself, as if she were an outside observer. [REDACTED]

Conclusion

I understand that Celia will be involved in a court hearing. While it is important to recognize that Celia has shown signs of survivorship in her life and taken steps toward self-preservation, it is equally important to recognize that she is not free from the cumulative harm she has suffered nor is she free from the threat of death in her home country. Relevant to her presentation in court, Celia's trauma is likely to affect her ability to recall events, cause her to disassociate herself from particularly traumatic events and/or struggle with exact dates and chronology of events in retelling painful memories. I found Celia to be sincere in her beliefs that her life is at risk. When asked what she thinks will happen if she returns to her home she says she will be killed. This terrifies her and causes her "much sorrow to think that my children will grow up without a mother." I also found that Celia presented in a manner consistent with others I have worked with that have suffered ongoing trauma, and otherwise present symptoms one would expect after having personally suffered traumatic events .

Respectfully submitted

February 18, 2015



Margaret Bassett LPC-S
Director Expert Witness Initiative
The School of Social Work &
The Institute on Domestic Violence & Sexual Assault
The University of Texas at Austin

Exh.

C

THE FOLLOWING REPORT IS CONFIDENTIAL AND SHOULD BE ONLY READ BY THOSE REPRESENTING OR THOSE CONDUCTING A HEARING RE: THE BELOW NAMED PERSON

PSYCHIATRIC EVALUATION:

Conducted November 20, 2014
At the Federal Law enforcement Training Center
Artesia Family Detention Center
Artesia, New Mexico

RE: [REDACTED]

[REDACTED] is a 20 year old woman incarcerated in Artesia with her five year old daughter [REDACTED]. [REDACTED] is her only child. She was born and raised in San Francisco de Menendez in El Salvador. She worked in a factory making socks. More recently she was living in the municipality of San Juan Opico in a house with her sister and the sister's husband. The father of her daughter lives in Maryland in the United States.

She fled El Salvador because her life and the life of her daughter were being threatened by gang members who were demanding sex.

Her sister had offered to let her live with her and her husband. Soon after moving in with them she and her daughter found themselves witnessing his constant abuse of her sister. The husband was an alcoholic and beat her sister in front of them. He did this over and over again. It was a torment. He harangued her when he wasn't beating her. Her daughter told [REDACTED] they should leave. "Why do we have to watch my aunt get beaten like this?" [REDACTED] did not have a way to live on her own. Then the husband began to try and touch her. She would push him away and refuse his overtures. He told her he would tell her sister that she wanted sex with him. He told her her sister would believe him.

This was very difficult for her. she had been raped at 13 years old and when she told her mother her mother did not believe her. This experience six years before was still very much an issue for [REDACTED]. So the husband's threat was reactivating her old trauma. She still refused him. He told her she would have to pay rent. He then began to verbally assault her. He told her she was worthless. He often yelled. Then one night when he was drunk as he often was he came into the room where she and her daughter slept. He got in bed with them and she pushed him away and told her sister what he was trying to do.

The sister got mad at her. Her husband told his wife that [REDACTED] had started it. The sister believed her husband. She told [REDACTED] to leave. Her experiences as a 13 year old were repeating themselves. She begged her sister to believe her. She asked her to get the truth from her husband. The husband finally admitted his role to [REDACTED]'s great relief. Nevertheless the husband finally kicked [REDACTED] and her daughter as well as her sister out of the house.

She felt quite frightened. What would she do? They found temporary shelter. Soon another man with tattoos and fancy clothes was asking her to sleep with him. He was a gang member. she refused him. He kept pressuring her and she kept refusing. He told her she would regret it. He told her there was nothing she could do about it. He knew where her daughter went to school, where she was dropped off. He told her he would get her and that she could not stop him.

She was frantic. She searched for alternatives and decided to come to the US. A friend was in a similar situation. She had been raped and was pregnant from the rape. Her life too was being threatened. The police had held the rapist for a day and then released him. The police would not help. The two of them decided together to come to the US. They asked immigration for help. they took buses together and when they got to the border they crossed the river and turned themselves into immigration hoping to get help. Unfortunately their reception was unfriendly and abusive. They were put in a cold cell for a few days before being transferred to Arizona. Her daughter became very sick and eventually was sent to the hospital. She had a high fever, a cough, a urinary infection, and was getting sicker. She was not admitted but was given a prescription. The immigration officers took the medicine and only sporadically gave her a pill to give her daughter. This was quite distressing. The water tasted bad; it had alot of chlorine in it. The children wouldn't drink it because it burned their throats. [REDACTED] asked for milk for her daughter. Initially the officers told her milk was only for babies. She eventually was able to get milk for her child. The officials treated them like they were lesser than they. When she first got to Artesia she felt better because they had a bed, were fed regularly and could take showers.

Her daughter was still sick. She couldn't eat and was vomiting. The guards were mean in Artesia. They told them they were bad, dirty. Early on they would be yelled at for turning on a light or not making their beds. This improved eventually. Their bond was set at \$20,000. It was way, way more than she could find any way to pay. They realized that many of the people who came after them were getting lower bonds or at least bonds they could pay and they were subsequently released. This left her trapped. Her daughter asked her many questions about why they couldn't go. When she tried to reassure her daughter the daughter would tell her she was a liar. Her daughter has not been eating anything but chips and cookies.

During the interview [REDACTED] is quiet and at first just answers questions. As she got into telling us about what happened to her she spoke more rapidly. As she was able to see that her interviewers cared about her state she became quite emotional. Her sensorium and intellect are quite intact. She does not display any psychotic symptoms. Her mood and affect are quite depressed. Her thinking about her future is quite hopeless and pessimistic.

ASSESSMENT:

[REDACTED] her daughter is getting more aggressive and having fights with other children.

This behavior she had never seen her daughter have before this imprisonment.

[REDACTED] is very sad. she doesn't want to do anything. She is upset all the time. She says this with tears flowing down her cheeks. Her head hurts.

she is not suicidal as she was when she was raped at 13, but she is very depressed.

Her daughter cries every night. After her daughter goes to sleep she herself weeps every night. She cannot sleep. It is a mixture of awful memories and dread about being trapped in this prison. She eats not at all and then finds herself eating frantically. She demonstrates psychomotor retardation and agitation. She reports feeling exhausted. She feels worthless and hopeless. She feels extremely guilty about what her daughter is having to go through. Sometimes during the interview she is crying so hard she can hardly talk. It feels like her head will explode. All of these are signs of a worsening depression. While [REDACTED] definitely has longstanding issues this depression is a result of being trapped and imprisoned in the prison in Artesia. She is definitely depressed.

She also meets the criteria for Post Traumatic Stress Disorder

Criterion A requires that she be exposed to death or threats of death, actual or serious injury, actual or threatened sexual violence. She has been threatened with death as has her daughter. She has been raped at 13 years old and again in her recent history she has been threatened with sexual violence and had to repulse an attempted rape. She has watched her sister sustain physical harm and been subjected to it herself. She definitely meets Criterion A

Criterion B is about re-experiencing the trauma.

She has recurrent, intrusive and involuntary memories of the traumas she has had. She has traumatic nightmares.

She has had dissociative episodes I am sure although I had a difficult time explaining them to her in order to ascertain if she had. Oftentimes patients are not aware of dissociation. She did say that not infrequently her mind would be in one place and her body would be in another -clearly dissociation.

The interview was an exposure to reminders of her trauma and she was quite distressed throughout the interview.

She demonstrated physiologic reactivity throughout the interview.

She needs only one item but endorsed and demonstrated all five definitely meeting Criterion B

Criterion C concerns avoidance

She describes efforts to avoid these memories and feelings and does at times succeed. She notes that anything that reminds her of these traumatic experiences she tries to avoid as well.

She meets Criterion C

Criterion D concerns alteration in cognition and affect.

She has some inability to recall some of the trauma but mostly she remembers.

She now demonstrates very clearly a belief that she will be trapped and never escape which augments the already dreadful limbo she is in.

She has blamed herself and feels quite guilty about things that she had no control over causing.

She expressed and demonstrated her fear, terror, dread, pain and guilt throughout the

Interview.

She has remarkably less interest in usual activities of daily life. This symptom is quite exacerbated by the depression she is suffering from.
She definitely feels alienated from others.
She has affect that is constricted in two ways. She doesn't feel good positive emotions very often if at all. She has a hard time expressing painful feelings in most settings.
She has all seven symptoms in Criterion D, where only two are needed.

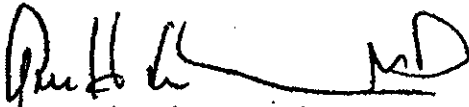
Criterion E addresses alterations in arousal and reactivity.
While she says she is not irritable her daughter definitely is and I suspect that this is a reflection of her own anger and irritability.
She denies current self-destructive thoughts. But she did mention that she sometimes wished she were dead.
She has hypervigilance.
She affirms that she has an exaggerated startle response.
She has problems concentrating.
She has profoundly impaired sleep.
She has all five items for Criterion E, needing only two.

She has had these reactions for over a year. The symptoms have impaired her ability to function and she does not use drugs or alcohol. She thus meets Criteria F, G and H.

██████████ has severe Post Traumatic Stress disorder

SUMMARY: ██████████ is a courageous woman who has fled El Salvador where the safety and life of her daughter and herself were in immediate danger. The anarchy, gang rule and lack of honest and effective policing make these situations more critical. As a result of this she has been through she has significant Post Traumatic Stress disorder.
In addition she has a very troubled child and she herself is in a full blown depressive episode which is worsening because there is not a viable way out. She needs release as soon as possible. Her bond appears to me to be unreasonable and quite destructive to her mental health.

Respectfully submitted,
November 24, 2014



Arnold Lane Leckman MD
alleckman@earthlink.net
505-254-7510

Exh.

D

CARMEN'S STORY

cuando camine en Mexico sufrí mucho por que había comida y cruse la frontera en el rio bravo y media hora camine en el desierto y despues dentre el 4 de mayo a la Yelera y el 11 de mayo me quitaron el niño y despues me quede ya sola una semana en la yelera me quede llorando cuando lo quitaron de mis brazos y igual el niño lloro mucho por que lo separaron de mi

fui a 7 carceles y 8 hasta aqui 2 meses ymedios me quitaron el niño y hasta el 26 de julio me lo entregaron

When I was walking in Mexico I suffered a lot because there was no food and I crossed the border through the Rio Grande and walked in the desert for half an hour and then on May 4th I entered the "icebox" and on May 11th they took my child and then I was alone in the "icebox" for a week. I was crying when they took my son from my arms and he was crying a lot too because they separated him from me. I went to 7 jails, 8 including here. I was separated from my son for two and a half months until July 26 when they gave him back.

MARIA'S STORY

Hola: En esta carta le contare parte de mi historia
Yo entre el 25 mayo 2018 a los estados unidos yo
Soy una de las madres inmigrantes que me separaron
de mi hijo que fue lo mas duro para todo aquel
que lo vivio sin saber adonde los tienen y sin sa-
ber si los volveriamos a ver nuestros hijos si
no sabros salimos de nuestro pais es para proteger
nuestros hijos y para ofrecerles un futuro mejor
no para que nos separaran de ellos y eso no estado
para que nos trataran como de inculentos
en cada detencion nos hacian sufrir en esas
celeras la comida en esas detenciones mas lada
ban como que si fuera para perros nosotros
somos seres humanos que sentimos que tiene
mos corazon no venimos aqui hacerle dano
nadie no para que nos privaran de nuestra libertad
y la huella que nos marco a cada una de las
madres e hijos unas de las cosas mas
triste de nuestras vidas fue aver vivido
ese tormento le dot gracias dios por darme
la fuerza y esperanza y voluntad para seguir
luchando para dios no hay milagro mas hermoso
que saber que afuera hay personas que nos
estan apoyando y que no estamos solas
Gracias por apoyarnos acada una de nosotras
aqui les de 50 gracias.

Aprendi: que un trabajo no es nada que todo
en la vida vale:

que no hay mal que por bien no venga...
que con voluntad y esfuerzo todo resulta
mas facil.

Hello: In this letter I will tell you part of my story. I entered the U.S. on May 25, 2018. I am one of the immigrant mothers who were separated from our children. This was the most difficult thing I have ever lived, not knowing where they had them and without knowing if we would see our children. We left our county to protect our children and to offer them a better future, not so that they would separate us from them and not for them to treat us like criminals. In each detention center they made us suffer. In the “icebox” they brought us food as if we were dogs. We are human beings with feelings and a heart. We don’t come here to harm anyone or for them to take away our freedom. The mark left on each of us the mothers and children from having lived this torment is one of the saddest things in our lives. I thank God for giving me the strength, hope, and will to keep fighting. There is no more beautiful miracle than knowing that outside [of detention] there are people who are supporting us and that we are not alone. Thank you for supporting each of us. Here I leave you two sentences:

I learned that a trip is not a fall. And that there is no bad that doesn't come for a good reason, that with will and effort everything gets easier.

CRISTINA'S STORY

Madre separada

entre el 26 de mayo a estados unidos el 26 me entregue a migración y me tuvieron en la yelera cuatro días y de hay me sacaron y me yebaron a corte efosada y despues los metieron ala perrera hay estuve 17 dias me trataron mal y despues me sacaron y me llevaron a ~~una~~ una detención y amada puerto Isabel detención center hay estuve dos meses.

a mi hijo me lo separaron el 26 de mayo 2018 lo tuvieron dos días en la ~~perrera~~ yelera y cuatro días en la perrera y despues lo ~~sacaron~~ sacaron y se lo yebaron para Miami aya lo tuvieron dos meses y me lo entregaron el 25 de julio del 2018 ~~me~~ me lo entregaron en puerto Isabel y de puerto Isabel nos trajeron a otra detención junto con mi hijo para la detención Dille y supri mucho cuando me separaron de mi hijo y mi hijo tambien. cuando entre me agarro la migracion de macales y me dijeron que mi hijo iba a ser adoptado a otras familias y yo iba deportada para mi país y mi hijo dice que lo trataron muy mal porque estando en la perrera le pego crisis de asma que se oprimio su pecho y no podia respirar y le dijo a un oficial que le ayudara porque se sentia mal y el oficial le dijo que no

que tenia que aguantar asta que
yego a miami y lo yebaron de
~~im~~ inmediato al medico porque se
sentia muy mal y esta es mi
Historia muy triste lo que pasamos
solamente Gracias

I entered the U.S. on May 26 and turned myself into immigration that day. They kept me in the “icebox” for four days and from there they took me to court handcuffed. Afterwards they put me in the “dog pound.” I was there 11 days. They treated me badly. After that they brought me to Port Isabel Detention Center where I was for two months.

They separated my son from me on May 26, 2018. They kept him in the “icebox” for 2 days and 4 days in the “dog pound” and then took him to Miami. They kept him there for two months and gave him back to me at Port Isabel on July 25, 2018. From Port Isabel they took us to another detention center in Dilley. I suffered a lot when they separated us and so did my son.

When I entered the U.S., immigration [officials] in McAllen, TX detained me and told me that my son was going to be adopted by another family and that I was going to be deported to my country. My son says that they treated him very badly because in the “dog pound” he had an asthma attack. He felt pressure on his chest and could not breathe. He asked an official for help because he didn’t feel well and the official told him that he had to wait until he arrived in Miami. When he arrived them took him straight to the doctor because he felt very sick. This is the very sad story that we lived. Thank you.

ROSA'S STORY

Hola mi nombre es [REDACTED] soy una de las madres separadas. Quiero compartir con ustedes una triste historia de mi vida. El día 8 de mayo ingresé a este país junto con mi hijo y fui separada de él. El día 11 de mayo fueron momentos muy difíciles. Me llevaron a un centro de migración en Arizona y mi hijo a un centro juvenil en Nueva York. Cuando me separaron de mi hijo les pregunté a dónde lo llevaron me dijeron que no sabían. En la detención yo preguntaba una llamada para con mi hijo, me la negaban siempre, me sentía muy triste, y confundida por todo lo que me estaba pasando. Yo estuve en la detención 75 días. Habían oficiales que eran muy buenas, y también habían unas que nos trataban muy mal. Durante los 75 días que estuve separada de mi hijo solo me dieron 2 llamadas para hablar con él. Me reunieron con mi hijo el 26 de julio. Ahora estamos en este lugar juntas con mi hijo, [REDACTED]. Agradesco a Dios por la fortaleza que me regala cada día y a todos ustedes que nos apoyaron de alguna manera. Que Dios los bendiga.

Hello, I am one of the separated mothers. I want to share with all of you a sad story from my life. On May 8 I entered this country with my son and was separated from him. May 11 was very difficult. They took me to an immigration detention center in Arizona and my son to a juvenile shelter in New York. When they separated me from my son I asked them where they were taking him. They told me that they didn't know. In the detention center I asked for a call with my son, but they always denied me one. I felt very sad and confused because of everything that was happening to me. I was in that detention center for 75 days. There were some officials who were very good, but also others who treated us very badly. During the 75 days that we were separated I was only given 2 calls with my son. They reunified me with my son on July 26 and now we are in this place together. I thank God for the strength that He gives me each day and to all of you who supported us in some way. May God bless you.

ANNA'S STORY

HOLA me llamo [REDACTED] entre el 5 de junio a los Estados Unidos estuve dos días en la cárcel de la cárcel me trasladaron para el condado así me tuvieron diez días después me trasladaron para otra cárcel se llamaba Montana me tuvieron 9 días después me trasladaron para otra cárcel llamada Otero estuve 55 días detenida me entregaron así hizo después de haberme entregado a mi hijo me trasladaron para un centro de detención con mi hijo aquí hebo un mes de estar todavía no he podido estar con mi familia es pero pronto estar con ellos juntos no ha sido fácil aver estado separada de mi hijo ahora estamos juntos y espero que pronto salgamos de ahí y esto sea solo un mal recuerdo

I entered the U.S. on June 5 and spent 2 days in the “icebox.” They transferred me to the country jail and detained me for 10 days there. Then they transferred me to a detention center called Montana for 9 days and then another one called Otero for 55 days. Then they gave me back my son and transferred us to a detention center together. We have been here for a month and I still have not been able to go to my family. I hope that soon I can be with them. It has not been easy to be separated from my son. Now that we are together I hope that soon we will get out and this will only be a bad memory.

ELBA'S STORY

El momento mas difícil en mi vida fue cuando empezaron a llamar nombre de niños y tambien el nombre de mi hijo el estaba dormido en el piso lo desperté y le dije hijo ya te vas tal vez solo nos separen por 1 semana los dos lloramos cuando nos despedimos no sabiamos que era para 75 dias.

The most difficult moment of my life was when they started to call children's names and they called my son's name and he was asleep on the floor. I woke him up and told him, "Son, you are going, maybe for only a week." We both cried when we said goodbye. We didn't know it was for 75 days.

SANDRA'S STORY

Cuando a mi me separaron de mi hijo para mi ese momento ~~sentí~~ me sentí destruida y no sabía lo que iba a ser de mi vida porque los oficiales me decían que jamás iba volver a ver a mi hijo que ya iban a ser dado en adopción para mi. Esos meses fueron tan desesperados yo no comía ni dormía yo me sentía traumatizada y lo peor era cuando miraba los de bay y preguntaba por mi hijo lo primero que me decían lo mismo que via sido dado en adopción mi vida solo era llorar y llorar

The moment when they separated me from my son I felt destroyed. I didn't know what was going to happen to my life because the officials told me that I would never see my son and that he was going to be given up for adoption. Those months were so desperate. I didn't eat or sleep. I felt traumatized and the worst was when I asked for my child the first thing they said was that he had been given up for adoption. I just cried and cried.

ELENA'S STORY

Yo ingrese a los Estados Unidos un 29 de mayo con mis 2 hijos venimos con un proposito nunca nos imaginamos que seriamos separados tanto tiempo y que con los dias nos tratarán tan mal mis hijos estaban lejos de mi no sabia si estaban bien si comian o dormian he sufrido mucho mi deseo era darles lo mejor a mis hijos como madre soltera ice nos hizo mucho daño psicologicamente no podemos dormir bien porque mi niña pequeña piensa que nos van a volver a separar le doy gracias a mi Dios porque me dio y me sigue dando fuerzas para seguir adelante y no perder mi fe que saldremos de este lugar juntos.

A mi me trataban mal mi color como que los daba risa ellos me decian que si yo manchaba era lo mas duro que podia pasar gracias a mis abogados de cara que Dios los puso en nuestros caminos para darnos aliento y decirnos que yo y mis hijos somos bellos y que todos somos iguales creo que los que tienen hijos no les gustaria pasar por lo que pasamos y se los digo de todo corazon no le deseo eso a nadie que Dios me los bendiga y gracias por pensar en nosotros nunca los olvidaremos



Todo lo puedo en Cristo"







I came to the U.S. on May 29 with my two children 2 children with a goal. We never imagined that we would be separated so long and would be treated so badly. My children were far from me and I didn't know if they were okay, if they were eating or sleeping. I have suffered a lot. My wish is to give the best to my children as a single mother. ICE harmed us a lot psychologically. We can't sleep well because my little girl thinks they are going to separate us again. I thank God because he gave me and continues to give me strength to continue and I don't lose my faith that we will get out of this place together.

They treated me badly because of my color. They laughed at me and they said that I was stained. It was the most difficult thing that could happen. I thank the Dilley lawyers that God put them in our paths to give me encouragement and tell us that my children and I are beautiful and that we are all equal. I believe that everyone who has children wouldn't want to go through what we went through, and I say with all my heart that I wouldn't want this to happen to anyone. May God bless you and thank you for thinking of us. We will never forget you. Everything is possible with Christ.

VALERIA'S STORY

bendiciones

soy ~~una madre~~ ^{una madre} estoy en una casa de detención. Oren por mi vida. Me siento muy triste porque en pasado mucho tiempo sufriendo durante mi tiempo de viaje esperando que Dios aga un milagro en ayudarnos. Soy Hondurana. Sufrí violación doméstica estoy muy dañada. Mi vida a sido un fracaso no e podido alcanzar mi meta en llegar donde mi hermana que esta en Miami Florida. y mi familia. esta sufriendo por nosotros con mi hija. que estamos en esta detención solo pido a Dios fuerza. y poder de poder estar con mi hermana. es nuestro viaje. fue muy terroroso sufrimos mucho aguantar hambre. sueño alimentación. mis pies dañados. con espinas vrjados. heridas. ya sin fuerza. cuando emigracion nos ~~agarró~~ ^{agarró} a pedimos acilo en EE.UU. espero nos tengan en Oracion. Gracias de una joven Hondureña.

El dolor mas grande fue cuando me quitaron a mi hija de mi que nunca nos viemos separado fueron sesenta y dos dias sin mi hija ella en un albergue y yo en una  carcel de tejas ha sido tan dolosora esta  historia pero le pido a Dios que nos ayude a seguir adelante. Le doy gracias a todos  los abogados por ayudarnos  a que Dios  nos mande  angeles que acompain al rededor de nosotros de cada una de las familias.

Gracias a nuestro Señor Jesucristo.
 Que nos da la vida el aire el agua
 y todo lo que nos rodea.

Blessings. I am a mother in a detention center. Pray for my life. I feel very sad because I spent a lot of time suffering during my trip, hoping that God make a miracle and help us. I am from Honduras. I suffered domestic rape, I am very damaged. My life has been a failure. I haven't been able to achieve my goal of arriving at my sister's house in Miami, FL. and my family is suffering because we are in detention. I just ask God for strength and to be with my sister. Our trip was terrifying, we suffered a lot and went hungry. I dreamt about food. My feet were injured with spines. I didn't have strength when immigration detained us. I hope you have us in your prayers. Thank you from a young Honduran. The greatest pain was when they took my daughter...we had never been separated, 62 days without my daughter, her in a shelter and me in jail in Texas, this story has been so painful but I ask God to help us continue. I thank all the lawyers for helping us to not be deported, God sent us angels to accompany me. From us each one of the families. Thank God Jesus Christ that gives us life, air and water and everything around us.

SOFIA'S STORY

HOLA Soy madre de un hijo entre el 22 de mayo a los Estados Unidos estuve dos días en la Telera a los dos días de estar en la Telera me separaron de mi hijo sin saber nada de él para donde lo tenían después me sacaron de la Telera me trasladaron para la Periera me tuvieron 7 días en ese lugar sin saber nada de mi hijo a los 7 días me trasladaron para otra detención de Puerto Isabel estuve 6 días a los 6 días me trasladaron para otra detención Taylor Texas estuve 30 días me volvieron a trasladar para Puerto Isabel i estuve unos días deses parada sin poder hablar con mi hijo que tanta falta me ASIA ahora me Abia separado tanto tiempo de él me lo regresaron a los dos meses y un día cuando me reunieron con mi hijo me trasladaron para otra detención pero ya juntos con mi hijo a la tengo un mes de estar todavía no e llegado a mi destino final es pero pronto llegar ya tengo 3 meses y varios días de estar detenida es pero pronto salir de este lugar y estar con mi familia

Hello, I am a mother of a son. I entered the U.S. on May 22. I spent 2 days in the “icebox” before they separated me from my son without knowing anything about him or where they had taken him. They transferred me to the “dog pound” where they kept me for 7 days, still knowing nothing of my son. They translated me to another detention center called Port Isabel. After 6 days they transferred me to another detention center in Taylor, Texas where I spent 30 days. They transferred me back to Port Isabel where I spent desperate days without being able to speak to my son who I missed so much. I had never been separated from him for so long. They returned him to me after two months and transferred us to another detention center where we have been for a month. I still have not arrived at my final destination. I hope to arrive soon as I have been detained for three months and several days detained. I hope to get out of this place soon and be with my family.

MARCELA'S STORY

El 17 de junio de 2018 entre a Estados Unidos con la esperanza de encontrar apoyo y seguridad en este país, pero lo que me encontré al llegar a este país al lado de mi hijo fue una pesadilla, tras venir huyendo de estorciones de mi país por lo cual yo tome la decisión de hacer este peligroso viaje.

El diecisiete de junio de este año, cuando migración nos detuvo, rápidamente fuimos trasladados a las hileras donde fui separada de mi hijo de una manera inhumana. Un oficial de migración dijo que mi hijo sería llevado a un albergue mientras se solucionaba mi situación luego fui trasladada a la perrera sin tener información de mi hijo yo pedía información a los oficiales sobre mi hijo lo cual ellos se negaban a darme. Al llegar a lugar llamado perrera nos esposaron y nos torturaban psicológicamente diciendo que ya no veríamos a nuestros hijos los cuales pasarían a manos del gobierno, luego nos llevaron con un juez y nos dijeron que teníamos que declararnos culpables por haber entrado a este país, luego fui trasladada a Puerto Isabel nos trataron de una manera inhumana como delincuentes cuando lo único error fue haber entrado a este país pidiendo ayuda, estube incomunicada con mi hijo tratando de saber de él y nadie nos daba respuesta alguna. Solo recibíamos insultos de los oficiales ellos nos ponían sobrenombres y se burlaban de nosotros al vernos llorar por nuestros hijos. estube un mes separada de mi hijo.

El 18 de julio me entregaron a mi hijo luego fuimos trasladados a Dilley ya tengo 36 días de estar detenida en este lugar con mi hijo y no se resuelve nuestra situación lo cual creo que ya sería tiempo que nos dejaran en libertad por que ya fue mucho el castigo tanto para nosotros las madres como para nuestros hijos.

On June 17, 2018 I entered the United States with the hope of finding support and safety in this country, but what I found upon arriving with my son at my side was a nightmare. I made the decision to make this difficult journey because I was fleeing extortions in my country.

On June 17 of this year, immigration detained us and quickly transferred us to the “icebox” where I was separated from my son in an inhumane manner. An immigration official said that my son would be taken to a shelter while my [legal] situation was resolved, then I was transferred to the “dog pound” without any information about my son. I asked the officials for information about my son but they refused to give it to me. After having arrived at the “dog pound” they handcuffed us and tortured us psychologically saying that we wouldn’t see our children again as they had been transferred to the custody of the government. Then they took us in front of a judge and told us that we had to plead guilty of having entered this country. Then I was transferred to Port Isabel. They treated us in an inhumane manner like criminals when the only mistake we made was to enter this country asking for help. I had no communication with my son and was trying to get information about him, but no one gave us any answers. We only received insults from the officials. They gave us nicknames and made fun of us when they saw us crying for our children. I was separated from my son for a month.

On July 18 they returned my son to me and we were transferred to Dilley. I have now been detained here over 40 days with my son and our situation has not been resolved. I believe that it is time that they let us free because we, both mothers and children, have been punished a lot.

ISABELLA'S STORY

mi Experiencia fue muy pero muy triste cuando llegue a este país me arrebataron lo que mas quiero. a mi hija me destrozaron mi corazón se me termino la vida En ese momento mis fuerzas se terminaron Empezo para mi una tortura fueron 2 meses de tribulación y angustia sin mi hija y En cada cárcel que pase fue triste doloroso traumante creyendo que nunca la volveria a ver Tlalera, Perrera, Laredo, La say - Pirsca no quiero volver a ningun lugar mas de esto lo que mas me duele que mi niña le vino su periodo menstrual cuando llegamos a la Tlalera x yo sin poder ayudarla fue la primera vez fue un tormento cuando me grito de largo entre las rejas que su pantalón estaba lleno de sangre y yo sin poder ayudarla fueron 2 meses asta que me la devolvieron puedo tener paz de nuevo me volvio la alegría y para ella tambien Ella no dormia, dise solo En un cuarto sola le dava miedo yo nunca me avia apartado de ella dormiamos juntas siempre.

pero Dios es grande. x me la devolvió pusos unos abogados muy amorosos y personas afuera para que intercedieran por los niños y las madres separadas y Dios contesto. gracias Dios los bendiga.

My experience when I arrived in this country was very very sad. They arrested who I most love, my 12-year-old daughter. They destroyed me heart. My life ended in that moment. My strength ended. That started for me the torture of 2 months of tribulation and anguish without my daughter. In each jail I was in it was sad, painful, traumatizing believing that I would never see her again. "Icebox," "dog pound," Laredo, Lasalle, Pearsall... I never want to go back to any of those places.

What hurts me the most is that my daughter got her period for the first time when we arrived at the icebox and I was unable to help her. It tormented me. She yelled to me from against the chain-linked fence that her pants were filled with blood and I was unable to help her.

It took two months for them to give me back my daughter. I can have peace now that they gave her back. I am happy and so is she. She didn't sleep; she says she was in a room alone and she was afraid. I had never been apart from her. We always slept together.

But God is great and they gave her back to me. He put some very loving lawyers here and people outside who interceded for the separated children and mothers and God answered. Thank you, may God bless you.

MARIANA'S STORY

15. De Mayo 0 2018

15 de mayo entramos a Estados Unidos y ese mismo día nos separaron y a mi me tuvieron dos días en la hielera y desde ese día yo no supe más de mi hijo dos días después me trasladaron a la cárcel llamada Otero Nuevo México después de 6 días me llevaron a corte para declararme culpable por entrar ilegalmente a Estados Unidos ese día fue uno de los días más oscuros de mi vida pues me trataron como una criminal encadenada de pie y manos después de esos 6 días me llevaron nuevamente a corte nuevamente encadenada y me dijeron que ya había cumplido mi tiempo ese mismo día me trasladaron a la detención de Texas llamada Montana. en esa detención estuve hasta el 24 de julio en donde estuve sufriendo maltrato y enfermedades por tanta preocupación de no saber nada de mi hijo hasta esa fecha gracias a Dios me pudieron reunir con mi hijo y nos trasladaron a donde estamos actualmente Dillin Texas donde ya tenemos 30 días de estar detenidos nuevamente donde somos estado muy desesperados la verdad por ver que personas que vienen llegando y se van más rápido que nosotros pero confiamos en Dios que esta pesadilla acabe pronto y por fin salgamos con nuestros familiares.

My 16-year-old son and I entered the United States on May 15 and that same day they separated us. They kept me two days in the “icebox” and from that day I didn't know anything about my son. Two days later they transferred me to a jail Otero, New Mexico. After six days they took me to court to plead guilty for having entered the United States illegally. That day was one of the darkest days of my life because they treated me like a criminal with my hands and feet chained. That same day they transferred me to a detention center in Texas called Montana. I was in that detention center until July 24. I suffered mistreatment there and sickness from worrying so much from not hearing anything from my son until that date.

Thank God they reunified me with my son and transferred us to where we are right now in Dilley, Texas where we now have over 30 days detained. The truth is that we are desperate here because there are people were are arriving and they leave more quickly than us but we trust God that this nightmare will end soon and we will finally get out to be with our families.

We thank God first for having given us such kind-hearted people to support us in our cases without pay and for having so much patience and treating us with so much friendliness. We are eternally grateful. Also thank you to the people who are fighting for our rights outside detention with protests and lawsuits because it isn't fair what they are doing to us who come with the illusion of a better life but they have treated us as the worse criminals but we trust in God that the laws will soon change so that someday there is fair treatment for all. We also want to thank the people who have worried so much about us and who sent us letters. Seriously this has helped us enormously to not give up and keep fighting to someday get out of here with our heads held high because we haven't done anything wrong but they have tried to beat us down but I know that God is with us and if He is with us there is no one and nothing in this world that can defeat us.

LUCINA'S STORY

Jennifer Florian

El 18 de mayo de 2018 entre a Estados Unidos
Con mi hija de 11 años.

Salimos de nuestro país huyendo de la violencia de parte
del papá de mi hija el cual amenazaba constantemente
con matarme y quemar mi casa.

el día que cruzamos el río que fue el 18 de mayo
fui detenida por un oficial de migración el cual nos llevo
hacia las hicleras cuando llegamos a ese lugar vi
algunas madres con sus hijos pequeños llorando y se acercó
un oficial a mí y me dijo, mira lo que están haciendo con ellos
lo mismo haremos con tigo para que aprendas que cuando se llega
a una casa se entra por la puerta no por las ventanas ni por las
sercas, te quitaremos a tu hija ella sera entregada al gobierno
y tu seras deportada a tu país y eso sera para que aprendas
la lección, yo le dije que no podía ser eso por que era
inhumano lo que hacia, le suplique que no me la quitara
que ya habia sufrido mucho mi hija, que habia padecido
de cancer, y que aunque traia 4 años de ser sobreviviente
de esa dura enfermedad ella todavia necesitaba algunos
cuidados, El oficial empezo a reírse y hablaba en ingles con
otro oficial y me arrebató a mi hija ella me sujetaba fuerte
y lloraba pero a ellos no les importo. Despues de tres días
de estar en la hiclera fui trasladada a la perrera donde realmente
(buego) fuimos tratadas peor que un animal, nosotras
estendiamos las manos para recibir una galleta y ellos nos
las tiraban, nos desian puercas y nos pateaban para que
nos levantáramos y al llegar la noche ellos le subian
al aire acondicionado ahí estube 6 días.

luego fui trasladada a una prision federal de maxima
seguridad en washington, nos llevaron esposadas de pic2
y manos y encadenadas de la cintura, cuando llegamos
a esa prision. Estube un mes en ese lugar y cuando
resibia visita de abogado al regresar a la selda me

I entered the United States with my 11-year-old daughter on May 18, 2018. We fled our country due to violence from my daughter's father, who threatened constantly that he would kill me and burn down the house. The day that we crossed the river we were detained by an immigration official who took us to the "icebox." When we arrived there I was some mothers with small children crying.

An official approached me and told me, "Look what they are doing to those mothers. We will do the same to you so that you learn that when you arrive to a house you go in the door, not through the windows or over the fence. We will take your daughter and turn her in to the government and you will be deported to your country and all this will be so that you learned your lesson." I told him that he could not do this because it was inhumane, I begged him not to take my daughter because she had already suffered a lot. I explained that she had suffered from cancer and that even though she had now been a survivor for four years, she still needed special care. The official started to laugh and spoke in English with another official and grabbed my daughter. She clung on to me and cried but they didn't care.

After three days in the "icebox" I was transferred to the dog pound where we were really treated worse than animals. We would reach our hands out for a cracker and they would throw it. They called us pigs and would kick us to make us get up in the morning and at night they would raise the air conditioning. I was there 6 days. Then I was transferred to a federal maximum-security prison in Washington, they handcuffed our feet and hands and put a chain around our waist when we arrived there. I was there for a month and when I returned to my cell after receiving a visit from a lawyer I had to take off my clothes for the officials to examine me.

After a month there I was transferred to Tacoma where I asked for information about my daughter. They gave me a phone number but no one ever picked up. In my desperation of not hearing from my daughter I asked for my deportation so that they would give me my daughter. After a month in Tacoma I was transferred to Port Isabel like a dangerous criminal, with chains on my hands and feet.

On July 23 they gave me my daughter back thanks to the fight of all the people who united from our pain and the lawyers who fought for us. Then we were transferred to Dilley and we have been here more than a month but I know the group of lawyers that are fighting for our freedom and the people outside will win us our freedom and this nightmare will just be a bad memory.

CAMILA'S STORY

Hola yo soy una madre separada
yo entre el 1º de mayo aquí
a Estados Unidos y cuando entre
a migración me llevaron a una celda
donde migración me arrebató mi
hija de tan solo 8 años sin ex-
plicación alguna solo me dijeron
que me la iban a quitar y yo pregunté
¿si cuando me la iban a devolver y
me dijeron que no sabían y me dijeron
que me despidieran de mi hija porque
saber cuando me encontrar con mi
hija otra vez y el siguiente día que
me arrebató mi hija me llevaron a
corte me esposaron de manos
y los pies y de la cintura y obligaron que nos
declaráramos culpables y criminales
solo por haber cruzado el río Bravo y
después de la corte nos llevaron a una
cárcel donde nos trataron como
perros la comida que nos daban
era un pan con jamón crudo y elado
y esa cárcel donde nos tenían era
como una celda con mucho frío

Hello I am a separated mother. When I entered the United States on May 1st immigration took me to the icebox where they grabbed me daughter who is only 8 years old without any explanation. They only told me that they were going to take her and I asked if they were going to give me her back and they told me that they did not know and they told me to say goodbye to her because who knew when I could see her again. The next day they took me to court and handcuffed my hands and feet and chained my waist and obligated us to plead guilty for having crossed the Rio Grande. After court, they took us to a jail called Port Isabel where they treated us like dogs. The food they gave us was bread with cold and undercooked ham. That jail was so cold all the time it was like an icebox. I was there two months before they reunified me with my daughter and brought me to another detention center in Dilley, Texas. Now my daughter and I have been detained here for over six weeks and we are tired of being locked up. We want our freedom.

In jail they insulted us, treated us like dogs, didn't give us food or water. We have suffered a lot. What the president did to us cannot be described. What does he gain from making so many people suffer in this way? What would he do if they took his child and didn't tell him where they were and made him a prisoner and gave him dog food like they gave us in Port Isabel? They sent my daughter to Chicago but first they had her in the icebox for 5 days. If my daughter had been separated from me another month she might have died. They gave her back to me very skinny and with only the clothing she had on when they took her from me. My daughter has suffered a lot and we do not deserve what they have done to us. Thank God now we are together and she is now recuperating. I am very grateful to God because despite everything that we have suffered we will get out successfully.

Sincerely, Separated mother Camila and her daughter Lisa

GABRIELA'S STORY

Hola amigos y abogados.

El motivo de escribir esta Carta es para contarles lo mucho que he sufrido cuando cruse a Estados Unidos.

Para mí esto es muy doloroso pero ni modo quiero contarles fue una molestia lo que vivimos vieron que horrible no se lo deseo ni a mi peor enemigo gracias a Dios no los tengo.

My historia esta = sali el 9 de mayo de my casa cruse

la frontera de Guatemala desde aqui empece a sufrir

ambos frio sueño junto a my hija Margarita luego entre

aqui a Estados Unidos me agarró migración on 27 de Mayo

del 2018 para my fue muy duro me quitaron my hija por dos

meses me la tuvieron 4 días en la yelera luego me la mandaron

para Florida Miami me dijeron que me despidieran de ella

y que no querían llanto de nadie luego de quitarme la niña

me encadenaron como una criminal de pies manos cintura

de inmigración me trasladaron a una celda que se llama

el Condado el preso Texas es horrible estar si se siente a morir

y luego me trasladaron a Sierra Blanca Texas por más de un

mes y no sabía nada de my hija Nore y lloro mucho no

comía todo llevaba yodo nos trataban como criminales

tomábamos agua de la que caía en el inodoro el agua

era muy caliente nos echaban medicina para piojos

Cada rato se nos caía el pelo por que el agua era

Muy Caliente.

Me dijeron que nunca iba a volver a ver my hija

Hello friends and lawyers,

My motive in writing this letter is to tell you all how much I suffered when I entered the United States. For me it is very painful but that's okay, I want to tell you. You will see that what we lived was a horror. I wouldn't wish it even on my worst enemy.

My story is that I left my house on May 9 and crossed the border of Guatemala. From there I started to suffer hunger, cold, exhaustion with my daughter. Then I entered the United States and immigration detained me on May 27, 2018. For me it was very difficult when they took my daughter for two months. They had her in the "ice box" for four days and then they sent her to Miami, Florida. They told me to say goodbye to her and that they didn't want tears from anyone. Then they took my daughter. They chained my hands, feet, and waist like a criminal. Immigration transferred me to a county jail in El Paso, Texas. It is horrible being there. You feel like you are going to die. Then they transferred me to Sierra Blanca, Texas for more than a month and I didn't know anything about my daughter. I cried and cried and didn't eat much. They treated us like criminals. We drank water from the toilet. The water was very hot. They put medicine on us for fleas. Our hair would fall out because the water was so hot.

They told me that I was never going to see my daughter again. They didn't give me any news of her. It was very sad for me. What they did to us is very painful and the story is very long. We are only alive because of God. Only because of God's mercy we got out of there. They put us in freezing room, they threw us food I wouldn't even give to my puppy at my house but they did it to us as if we were the most despised creatures on earth.

From a separated mother...I ask God that this doesn't happen to other mothers. It is very hard. I owe everything to God the Father who is great with his miracles and wonders.

DANIELA'S STORY

24/8/18

Hola primeramente le doy gracias
A Dios por estar bien.

Dios Bendiga Todos los que nos
an dado palabras de aliento
los bendigo en el nombre de
Jesus.

quiero contarles mis momentos
de angustia que e pasado
cuando me arrevataron mi niño
de mis brazos fue un momento
muy triste desie morir me al
ber que no podia aser nada
es algo muy triste no se ni como
esplificar pase una semana
sin comer solo Dios me dio
fuersas cuando pienso en ese
dia ni yo se como aguante
el amor de mi niño me iso
soportar todo maltrato me
esposaron como una delincente
de pies y manos.

luego estubo 4 dias yo pense
que al salir de alli me devolvian
mi niño. y no. luego me traen
a otra carsel donde no me
daban ninguna rason de mi niño
fue una angustia tan triste
que no se de donde saque tantas
fuersas. asta. que un dia
Aparecieron una personas
yo pienso que esta lindas
personas fueron enviadas por
Dios ellos me ayudaron a

Hello, first I give thanks to God that I am okay. God bless all that have given us words of support. I bless you in the name of Jesus.

I want to tell you my moments of anguish that happened to me when they grabbed my son from my arms. It was a very sad moment. I wanted to die seeing that I couldn't do anything. It is something very sad. I don't even know how to explain it. I went a week without eating. Only God gave me strength. When I think of that day I don't know how I endured it. My love for my son made me tolerate all the mistreatment. They cuffed my hands and feet like a criminal. I was there for four days and I thought when I left there I would be with my son but no. They brought me to another jail where they didn't give me any news of my son. It was anguish. I was so sad that I don't know where I found any strength. One day some people arrived. I think that those lovely people were sent by God. They helped me to find my son. I bless them in the name of Jesus. I had asked God many times to send me angels. In total we were 100 women waiting for an answer and thank God everything happened as I asked.

Today I am with my child. Thank you to all the wonderful people like the lawyers who have been so wonderful to us. I don't have words to explain. I promise to always pray a lot for each one of you. I will keep you always in my heart. I love you a lot and thank you very much.

LAURA'S STORY

MI PEQUEÑA HISTORIA

De [REDACTED], Y también les agradezco por apoyarme en mi caso, ustedes fueron que nos dieron las fuerzas para seguir luchando Mil gracias ABOGADOS Y ABOGADAS

Paso a los siguientes,

Cuando nos agarró la migración es ahí empezó todo lo que viví, Pues ellos nos trataron mal nos gritaban, ellos no les importaban que nosotros sufriamos de hambre y de sueños, los primeros días nos daban 2 tiempos de comida, Cuando queríamos tomar agua del chorro del baño tomábamos, nos daban comida desabridada hasta los perros le dan buena comida, por nosotras nadie nos defendía sufrí mucho en cada cárcel donde pasé, nos gritaban no podíamos platicar con nadie, si platicábamos nos ~~de~~ reportaban y nos llamaban la atención, Me llevaron en en chachada de las manos, Pies y Cintura, nos trataban como Criminal, Y mi hija no sabía nada de mí hasta los 35 días tuve a Mi Tra llamada, Con ella, es ahí e supe donde estaba ella, Tanto le pedía a mi Dios por ella, y le agradezco que sí escuchó mi oración,

My Little Story

I thank you for supporting me in my case, you all were what give me strength to keep fighting. Many thanks, lawyers.

I continue to my story.

When immigration detained us that is when everything I lived started. They treated us very badly. They yelled at us. They didn't care that we were suffering from hunger and exhaustion. The first days they gave us two meals. When we wanted to drink water we got it from the bathroom faucet. They gave us tasteless food worse than what you would give a dog. No one defended us. I suffered a lot in each jail I was in. They yelled at us that we couldn't talk to anyone. If we talked, they reported us and scolded us. They took me chained at the hands, feet, and waist like a criminal and my daughter didn't hear anything about me until after 35 days I had my first call with her. That is when I learned where she was. I asked God so much to take care of her, I thank Him that He listened to my prayers. When they reunified me with my daughter I cried bitterly, because I thought that they were going to deport me and I am still here. I thank God the Father who is in heaven, because my God guided me and my daughter.

This is the listen that I wrote, what I lived when I was separated from my daughter. Thank you.

CARLA'S STORY

Queridos amigos (a) y abogados no saben cuanto me duele recordar todo esto pero Dios me da fuerzas para azerlo pase por el rio cuando subi el barranco me encontré con migracion me dijeron que me subiera al carro cuando entre alas oficinas de migracion me preguntaron de donde era y yo les respondi que era de Honduras y me dijeron sabes que as cometido un delito por aver entrado a este pais sabes que vas presa por dos meses y yo les dije que no podia ser y ellos me dijeron despedite de tu hija y no llores porque labas a ser llorar a ella y de los nervios y de verme descontrolado me dijo el oficial bueno solo vas presa por 3 dia y luego aqui te vas a encontrar a tu hija cuando regrese de ahi sali llorando con el corazon destrozado sentia que obia perdido a mi hija y nunca la hiva a volver a ver de la lletera me llevaron encadenadas de manos sintora pies a una Carcel llamada el condado me tuvieron como dos horas mirando un pared y despues me llevaron a un cuarto helado hai me (dejaron) dieron una bolsa de esas que usan para la basura para arrojarme por el frio era muy triste pero con la ayuda De nuestro padre Selestal y la fuerza que me dio para recuperar a mi hija Bueno de ahi me llevaron en cadenada para pedirle perdon a un juez los quitaron los cadenas para entrar y luego despues los pusieron las cadenas otra vez en los pics y la manos y cintura regresamo al condado bueno ahi estuve varios dias (tambien) luego me trasladaron

a sierra blanca a: estuve varios días también y después
me pasaron para otero otra prisión ahí estuve un mes
detenida ahí miraba las noticias que muchos abogados
estaban luchando por nosotros si ustedes no los vieran
ayudado no que sería de nosotros Les agradezco mucho
Que dios los bendiga a todos ustedes 😊



Dear friends and lawyers. You don't know how much it hurts me to remember all this but God gives me strength to do it. I crossed the river and when I climbed the bank I saw immigration. They told me to get in the car and when I entered into the immigration office they asked me where I was from and I responded Honduras. They asked me if I knew that I had committed a crime for having entered this country and that I would be detained for two months. I said that that was not possible. They told me to say goodbye to my daughter and not to cry because I would make her cry. After seeing me so nervous and losing control of my emotions the official told me that I would only be detained for three days and then I would be with my daughter again. When I left there I was crying with my heart destroyed. I felt that I had lost my daughter and would never see her again. From the "ice box" they took me chained at the hands, waist, and feet to the country jail. They had me looking at the wall for about two hours and then took me to a freezing room where they gave me a trash bag to wrap myself in because of the cold. It was sad but I had the help of our heavenly Father and the strength that He gave me to get my daughter back. From there they took me chained to ask a judge for forgiveness. They took off the chained to enter and then put them back on my hands, feet, and waist. We went back to the county jail. I was there for several days and then they transferred me to Sierra Blanca. I was there for several days and then they took me to Otero Prison. I was detained there for a month. I saw there on the news that many lawyers were fighting for us and if all of you hadn't helped I don't know what would have become of us. I thank you a lot. May God bless all of you.

A separated mother.

ELSA'S STORY

Hola a todos aquí contando un poco de mi historia salí de mi país q de mayo con el sueño de llegar a USA sin saber a q me estaba arriesgando con mi hijo de 9 años tratando de vivir en mi país por el peligro q corría mi hijo al llegar a USA me sentía seguro con mi hijo pero al llegar aca me quitaron a mi niño que fue algo q me dolio tanto senti que se me acababa todo por que el dolor mas grande de una madre es que ~~le~~ le quiten sus hijos.
Pero gracias a Dios el 20 de julio me ~~reñeron~~ reunieron con mi hijo fue algo tan bonito para mi vida volver a ver a mi hijo gracias a todos ustedes que nos ayudaron no tengo como pagarles todo pero le pido a Dios que los bendiga siempre los quiero mucho a todos gracias por sus palabras de aliento a mi vida por ese amor tan grande que me mostraron nunca me olvidare de ustedes los tendre en mi corazón como uno de los que voy a hacer esto les digo que lo quiero mucho que Dios los bendiga a todos ~~les~~
y con este poquito me despido de todos esto pronto escrito el 21 de agosto

Hello everyone, Here I will tell a little of my story. I left my country on May 9 with the dream of arriving in the U.S. without knowing what I was risking with my 9-year-old son, trying to flee my country because of the danger my son was in. After arriving in the U.S. I felt safe with my son but they took my son and it was something that hurt me so much I felt that everything had ended for me because the greatest pain a mother could feel is that they take her children but thank God on July 20 they reunited me with my son it was something so beautiful for my life to see him again. Thank you to all of you that helped us. I don't have a way to pay you but I ask God that he always bless you. I love you all a lot. Thank you for your words of support for my life, for this love so great that you have shown me. I will never forget you and have each one of you in my heart. To each person who sees this I tell you that I love you a lot and may God bless each of you and with this little story I say goodbye to all. See you soon. Written August 24.

ALMA'S STORY

HOLA: soy una madre de 25 años tengo una niña de 9 años nos venimos de Guatemala huyendo y vine a estados unidos el diez de junio estube con mi hija dos días en la perrera el 12 de junio empecé mi pesadía porque fue cuando me separaron de mi hija me dijeron que iba a ir a una corte criminal y que iba a regresar con mi hija en dos horas pero no fue así nos llevaron encadenados de pies y manos y luego nos llevaron para la prisión el la noche estuve ahí sin saber de mi hija no tenía razón de ella yo estaba muy mal no comía no dormía pero gracias Dios a estado conmigo y luego me llevaron para Puerto Izabel es una detención que no deseo que nadie este ahí y ego sin saber de mi hija y pasaron 75 días hasta cuando supe de ella hable con ella estaba llorando cuando se quedo en la perrera ella sufrió mucho y me dijo que porque la habia abandonado me preguntó si yo ya no la quería pero yo le dije que ella era todo para mi ella es mi razón de vivir porque es un regalo que Dios me a dado pero en Puerto Izabel nos trataron mal nos dijeron las oficiales que nosotros íbamos a ser deportadas y que nuestros hijos iban a quedarse que iban a darlos en adopción y que nosotros nos merecíamos por todo lo que estabamos pasando porque a víamos viviendo sus países los oficiales nos trataron como un animal nos daban de comer solo mesarela con pan y nosotros le dijimos que nos cambiaran la comida y nos dijeron que agradeceríamos que nos daban de artar.

pero gracias a Dios nos mando a personas buenas y nos ayudaron

Todo lo puedo en Cristo que me fortalece e gracias

Hello. I am a 25-year-old mother. I have a 9-year-old girl. We fled Guatemala and came to the United States on June 10. I was in the “dog pound” for two days with my daughter. On June 12 my nightmare started because that was when they separated me from my daughter. They told me that I was going to go to a criminal court and that I would be back with my daughter in 2 hours but it wasn’t like that. They brought us chained at the feet and hands and then they took us to prison in Laredo. I was there without knowing of my daughter. I had no news of her. I was in a very bad state. I did not eat or sleep but thankfully God was with me and then they took me to a detention center called Port Isabel. I don’t wish anyone to have to go there. I was there without knowing of my daughter for 15 days, when I finally spoke to her. She was crying when she stayed behind in the “dog pound.” She suffered a lot. She asked me why I had abandoned her and asked if I didn’t love her anymore but I told her that she was everything to me and she is my reason for living because she is a gift that God gave me. In Port Isabel they treated us badly. The officials told us that we were going to be deported and that our children were going to stay and be given up for adoption and that we deserved everything that was happening to us because we had invaded their country. The officials treated us like animals. They gave us food that was just cheese and bread. We asked for a change in the food and they told us we should be thankful for what we got.

But thank God they sent us good people who helped us. Everything is possible in Christ who gives me strength. Thank you.

Drawing – “God” “Love” “Thank you Lord for giving us good people in my life and on my path”
“Call to me and I will answer you. God is great.”

LUNA'S STORY

Recordar ese día mas triste de mi vida no tiene cabida en mi cerebro por que es un día que nunca quiero volver a repetir cuando llegamos juntos con mi hijo mi pequeño de 10 años a la frontera huyendo de la violencia terrible de mi país defendiendo nuestra propia vida donde los detuvieron unos terribles hombres discriminandolos por ser inmigrantes desde allí fue el comienzo de nuestro gran dolor que asta el día de hoy luego de pasar 4 horas en una troca enrejada como criminal los trasladaron a la hielera donde los despojaron de todas nuestras pertenencias y murieron de un frío muy muy fuerte por el aire acondicionado y nuevamente ser discriminado por otros oficiales por venir huyendo de nuestro país donde todos los oficiales los ven como usurpadores, criminales, poca cosa y los dignan como persona, los ven menos que ellos por no ser de acá ya pasado 12 horas de haber llegado a ese lugar sin poder sentarse, dormir o comer siguen tomándolos fotos, huellas para meterlo al sistema dijeron ellos ¡ luego de 2 horas mas para matar el hambre los salen con un "sawdust" ! dicen ellos bien rico!! una mortadela congelada que asta morata se ve y con mal olor como bebida a perder y agua del grifo, durmiendo en el suelo la mayoría de los niños y los otros en los brazos de los padres. asi pasamos 58 horas durmiendo y comiendo en el suelo y tapandolos con un plastico que no quitaba el frío. Luego los sacan a hacer una fila por 3 horas para trasladarlos a otro lado conocido como la perrera o corral nos sacaron en una camioneta solo a mujeres y en otras hombres y niños desde allí no supe de mi hijo

Remembering that saddest day of my life doesn't fit into my brain because it is a day that I never want to repeat. When I arrived at the border with my daughter, my little one, 10 years old, fleeing terrible violence in my country, defending our own lives when some terrible men detained us, discriminating against us for being immigrants. That was when our great pain began. After spending four hours behind bars in the back of a truck like a criminal, they transferred us to the "ice box" where they confiscated all of our belongings. We felt that we were dying of the very very strong cold from the air conditioning and again were discriminated against by other officials for having fled our country. All of the officials saw us as imposters, criminals, worthless people and they denigrated us as people. They see us as less than them for not being from here. 72 hours after arriving to that place without being able to sit down, sleep, or eat, they were still taking photos of us and fingerprints to put in the system they said. After two more hours to satisfy our hunger they came out with sandwiches which they say were very good. A frozen piece of ham that looked purple, with a bad smell like it was going bad, and tap water, most of the children sleeping on the floor and the rest in their parents' arms. We spent 58 hours like this sleeping and eating on the floor and covering ourselves with plastic that didn't get rid of the cold. Then they made us stand in line for 3 hours to transfer us to another area known as the "dog pound" or "pen". They put only the women in a van and in others the men and the children and from then on I didn't hear anything from my son. The ICE officials transferred me with the great lie that my son would be where we were going. I excitedly entered looking for my son but he was not there. There were only women in cages, in another area men and in another, children. There I saw my child about 20 meters from me behind a metallic fabric. My son was crying to be with me and I was also crying. A voice yelled at me "Ma'am, get away from there!" Then they gave me another plastic blanket and a thin mat to spend 8 days there without knowing why they didn't reunite me with my son, eating only apples and water, asking each official for my child and them not telling me anything. An ICE official told me they were taking me to a shelter with my son. When I asked for my son they told me he was already there waiting for me. The trip took 4 hours and they took me to a county jail for men and women, then after 4 days to another prison for women in Laredo, without hearing anything from my son and I cried an ocean of tears. They transferred me again to Port Isabel. After 62 days of not knowing anything of my son I saw him and they gave him back to me and then transferred us to Dilley together. We have been here for 30 days and we continue to suffer without being able to enjoy our freedom or be with our family.

Fight for us, thank you to CARA!

Exh.

E



Statement on the Impact of Parent-Child Separation on Parents' Ability to Effectively Participate in Asylum Proceedings

This statement was prepared by members of the Stanford Early Life Stress and Pediatric Anxiety Program (ELSPAP) and Human Rights in Trauma Mental Health Program (HRTMH), part of Stanford's Department of Psychiatry and Behavioral Sciences. ELSPAP is a multidisciplinary team with expertise in childhood trauma and posttraumatic stress. We aim to address the impact that trauma has on child development and family functioning through three core components: research, clinical work, and community outreach. HRTMH advances and applies the impact of trauma on survivors of human rights abuses with an eye towards informing transitional justice and judicial processes.

Parents/caregivers who have been separated from their children while presenting for political asylum are required to participate in typical asylum proceedings, including credible fear interviews. However, the trauma of separation/disruption is likely to negatively impact parents'/caregivers' ability to effectively participate in this process. The current statement provides a review of the psychological theory, literature, and empirical evidence relevant to this issue.

Impact of Parent-Child Separation/Disruption on Attachment

Attachment is a scientifically researched life milestone that ensures the psychological and physical well-being of the attached individual (Bowlby, 1982). Humans are biologically pre-programmed to form attachments with others (especially children and parents/caregivers) because it guarantees survival. A secure attachment, in which caregivers are available and receptive to their child when needed (Ainsworth et al., 1978), provides safety and healthy development of self-esteem, eagerness to learn, trust, and self-reliance and, thus, is crucial for an individual's psychological, cognitive, neurobiological, and social development. The attachment relationship not only is important for child development, but also is critical for parents'/caregiver's growth and well-being (Bowlby, 1952). Therefore, ruptures in attachment can have a devastating impact on both the child and the parent/caregiver. Research has shown that ruptures in parent-child attachment (due to experiences such as trauma, loss, and separation) are associated with significant parental/caregiver distress and impairment in functioning (Bowlby, 1940; Glasgow & Gouse-Sheese, 1995; Mena et al., 2008; Suárez-Orozco, Bang, & Kim, 2011). Forced separation/disruption during immigration is a unique form of separation due to the inherent uncertainty. This may lead parents to experience

“ambiguous loss,” a situation in which there is no certainty that their child will return the way he/she used to be (Boss, 2002). Since this loss cannot be reconciled with the uncertainty, the grief process is frozen. The impact of such a loss inhibits parents’/caregivers’ cognitive functioning, which significantly impairs their coping and decision-making capabilities. In his report to the World Health Organization, Bowlby suggested that there are critical periods during separation/disruption and reunification that play a role in mitigating the harmful, long-lasting effects on parent-child attachment (Bowlby, 1952). He concluded, and a wealth of other research has since shown, that the greater the degree and length of the separation/disruption the more there is potential for irreversible damage.

Parent-child Separation/Disruption is a Source of Trauma and Traumatic Stress

In addition to the impact on attachment, forced and unexpected separation/disruption of an individual from her/his loved ones is a source of trauma and traumatic stress. The Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (DSM-5; American Psychiatric Association, 2013) specifies the first criterion (Criterion A) for post-traumatic stress disorder (PTSD) as including “exposure to actual or threatened death, serious injury, or sexual violence” through direct experience, witnessing, or learning that the event occurred to a close family member or close friend. In the case of forced family separation/disruption, parents/caregivers are faced with a significant threat to their child’s well-being; from the parents’/caregivers’ perspective, the child is under threat and in danger of experiencing physical violence (with potential to result in serious physical injury), sexual violation, or even death. It is our opinion that forced family separation/disruption therefore meets Criterion A for PTSD. As a result, we can expect many parents/caregivers to experience the symptoms of PTSD following the separation/disruption from their children; such symptoms include intrusive thoughts and feelings (e.g., unwanted memories, flashbacks, nightmares), avoidance of trauma reminders (thoughts, feelings, and external stimuli), negative mood and cognition (e.g., memory difficulty, negative thoughts about the world), and hyperarousal (e.g., difficulty concentrating, irritability, hypervigilance). Not all of these symptoms are necessary in order to experience functional impairment. Furthermore, it is widely known that exposure to traumatic events and threats to an individual’s or loved one’s well-being commonly results in a wide array of psychological symptoms beyond PTSD (Briere & Scott, 2015), such as depression, anxiety, dissociation, mood instability, and psychosis. These symptoms of trauma-related distress can be expected to severely affect parents’/caregivers’ ability to provide coherent testimony, recounting, and narrative in asylum proceedings, as will be discussed further in this declaration.

In addition to the traumatic impact of the singular experience of family separation/disruption, additional characteristics of asylum-seeking parents’/caregivers’ forced separation/disruption from their children are expected to significantly exacerbate the symptoms of traumatic distress. First, as mentioned above, the traumatic separation/disruption is ongoing, the loss is ambiguous, and there is undetermined resolution. Without having any expectation or knowledge of children’s well-being or plans for reunification, parents’/caregivers’ distress will be continually heightened. Extended chronicity and duration of the trauma or related threat are known to increase the

frequency and severity of trauma-related psychological symptoms (Ford et al., 2015). Second, parents/caregivers experience a significant loss of control and helplessness in this situation. They have little or no knowledge of their children's whereabouts or well-being, and minimal control over the outcomes for their children. The lack of perceived control during traumatic events engenders a sense of helplessness, which exacerbates trauma-related distress and negative psychological outcomes (Ford et al., 2015).

Similarly, parents'/caregivers' inability to contact, comfort, and communicate with their children reduces their sense of control, and in many cases strips them of the opportunity to perform their highest priority function in society: to care for and ensure the well-being of their offspring. When individuals are prevented from executing their societal roles and functions, they can be expected to experience psychological distress; once again, this will exacerbate the symptoms related to the trauma of separation/disruption. Finally, asylum-seeking parents/caregivers have inherently experienced prior traumatic events in their lives, as this constitutes the basis for seeking asylum. Traumatic stress is cumulative, and exposure to multiple or repeated traumatic events over the lifespan has been shown to increase risk, severity, and complexity of trauma-related symptoms (Cloitre et al., 2009). Therefore, the trauma of forced family separation/disruption compounds the prior traumas experienced by parents/caregivers (commonly including violence exposure, abuse, and traumatic loss) with the expected impact of significantly worsening psychological outcomes, levels of functioning, and ability to effectively engage in asylum proceedings. A growing body of empirical research has indeed demonstrated that parent-child separation/disruption during immigration processes (as well as corresponding parental detention and threat of deportation) is associated with increased risk, rates, and severity of mental health problems for parents/caregivers (Brabeck & Xu, 2010; Linton, Griffin, & Shapiro, 2017; Rusch & Reyes, 2013; Suárez-Orozco, Bang, & Kim, 2011).

Neurobiological Effects of Stress

Traumatic stress, such as being separated from one's child as described above, has measurable effects on neurobiological and physiological functioning. When humans experience a stressor, physiological and mental resources are diverted to responding to the stressor (Ulrich-Lai and Herman, 2009). This response involves engagement of emotion processing centers of the brain, release of stress hormones, and activation of the sympathetic nervous system, resulting in a "fight, flight, or freeze" reaction. Under these circumstances, the human brain focuses on surviving the immediate threat, and other areas of the brain essentially go on lockdown until the threat is resolved. Thus, more complex cognitive functions are impaired while the body focuses on maintaining safety. Executive functioning, or the ability to solve problems, evaluate consequences, and make decisions, is particularly vulnerable to the effects of stress (Arnsten, 2009).

As described above, forced separation/disruption during the immigration process involves an ongoing, ambiguous, unresolved stressor. This experience greatly disrupts and diminishes organization, planning, and problem-solving. In addition, remaining in this heightened state of stress response can lead to physical and mental exhaustion, likely exacerbated by lack of sleep in parents/caregivers detained and separated from their children. Thus, the traumatic stress of forced separation/disruption from children puts a

parent/caregiver at an extreme disadvantage in the capacity to navigate the process of getting out of expedited removal proceedings, submitting a claim for asylum, and completing a credible fear interview.

Impaired Ability to Conduct Interviews and Provide Testimony

As previously discussed, parents/caregivers separated from their children are likely experiencing symptoms of PTSD and additional mental health difficulties. Of particular concern is the impact on cognitive functioning related to the neurobiological stress response. Research has consistently found that several cognitive functions, including but not limited to attention, communication, and memory, are significantly impaired in individuals with PTSD and traumatic distress (Flaks et al., 2014; Olf, Polak, Witteveen, & Denys, 2014). In terms of attention, abnormalities in concentration, shifting of attention, and working memory capacity are common (Flaks et al., 2014; Olf et al., 2014), largely due to intrusive and distressing memories and thoughts (Flaks et al., 2014). In regard to forced family separation/disruption, parents/caregivers can be expected to struggle with memories of being separated from their children and ongoing thoughts of concern for their wellbeing. Parents/caregivers are expected to be overwhelmed and preoccupied by their concern for their children, with their functioning dictated by the automatic “fight, flight, or freeze” responses that effectively render them incapable of focusing on secondary priorities or other historical events. Therefore, despite their intentions and efforts, they will likely experience difficulties in maintaining focus and processing information appropriately, negatively affecting their ability to participate in asylum proceedings and credible fear interviews.

In addition to impairing attention, intrusive and distressing memories and thoughts interfere with the ability to effectively recall information (Flaks et al., 2014; Schweizer & Dalgleish, 2011). Specifically, memories become fragmented and disorganized as well as difficult to retrieve (Polak et al., 2014; Schweizer & Dalgleish, 2011). This means that while individuals may recall sensations and emotions associated with a memory, they tend to encounter difficulties in retrieving details or in providing consistent and coherent retelling of events (Schweizer & Dalgleish, 2011). Further, emotionally-laden information is typically affected to a greater degree than emotionally-neutral information (Schweizer & Dalgleish, 2011). Thus, providing emotional narratives of events is particularly difficult for individuals experiencing symptoms of PTSD and trauma-related distress. This is especially true for asylum seekers with PTSD, who have been shown to demonstrate poorer memory specificity (Graham, Herlihy, & Brewin, 2014). In the case of forced family separation/disruption, even when attention is not diverted to separation from their children, parents/caregivers can be expected to experience difficulties in recalling information regarding their fears of persecution in their home countries. This may result in failing to provide important and relevant details to support their cases, negatively impacting their ability to provide comprehensive and compelling information in asylum proceedings. These difficulties are even further exacerbated in the case of currently separated parents/caregivers, as their trauma is ongoing and unresolved (thus heightening the frequency and severity of the traumatic stress response and related symptoms).

Additionally, memories, including those of traumatic events, are naturally susceptible to misinformation effects (Paz-Alonso & Goodman, 2008). Misinformation effects occur when an individual's recall of episodic memories become less effective due to post-event information (Paz-Alonso & Goodman, 2008). This is further perpetuated by a delay between memory formation and memory recall (Paz-Alonso & Goodman, 2008). Thus, as more time passes, and new information is processed, preexisting memories become more difficult to effectively and coherently retrieve. In the case of forced family separation/disruption, parents/caregivers are expected to exhibit increasing difficulty in recalling information prior to separation/disruption. In addition, repeated attempts to report traumatic events in a detailed manner may exacerbate current symptoms of PTSD and trauma-related distress, which may be derived from child separation/disruption or other factors of the pre- and post-migration process including but not limited to insecurity regarding legal status and fear of repatriation (Schock, Rosner, & Knaevelsrud, 2015). The aforementioned cognitive impairments associated with PTSD have an overwhelming effect on communication. Further, they have been found to negatively impact the ability to effectively provide court testimony. Thus, it is expected that parents/caregivers experiencing these deficits will struggle to provide detailed and coherent testimony in asylum proceedings.

Signed,

Victor Carrion, MD, Professor, Director of ELSPAP

Hilit Kletter, PhD, Clinical Assistant Professor, Director of Trauma Programs

Ryan Matlow, PhD, Clinical Assistant Professor, Director of Community Research Programs

Daryn Reicherter, Clinical Professor, Director of HRTMH

Helen Wilson, PhD, Clinical Associate Professor, Director of Confidential Support Team

Michael Hamilton, MA, Graduate Student Researcher, HRTMH

Alex Lugo, BA, Graduate Student Researcher, HRTMH

References

- Ainsworth, MDS, Blehar, MC, Waters, E, & Wall, S (1978). *Patterns of Attachment: A Psychological Study of the Strange Situation*. Hillsdale, New Jersey: Lawrence Erlbaum Associates.
- American Psychiatric Association. (2013). *Diagnostic and statistical manual of mental disorders* (5th ed.). Washington, DC: Author.

- Arnsten AFT. Stress signalling pathways that impair prefrontal cortex structure and function. *Nature Reviews Neuroscience*. 2009;10:410-422.
- Boss, P (2002). *Family stress management: A contextual approach* (2nd ed.). Thousand Oaks, CA: Sage.
- Bowlby, J (1940). The influence of early environment in the development of neurosis and neurotic character. *International Journal of Psycho-Analysis*, 2, 1-25.
- Bowlby, J (1952). *Maternal care and mental health : a report prepared on behalf of the World Health Organization as a contribution to the United Nations programme for the welfare of homeless children / John Bowlby*, 2nd ed. Geneva : World Health Organization.
- Bowlby, J (1982). Attachment and Loss: Retrospect and Prospect. *American Journal of Orthopsychiatry*, 52(4), 664-678.
- Brabeck, K. & Xu, Q. (2010). The impact of detention and deportation on Latino immigrant children and families: A quantitative exploration. *Hispanic Journal of Behavioral Sciences*, 32(3), 341-361.
- Briere, J & Scott, C (2015). Complex Trauma in Adolescents and Adults. *The Psychiatric Clinics of North America*, 38(3), 515-527.
- Cloitre, M., Stolbach, B. C., Herman, J. L., van der Kolk, B., et al. (2009). A developmental approach to complex PTSD: Childhood and adult cumulative trauma as predictors of symptoms complexity. *Journal of Traumatic Stress*, 22, 399-408.
- Flaks, M. K., Malta, S. M., Almeida, P. P., Bueno, O. F. A., Pupo, M. C., Andreoli, S. B., Mello, M. F., Lacerda, A. L. T., Mari, J. J., & Bressan, R. A. (2014). Attentional and executive functions are differentially affected by post-traumatic stress disorder and trauma. *Journal of Psychiatric Research*, 48, 32-39.
- Ford, J.D., Grasso, D.J., Elhai, J.D., & Courtois, C.A. (2015). Etiology of PTSD: What causes PTSD? *Posttraumatic Stress Disorder: Scientific and Professional Dimensions* (2nd Ed.) (pp. 81-132). Academic Press.
- Graham, B., Herlihy, J., & Brewin, C. R. (2014). Overgeneral memory in asylum seekers and refugees. *Journal Of Behavior Therapy And Experimental Psychiatry*, 45(3), 375-380.
- Glasgow GF, Gouse-Sheese J (1995). Theme of rejection and abandonment in group work with Caribbean adolescents. *Social Work Groups*, 17(4), 3-27.
- Linton, J.M., Griffin, M., Shapiro, A.J. (2017). Detention of immigrant children. *Pediatrics*, 139(5): e20170483.
- Mena, MP, Mitrani, VB, Mason, CA, Muir, JA, Santisteban, DA (2008). Extended parent-child separations: Impact on adolescent functioning and possible gender differences. *Journal for Specialists in Pediatric Nursing*, 13 (1), 50-52.
- Olf, M., Polak, A. R., Witteveen, A. B., & Denys, D. (2014). Executive function in posttraumatic stress disorder (PTSD) and the influence of comorbid depression. *Neurobiology Of Learning And Memory*, 112, 114-121.
- Paz-Alonso, P. M., & Goodman, G. S. (2008). Trauma and memory: Effects of post-event misinformation, retrieval order, and retention interval. *Memory*, 16(1), 58-75.
- Rusch, D., & Reyes, K. (2013). Examining the effects of Mexican serial migration and family separations on acculturative stress, depression, and family functioning. *Hispanic Journal of Behavioral Sciences*, 35(2), 139-158.

- Schock, K., Rosner, R., & Knaevelsrud, C. (2015). Impact of asylum interviews on the mental health of traumatized asylum seekers. *European Journal of Psychotraumatology*, 6(1), 26286.
- Schweizer, S. & Dalgleish, T. (2011). Emotional working memory capacity in posttraumatic stress disorder (PTSD). *Behavior Research and Therapy*, 49, 498-504.
- Suárez-Orozco, C., Bang, H.J., & Kim, H.Y. (2011). I felt like my heart was staying behind: Psychological implications of family separations and reunifications for immigrant youth. *Journal of Adolescent Research*, 26(2), 222-257.
- Ulrich-Lai YM, Herman J. Neural regulation of endocrine and autonomic stress responses. *Nature Reviews Neuroscience*. 2009;10:397-409.

Exh.

F



December 11, 2017

VIA ELECTRONIC MAIL

Cameron Quinn
Officer for Civil Rights and Civil Liberties
Department of Homeland Security
Washington, DC 20528

John V. Kelly
Acting Inspector General
Department of Homeland Security
Washington, DC 20528

Re: **The Separation of Family Members Apprehended by or Found Inadmissible while in U.S. Customs and Border Protection (CBP) Custody at the U.S.-Mexico Border**

Dear Ms. Quinn and Mr. Kelly:

The undersigned organizations jointly file this complaint on behalf of numerous family members who have been separated while in federal custody at the U.S. border, including instances in which one family member has been referred for criminal prosecution by the Department of Justice (DOJ). The alarming increase in family units being forcibly divided is consistent with the current

Administration's unabated series of attacks on the most vulnerable individuals in today's immigration system: protection-seeking children and their family members.¹

Our organizations have for years and in great detail documented the immense trauma created by the separation of family members and the impact of separation on their ability to pursue legal immigration relief.² The separation of parents from their children at the U.S.-Mexico border and within the United States, absent a justifiable child protection grounds, is so fundamentally unconscionable it defies countless international and domestic laws on child welfare, human rights and refugees. In addition to this it violates CBP's own standards on family unity and subverts the mission of the Office of Refugee Resettlement (ORR) to vouchsafe the interests of unaccompanied children as mandated by Congress. It is cruel and unlawful to separate family members for the sole purpose of deterring migration; such separation deprives family members the ability, given their detention, to locate each other and be reunited.

As such, we urge your offices to continue to investigate current Department of Homeland Security (DHS) practices in order to stop the practice of separating families for purposes of punishment and deterrence, to ensure compliance with international and domestic standards and already articulated DHS policies on family separation, to identify and expand humane alternatives to detention and separation, to better track family separation incidents, and to implement meaningful mechanisms so that separated family members can locate, contact, and reunite with one another.

BACKGROUND

Family unity is recognized as a fundamental human right, enshrined in both domestic and international law.³ The U.S. Supreme Court has held that the right to family unity is "perhaps the oldest of the fundamental liberty interests recognized by [the Supreme] Court."⁴ While some

¹ President Donald J. Trump's Letter to House and Senate Leaders & Immigration Principles and Policies, October 8, 2017, available at: <https://www.whitehouse.gov/the-press-office/2017/10/08/president-donald-j-trumps-letter-house-and-senate-leaders-immigration>.

² For extensive discussion on family separation at the border in the last three years, including recommendations on next steps, see: Women's Refugee Commission, Kids in Need of Defense, and Lutheran Immigration and Refugee Service, *Betraying Family Values: How Immigration Policy at the United States Border is Separating Families*. March 2017. <https://www.womensrefugeecommission.org/rights/gbv/resources/1450-betraying-family-values>. See also: American Immigration Council. *Divided by Detention: Asylum-Seeking Families Experiences of Separation*. August 2016. <https://www.americanimmigrationcouncil.org/research/divided-by-detention-asylum-seeking-families-experience-of-separation>. See also: Jesuit Conference of the United States and Canada & Kino Border Initiative. *Our Values on the Line: Migrant Abuse and Family Separation at the Border*. September 2015 Available at: http://jesuits.org/Assets/Publications/File/REPORT_2015_Our_Values_on_the_Line.pdf.

³ Family unity as a protected right can be found in: Final Act of the 1951 U. N. Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, Recommendation B.; U.N. International Covenant on Civil and Political Rights, art. 23, (March 23, 1976); U.N. Convention on the Rights of the Child, art. 9 (September 2, 1990); General Comment 6 to the Convention, "Treatment of Unaccompanied and Separated Children Outside their Country of Origin" (CRC 2005).

⁴ *Troxel v. Granville*, 530 U.S. 57, 65 (2000). Further, the Supreme Court has held that a parent's right to the care and custody of his or her child "has been deemed essential, [a] basic civil right of man, and rights far more precious than property rights." *Stanley v. Illinois*, 405 U.S. 645, 651, 92 S.Ct. 1208, 31 L.Ed.2d 551 (1972).

family members who seek protection at the U.S. border may have been separated during their journey prior to reaching the United States, or may be separated in isolated incidents by immigration officials due to valid concerns over the best interest of the child,⁵ our organizations have noticed an alarming increase in instances of family members who arrived together but were intentionally separated by U.S. immigration officials without a clear or reasonable justification, as a means of punishment and/or deterrence and with few to no mechanisms to locate, contact, or reunite with separated family members.

While our organizations are concerned about family separation and its consequences in all of these scenarios, this particular complaint focuses largely on the separation of children from their parents specifically in cases where those families traveled together to the United States for the purposes of seeking protection and found themselves instead separated.

While the TVPRA authorizes the separation of children from non-parents and legal guardians in order to prevent trafficking and comply with safe family reunification standards, several immigration laws demonstrate Congressional intent to keep children with their parents whenever feasible and to prioritize the reunification of separated children with parents whenever in the best interests of the child.⁶

CBP currently has insufficient guidance and policies relating to definitions of what constitutes family membership, when and how family members should be separated, if necessary, and mechanisms to help family members once they have been separated. However, CBP's National

⁵ For example, the passage of the Homeland Security Act of 2002 ("HSA") and the William Wilberforce Trafficking Victims Protection Reauthorization Act ("TVPRA") of 2008 and, provide for the separation of children from non-parents and legal guardians in order to prevent trafficking and comply with safe family reunification standards. *See* Section 462 of the HSA, Pub. L. No. 107-296, codified at: 6 U.S.C. § 279 and Section 235 of the TVPRA, Pub. L. No. 110-457, codified at: 8 U.S.C. § 1232.

⁶ *See e.g.*, The Homeland Security Act of 2002 clearly defines an unaccompanied alien child as a child with respect to whom "no parent or legal guardian in the United States is available to provide care and physical custody." 6 U.S.C. § 279(g)(2)(C)(ii); HSA defines ORR's role as "...ensuring that the interests of the child are considered in decisions and actions relating to the care and custody of an unaccompanied alien child" 6 U.S.C. § 279(b)(1)(B); The TVPRA states that "an unaccompanied alien child in the custody of the Secretary of Health and Human Services shall be promptly placed in the least restrictive setting that is in the best interest of the child" 8 U.S.C. § 1232(c)(2)(A); TVPRA further requires that "an unaccompanied alien child may not be placed with a person or entity unless the Secretary of Health and Human Services makes a determination that the proposed custodian is capable of providing for the child's physical and mental well-being" § 1232(c)(3)(A); regulations on the custody of children states that "Juveniles may be released to a relative (brother, sister, aunt, uncle, or grandparent) not in Service detention who is willing to sponsor a minor and the minor may be released to that relative notwithstanding that the juvenile has a relative who is in detention" 8 C.F.R. § 212.5(b)(3); Flores Settlement Agreement of 1997, Case No. CV 85-4544-RJK(Px) ¶ 14 establishes a policy favoring release of all children and prioritizing their reunification with parents, available at: <http://web.centerforhumanrights.net:8080/centerforhumanrights/children/Document.2004-06-18.8124043749>; Judge Gee upheld Plaintiffs' motion to enforce Paragraphs 14, 18, 19, and 23 of the Agreement on the issue of whether Defendants are making and recording continuous efforts to release class members or place them in nonsecure, licensed facilities in accordance with the Agreement, *Jenny L. Flores, et al. v. Jefferson B. Sessions, III, et al.*, CV 85-4544 DMG (AGRx)(C.D. C.A., June 27, 2017), available at: http://www.centerforhumanrights.org/PDFs/06-27-17_Flores_2016MTE_Order.pdf.

Standards on Transport, Escort, Detention, and Search (TEDS) do require that family units stay together “to the greatest extent operationally feasible” absent concerns for security and safety.⁷ TEDS also requires documentation if separation does occur.⁸

However, in early March 2017, then DHS Secretary Kelly stated that the department was formally considering a policy of separating children from their parents at the border in order to deter their migration to the United States.⁹ Among others, the American Academy of Pediatrics expressed serious concern over the proposal, stating that authorities should “exercise caution to ensure that the emotional and physical stress children experience as they seek refuge in the United States is not exacerbated by the additional trauma of being separated from their siblings, parents or other relatives and caregivers.”¹⁰ Multiple members of Congress and non-governmental organizations strongly opposed the idea.¹¹ We remain concerned that such a policy or practice would only drive vulnerable migrants further into the hands of unscrupulous smugglers or traffickers when fleeing violence for safety but fearing the prospect of family separation at the hands of U.S. immigration agents.

Moreover, other deterrence policies have already been found to violate U.S. law in the case of asylum-seekers.¹² Countless recent reports¹³ show that U.S. CBP has systematically violated U.S.

⁷ CBP, *National Standards on Transport, Escort, Detention, and Search (TEDS)*, available at: <https://www.cbp.gov/sites/default/files/assets/documents/2017-Sep/CBP%20TEDS%20Policy%20Oct2015.pdf>. For further discussion on the lack of clear mechanisms and policies to track and identify separated family members, see *Betraying Family Values*, p. 4.

⁸ *TEDS* at 4.3 and 5.6.

⁹ “Kelly: DHS is considering separating undocumented children from their parents at the border.” *CNN*. <http://www.cnn.com/2017/03/06/politics/john-kelly-separating-children-from-parents-immigration-border/index.html>.

¹⁰ See “AAP Statement Opposing Separation of Mothers and Children at the Border.” March 4, 2017. Available at: <https://www.aap.org/en-us/about-the-aap/aap-press-room/Pages/immigrantmotherschildrenseparation.aspx>. For further discussion and recommendations on the treatment of immigrant children, see also: Linton JM, Griffin M, Shapiro AJ, AAP Council on Community Pediatrics. Detention of Immigrant Children. *Pediatrics*. March 2017. Available at: <http://pediatrics.aappublications.org/content/pediatrics/early/2017/03/09/peds.2017-0483.full.pdf>

¹¹ See: “Letter to Secretary Kelly Opposing Plan to Separate Migrant Families at the Border.” March 22, 2017. Available at: <https://www.womensrefugeecommission.org/rights/gbv/resources/1460-family-separation-sign-on-letter>. See: House Committee on Homeland Security, March 8, 2017, available at: <https://democrats-homeland.house.gov/sites/democrats.homeland.house.gov/files/documents/children030817.pdf>; Letter to the Congressional Hispanic Caucus, March 8, 2017, available at: <https://congressionalhispaniccaucus-lujanrisham.house.gov/media-center/press-releases/congressional-hispanic-caucus-pens-letter-to-dhs-opposing-separation-of>; Letter to Democratic Members of Congress, March 9, 2017, available at: <https://bass.house.gov/media-center/press-releases/rep-bass-leads-house-democrats-letter-opposing-trump-administration-plan>.

¹² See *R.I.L.R. v Johnson*, finding that the Department of Homeland Security is prohibited from using detention (a “No Release Policy”) as deterrence to future migration, suggesting more broadly that the government cannot use *any* detention tactic—including a policy of family separation—as a deterrence for future migration because it violates the principle of individual decision-making in detention issues. Available at: <https://www.aclu.org/cases/rilr-v-johnson>.

¹³ See, e.g., Borderland Immigration Council, *Discretion to Deny: Family Separation, Prolonged Detention, and Deterrence of Asylum Seekers at the Hands of Immigration Authorities Along the U.S.-Mexico Border*, 12 (2017), https://media.wix.com/ugd/e07ba9_72743e60ea6d4c3aa796becc71c3b0fe.pdf (reporting that “it is commonplace for asylum seekers to be placed in expedited removal proceedings and summarily deported . . . , despite expressing

law and binding international human rights law by refusing to allow individuals access to the asylum process by utilizing various tactics including intimidation, inhumane treatment and threats of violence, criminal prosecution, and family separation. U.S. law mandates that asylum seekers be provided with due process of law and access to the asylum process.¹⁴ In addition to the trauma caused to separated family members, the practice of dividing family units at the border leads to the unlawful result of depriving asylum seekers of access to the asylum process – as a result of the deterrent effect of family separation and due to the unavailability of critical legal evidence and witnesses – and stripping them of their right to seek asylum under U.S. law.

Former Secretary Kelly subsequently stated on the record while testifying before the U.S. Senate that the DHS would not, in fact, “routinely” separate children from their families when arriving at the border except under extenuating circumstances, such as if “the mother is sick or addicted to drugs,” or if the life of the child was in imminent risk.¹⁵ He testified to the U.S. Senate that these were the only circumstances mothers and children would be separated and that he “[could not] imagine” doing so in other cases.¹⁶ Despite this, our organizations and the media are documenting cases of separation where, to our knowledge, families were not separated on account of a mother or father who fit this description.

Family separation incidents are continuing and appear to be increasing

Despite Constitutional protections guaranteeing parents fundamental due process rights in the care and custody of their children, controlling Supreme Court precedent, and the government’s commitment that children would not be separated from their family members at the border except under extenuating circumstances, our organizations have documented numerous instances of family separation in the last several months alone. The Florence Immigrant and Refugee Rights Project (FIRRP), a legal service provider in Arizona, has identified 155 cases of family separation at the border involving parents and children as of late October 2017; of these, 90 cases had occurred

fear”); U.S. Comm’n on Int’l Religious Freedom, *Barriers to Protection: The Treatment of Asylum Seekers in Expedited Removal*, 20 (2016) (reporting that despite findings and recommendations in a 2005 study relating to primary inspection, USCIRF observers in 2016 continued to find “several examples of non-compliance with required procedures” in CBP primary inspection interviews); see also 2005 USCIRF Report, *supra* note 25, at 54 (finding that, in approximately half of the inspections observed, inspectors failed to read the proper advisals regarding asylum to the non-citizen and that “in 15 percent of [the] cases [] where an arriving [non-citizen] expressed a fear of return to the inspector, that [non-citizen] was not referred” for a credible fear interview).

¹⁴ U.S. Const. Amend. V. See also, e.g., *Marincas v. Lewis*, 92 F.3d 195, 203 (3d Cir. 1996) (“The basic procedural rights Congress intended to provide asylum applicants . . . are particularly important because an applicant erroneously denied asylum could be subject to death or persecution if forced to return to his or her home country.”). 8 U.S.C. § 1158(a)(1) (The INA provides that any noncitizen “who is physically present in the United States or who arrives in the United States” has a statutory right to apply for asylum, irrespective of such individual’s status);

¹⁵ Testimony before Congress in the Senate Homeland Security and Governmental Affairs Committee hearing titled, “Improving Border Security and Public Safety” (April 5, 2017); see also “Kelly says DHS won’t separate families at the border.” *CNN*. <http://www.cnn.com/2017/03/29/politics/border-families-separation-kelly/index.html>. See Elise Foley and Roque Planas, “Trump Administration Won’t Routinely Separate Families At The Border After All,” (HuffPost April 5, 2017), available at: http://www.huffingtonpost.com/entry/dhs-separating-families-border_us_58e50d4fe4b0f4a923b448b7.

¹⁶ *Id.*

in the most recent quarter as of that time, indicating a significant spike in incidents of family separation.¹⁷

Lutheran Immigration and Refugee Service (LIRS), an organization that provides services to unaccompanied children in transitional foster care around the country, reports that until April 2017 it had seen no cases of children separated from parents, and in May and June 2017 encountered one each month. Beginning in July 2017, however, LIRS began to see a substantial increase, with four cases reported in July, five cases in August, and nine cases in September.¹⁸ Separated children can include very young children; LIRS's FY 2017 data revealed that children's ages ranged from two to 15, and were an average of eight years old. In the vast majority of these cases, LIRS social workers have not been made aware any imminent child abuse or neglect allegations that would warrant a child's separation from a parent consistent with child welfare standards.¹⁹ These incidents of family separation directly contradict then-Secretary Kelly's statements that DHS would not separate families unless a child was in danger.

DHS and its components have consistently demonstrated that they are unable to manage the separation of family members in a legal and ethical manner. Family members are given little to no information on what happens to those from whom they are separated, including how to locate, contact, or reunite with them. DHS and its components continue to lack the ability to track familial relationships of individuals who are transferred to Immigration and Customs Enforcement (ICE) custody or to coordinate mechanisms to work with ORR within the Department of Health and Human Services (HHS) or the Department of Justice (DOJ) to facilitate location of, contact with, or release and reunification with separated family members.

Criminal prosecution of asylum seekers impedes access to protection and increasingly separates families

The undersigned organizations have received an increase in reports of family units being broken up where a parent traveling with a child is referred by CBP officials for prosecution by DOJ under 8 U.S.C. §1325 for illegal entry or 8 U.S.C. §1326 for illegal re-entry; parents in these cases may have no prior criminal history or removal orders. Those who *do* have prior removal orders—and who are prosecuted for illegal re-entry under 8 U.S.C. §1326—are often seeking humanitarian relief in the United States.

A recent report in the Houston Chronicle, detailed further below, reported knowledge of 22 specific cases “in which parents [...] with no history of immigration violations were prosecuted for the misdemeanor crime of improper entry and had their children removed.” The article notes that “[f]ederal defense attorneys across the southern border say they are fielding unprecedented

¹⁷ Data on file with authors.

¹⁸ Affidavit of Jessica Jones, Policy Counsel at Lutheran Immigration and Refugee Service (LIRS). December 8, 2017. On file with authors.

¹⁹ DHS PREA Regulations also set out standards for the safety of juveniles and when a report should be made to mandated reporting agencies by CBP or ICE. See 6 CFR § 115.14, 115.114, 115.61, and 115.161.

requests from migrant clients to find their children.”²⁰ This reported trend is consistent with the cases that LIRS has documented, nearly all of which “occurred after the parent or legal guardian was criminally prosecuted for crossing the border illegally or for reentry following a prior order of removal.”²¹ Indeed, according to reports in the *Houston Chronicle*, Border Patrol (BP) officials affirmed at an October 2017 meeting that family separation was occurring. A subsequent email from CBP’s Office of Assistant Chief Counsel’s noted that “[a]ny increase in separated family units is due primarily to the increase in prosecutions of immigration-related crimes.”

These cases present not only additional hurdles to family reunification, but the DHS Office of Inspector General (OIG) has already identified the prosecution of asylum seekers as a practice that may violate U.S. obligations under international law.²² Prosecutions which take place before an asylum seeker is able to complete, or in many cases even begin, the process of applying for asylum will have the effect of denying asylum seekers access to the asylum process or dissuading them from even attempting to avail themselves of humanitarian protections in the United States.²³ Asylum law in the United States shields asylum seekers from punishment (including prosecution) for unauthorized entry.²⁴

The Impact of Family Separation

The long-term consequences of family separation have already been well documented.²⁵ The cases below illustrate the same trauma and the same profound impact on the ability to express or document a fear of return as the dozens that have previously been published and/or filed with your agency. Separated families are desperate to understand what happened to their loved ones and may be unable to fully articulate or provide evidence to support a claim when they have no information about and cannot locate those with whom they traveled. Many separated individuals receive no

²⁰ “Trump moves to end ‘catch and release’, prosecuting parents and removing children who cross border.” *Houston Chronicle*. November 25, 2017. Available at: <http://www.houstonchronicle.com/news/houston-texas/houston/article/Trump-moves-to-end-catch-and-release-12383666.php>.

²¹ Affidavit of Jessica Jones.

²² The 1951 Refugee Convention states: “The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened....” See: *Streamline: Measuring its Effect on Illegal Border Crossing*, DHS Office of the Inspector General, May 2015, pp. 16-17, available at: https://www.oig.dhs.gov/assets/Mgmt/2015/OIG_15-95_May15.pdf. See also: *The Rise in Criminal Prosecutions of Asylum Seekers*, Human Rights First, July 2017, pp. 6-7 Available at: <http://www.humanrightsfirst.org/sites/default/files/hrf-criminal-prosecution-of-asylum-seekers.pdf>.

²³ Sign-on Letter to Stop Streamline Prosecution of Asylum Seekers, July 10, 2015, AILA Doc. No. 15072304, available at: http://www.aila.org/advo-media/aila-correspondence/2015/sign-on-letter-end-prosecution-of-asylum-seekers?utm_source=aila.org&utm_medium=InfoNet%20Search.

²⁴ *Streamline: Measuring Its Effect on Illegal Border Crossing*, p. 2.; The United States is bound through its accession to the 1967 Protocol Relating to the Status of Refugees to Article 31(1) of the Refugee Convention, which prohibits states from penalizing refugees for illegal entry. Because refugee status is a matter of discovery and a refugee is, in fact, deserving of the protections of the Refugee Convention and Protocol prior to recognition of refugee status, the referral of asylum seekers for criminal prosecution in the manner described by the OIG report is incompatible with U.S. commitments under Article 31(1). Convention Relating to the Status of Refugees art. 31(1), July 28, 1951, 19 U.S.T. 6259, 189 U.N.T.S. 137, available at <http://www.refworld.org/docid/3be01b964.html>.

²⁵ See: *Betraying Family Values, Divided by Detention, Our Values on the Line*.

information on how to locate, contact, or reunite with a family member. We believe that referrals to DOJ for prosecution only further exacerbate these circumstances.

The practice of separating families at the border will cause family members—including parents with young children—to seek alternative ways of entering the United States, rather than presenting at a port of entry on the U.S.-Mexico border out of fear that they will be separated. As a result, vulnerable individuals desperate to avail themselves of humanitarian and legal protections may fall into the hands of unscrupulous smugglers. A systemic, wide-scale policy of family separation on the U.S.-Mexico border intended as deterrence will have dangerous repercussions for asylum seekers attempting to access the U.S. asylum system.²⁶ Indeed one study that conducted a statistical analysis of DHS data on the migration of unaccompanied children from Northern Triangle countries from 2011 through 2016, found that no U.S. policy—whether it be deterrence or not—has a statistical impact in the migration of a child.²⁷ Instead, the study found that the single biggest indicator of a child’s migration was the number of homicides in locality of where the child lived, finding that for every 10 homicides in a locality, 6 more additional children would migrate. So not only is the practice inhumane, the premise for the policy is unfounded.

Further, the separation of family members constitutes a significant impediment to due process. Separated family members whose cases would otherwise be linked may no longer have access to critical physical or testimonial evidence, or the trauma of separation may preclude sharing critical information. In one case of a separated child who had been rendered unaccompanied and was later encountered by LIRS it was “[o]nly after talking to the parent [that] LIRS learn[ed] of why the parent and child fled because the parent kept that information away from the child to protect the child.”²⁸ As families are separated at the border, an asylum-seeking individual’s spouse, parent, or sibling—who is being held in DOJ or ICE custody in a remote detention facility hundreds or thousands of miles away—may possess the very evidence that will enable the asylum seeker to prevail before an Immigration Judge or the Asylum Office. The cases below demonstrates the

²⁶ On July 12, 2017, the American Immigration Council, along with the Center for Constitutional Rights and a large law firm, filed a class action lawsuit challenging Customs and Border Protection’s (CBP) unlawful practice of turning away asylum seekers who present themselves at ports of entry along the U.S.-Mexico border. This litigation remains pending at the time of submission of this complaint.

<https://www.americanimmigrationcouncil.org/litigation/challenging-customs-and-border-protections-unlawful-practice-turning-away-asylum-seekers>. See also, “Rights groups sue U.S. government, alleging it is turning away asylum applicants at Mexico border,” *Washington Post*, July 12, 2017, available at: https://www.washingtonpost.com/world/the_americas/rights-groups-sue-us-government-alleging-it-is-turning-away-asylum-applicants/2017/07/12/35b95508-6650-11e7-94ab-5b1f0ff459df_story.html?utm_term=.ea50c1b28505.

²⁷ *Violence, Development, and Migration Waves: Evidence from Central American Child Migrant Apprehensions*, CGD Working Paper 459. Washington, DC: Center for Global Development, available at: <https://www.cgdev.org/publication/violence-development-and-migration-waves-evidence-central-american-child-migrant>.

²⁸ Affidavit of Jessica Jones. On file with authors.

negative effects family separation may have on an individual's legal case, which may lead to prolonged detention for some or even deportation.

The Particular Focus on Parents and Children at the Border

Current and previous practices separating families affect every possible configuration of family and have occurred in a variety of settings. Our organizations have received accounts of spouses or partners being separated from one another; one or both parents from children; non-parent caregivers from dependents; siblings or cousins (including where one or both are adult); or situations in which one parent and child are sent to family detention while another parent and/or child are detained in a different family detention facility. Members of the same family may be detained in separate ORR, ICE, CBP, and DOJ facilities.

Forcibly dividing families at the border can occur in the jurisdiction of either BP or Office of Field Operations (OFO) when someone has recently crossed, but family separation can also occur when ICE or CBP apprehend family members who have been in the United States for a long time, separating them from other relatives including U.S. citizen children or others. This complaint focuses on the separation of children from their parents at the border despite having traveled to the United States together as a unit and where, to our knowledge, there are no indications of child trafficking or danger to the child at the hands of the parent.

INDIVIDUAL COMPLAINTS & EXAMPLES OF TRENDS OF FAMILY SEPARATION

Many of our organizations have already filed complaints with your office on behalf of individual separated family members. The cases below represent a sample of recent cases of family members who have been separated, with a specific emphasis on parents and children. They underscore not only the significant emotional impact family separation can have on an adult or a child, which may in turn frustrate his or her ability to articulate a claim for relief, but also the due process implications of impeding access to a loved one who may possess critical legal evidence. Any policies or practices of intentionally separating immigrant children from their parents when there is not a specific and clear protection concern, and in particular in cases involving prosecution of the parent, also raise serious legal concerns.

Further, these cases demonstrate the difficulties that separated family members face in locating and reuniting with one another once separated due to insufficient policies and systems. In many cases, family members and the service providers assisting them are not able to locate and reach all of the different affected individuals; as a result, some of the stories are incomplete without this additional information. Therefore, we are also including cases that were observed by service providers but have been anonymized and should not be seen as individual complaints. These cases

are denoted as such below. While in some cases more detailed affidavits may be available, not all cases include full identifying information.²⁹

1. Case of Sofia, whose husband was separated from their five-year-old son Rodrigo at the U.S.-Mexico border

Sofia fled Guatemala with her husband and their two minor children. Her husband, Luis, entered the U.S. with their five-year-old son, Rodrigo on or around November 11, 2017. Luis was separated from his son at the border. Sofia entered the United States with their one-year-old child, Jaime, the following day and was subsequently transferred to the South Texas Family Residential Center (STFRC) in Dilley, Texas. Sofia learned that Rodrigo had been separated from her husband and transferred to the custody of ORR and that her husband had been transferred to the San Luis Regional Detention Center in Arizona. Through the assistance of her attorney, Sofia discovered that her husband was in the custody of the U.S. Marshals and that he had likely been charged criminally for illegal re-entry to the United States, even though he had traveled to the United States for the purpose of seeking asylum.

Sofia reports that her attorney attempted to coordinate a phone call between her and her husband on numerous occasions, but was informed that phone calls between detainees are not permitted when at least one of them is in the custody of the U.S. Marshals. Sofia describes the emotional impact of being separated from both her minor son, Rodrigo, and her husband and the negative impact this separation had on her legal case:

When I finally spoke to Rodrigo, [my older son], we both cried. He seemed very upset. He asked why his father had left him. I did not know what to tell him to make him feel better. I had to lie and tell him that his dad was working and that he was going to be brought to me very soon to try to calm him down, but it did not help much. He is far too young to be separated from his parents. He is in a foreign country where everything seems different and there is no one around him that he knows.

I had my credible fear interview on Monday, November 27. I know that I cannot return to Guatemala, and did my best to explain why to the asylum officer. However, I feel that I really needed to speak to my husband to understand exactly why we were in danger because he was the one who heard the threats against us directly. I could not describe exactly what words the gang used or how many times we were threatened. I think that my husband did not tell me the whole story because he was trying to protect me. I am waiting and hoping that what I knew was enough to pass the interview and that I will be called to sign a positive decision soon.

At the time of submission of this complaint, Sofia and their one-year-old child Jaime had been released and were permitted to pursue their immigration cases in a non-detained setting; it is

²⁹ Only pseudonyms are used in public versions of this complaint.

unclear whether or not Rodrigo remains in the custody of ORR or where exactly Luis remains in custody.

2. Aurelia, Honduras, formerly detained at Karnes County Residential Center with her 1.5-year-old daughter; separated from her husband who was transferred to U.S. Marshals custody

Aurelia, her husband, and their 1.5-year-old daughter fled gang violence in Honduras and entered the United States on October 22, 2017 around El Paso, Texas. Aurelia reports that after the family was apprehended by U.S. Border Patrol authorities (BP), officers indicated to the family that, “they were not accepting anymore [sic] families with kids.” Aurelia reports that although she requested to call her sponsor, officials told her that they “weren’t allowed to have a lawyer, or a judge, and that they were the judges.” She states, “[T]hey did not ask us if we feared returning to our country and they did not give us the chance to ask for asylum.”

Aurelia reports that her husband was subsequently transferred to another facility. Aurelia was given no information regarding his location, just that he had been transferred to a different facility and that he would be deported after her. Although she was told she would be deported, she was instead transferred to the Karnes County Residential Center with her 1.5-year-old daughter. She tried repeatedly to locate her husband. She was told that he was detained in the Otero County Processing Center, but even when Geo Group officials tried to connect her to the facility, she was told that the facility could not locate him. She finally learned that he’d been referred to U.S. Marshals custody, not ICE custody. Aurelia reports that her husband has no criminal history, and writes “I only want to communicate with him and to know how he is.” Her daughter also “asks for him every day.”

3. Maria, Guatemala, separated from her five- and 14-year-old children and her husband

Maria fled Guatemala with her husband, child, and her husband’s child to escape violence, including the murder of their 21-year-old child. They entered the United States on September 9, 2017, at the San Ysidro port of entry. Maria reports that on September 11, she was separated from her husband and children and subsequently transferred to the Otay Mesa Detention Center. For at least ten days, she notes that DHS officers failed to provide her with any information regarding the whereabouts of her children. At that point, she was told that her children had been separated from her husband and that they were sent to a shelter in New York while her husband was also detained at the Otay Mesa Detention Center.

Maria received a phone number to call her children, which she reports does not give her the opportunity to leave a message if no one answers. She writes that: “When I do talk to my kids, they tell me they don’t want to be there, they miss me, and they want to be with me.”

Maria and her husband agreed to have their children released to an uncle; however the uncle was not able to receive the children. She is concerned over what will happen with them, and they continue to be in ORR custody in New York.

4. Case of Valentina, detained with one-year-old child, after being separated from her husband at the U.S.-Mexico border

Valentina fled El Salvador with her husband and their one-year-old son and entered the U.S. on or around November 14, 2017. Following several days in a processing unit on the border near San Luis, Arizona, Valentina's husband was transferred to an adult immigrant detention center in Arizona, and Valentina and their child were transferred to a family detention center in Dilley, Texas.

Valentina reports that she attempted to speak with her husband on the phone on numerous occasions after they were separated. According to Valentina, the adult detention center in which her husband was detained required proof of her marriage to her husband in order to coordinate a phone call. She describes the emotional impact of the separation from her husband:

Hilario and I are legally married, but I do not have our marriage certificate easily accessible. I only traveled with my passport, which has my married name of "[last name]." [My pro bono attorney at] CARA requested if that was sufficient for the phone call, but it has not yet been accepted. My mom has been trying to send me my marriage certificate, but whenever she tries to fax or email it does not go through.

I received my positive credible fear determination today. Hilario and I fled El Salvador for exactly the same reason, so I believe that if I have a positive credible fear determination he should also have one. I am terrified of what will happen if he is deported. I fear he will be killed and I will have to raise [Juan] alone. I am worried about the developmental effects the psychologist talked about. I feel helpless because I am unable to talk to my husband and help him.

Valentina's pro bono attorney contacted USCIS and requested that her case be linked to that of her husband's. Valentina was given a phone call to her husband 13 days after her attorney requested it. Her case was eventually linked to that of her husband. Valentina and her minor son were released from custody on or around December 5, 2017 and allowed to pursue their immigration case in a non-detained setting. However, her husband remains detained at the time of submission of this complaint.

5. Case of Camila, Mexico, detained with 17-year-old daughter, separated from her husband and 16-year-old child at the U.S.-Mexico border

Camila fled Mexico with her husband and their two teenaged children, Rebeca (17 years old) and Xavier (16 years old). Xavier is a U.S. citizen. The family entered the United States on or around November 7, 2017, at the Hidalgo Port of Entry. Xavier was separated from his parents and older

sister shortly after they entered the United States, and transferred to the custody of Camila's sister-in-law, who lives in Texas. Camila and Rebeca were transferred to the South Texas Family Residential Center in Dilley, Texas, and her husband was transferred to the Port Isabel Detention Facility. Camila describes the emotional trauma associated with being separated from her husband and son:

It has been very traumatic for our family to be separated in this way. It is difficult for my daughter and I to discuss it without crying. It has been very difficult for my daughter to be separated from her father and brother. I have never been separated from my son and I worry about him every day. We fled Mexico as a family and I believe we should have been kept together as a family, especially because my children are still underage.

At the time of submission of this complaint, Camila and her daughter have been reunited with her son and permitted to pursue their immigration case in a non-detained setting, but her husband remains detained.

6. Case of Javier, El Salvador, separated from 12-year old son Rodrigo near San Ysidro Port of Entry

Javier and Rodrigo presented themselves at the San Ysidro port of entry on November 12, 2017, after having first tried to request asylum at the Otay pedestrian port of entry but being indicated they had to find the San Ysidro port to be process. Upon requesting asylum, Javier and Rodrigo were handcuffed and taken to a holding room (at some point during this time, the handcuffs were removed). Both were eventually transferred to another holding cell with other fathers and children. The cell contained a toilet and sink, meaning that any use of the toilet occurred with the other men and children around. Javier reports that he and the others spent some days being held in the cell or transported to another federal building during the day and being transported to a hotel in the evenings.

On November 16, 2017, the men were taken to a cell in the other building and held again with other men and their children. Officers repeatedly pressured the men to give up their children; eventually, when only four men and their children were left, someone who introduced himself as the "boss" explained again that the men would be separated from their children. As Javier was taken out of the cell to identify his and his child's belongings, officers took his and the children of the other fathers. Javier reports that he never signed anything relinquishing custody of his child. He reports that the officer also took his belongings. Javier reports that immigration officers gave him a phone number with which he could try to locate his son and speak to him; however, Javier states that he was unable to locate his son despite repeated attempts to do so. According to advocates working on his case, Rodrigo remains in ORR custody.

7. Case of Angelo, El Salvador, separated from his one-year-old son Tobias near San Ysidro Port of Entry

Angelo and his one-year-old son requested asylum from U.S. border authorities on November 12, 2017. They were held in custody at San Ysidro in a room they described as very cold. While at San Ysidro, an immigration officer (who Angelo reports was wearing a green uniform, though all other officers were wearing blue) took an inventory of Angelo's belongings, and kept one-year-old Tobias's birth certificate while returning the rest of the items. When Angelo asked why she kept it, he reports that she told him that it was important and needed to remain separate. Angelo and Tobias were, like others, transferred back and forth between a federal immigration building in San Diego during the day and a hotel at night. While en route to the building on November 16, 2017, Angelo reports that he asked to change Tobias's diaper, but officials refused the request.

Angelo reports that while at the building on November 16, immigration officials repeatedly approached Angelo and other fathers to pressure them into giving up their children. On one occasion, Angelo reports that an officer indicated that "letting go of their kids was what was good for them, because otherwise it would affect their whole process." According to Angelo, the officer also indicated he would "take action" if the fathers did not cooperate, and that "they should not make their children witness violence." Angelo reports that eventually an official arrived who indicated that he was the director, and that he said that he had orders from authorities above him to separate the fathers from their children.

Angelo and the three other dads insisted that they stay with their children, but eventually an officer took Tobias away. Angelo reports that the officers did not take Tobias's belongings, and that that evening he and the other fathers were transferred to the Otay Mesa Detention Center. Angelo eventually received a phone number that he was told to use to locate Tobias, but when he called it he was told that he could not receive any information about Tobias "for security reasons." According to advocates working on his case, Tobias remains in ORR custody at the time of submission of this complaint.

8. Case of Alejandro, El Salvador, separated from his five-year-old daughter Aria near San Ysidro Port of Entry

Alejandro and his five-year-old daughter, Aria, turned themselves in to seek asylum at the San Ysidro port of entry on Friday, November 10, 2017, fleeing death threats in El Salvador. Alejandro showed authorities his and his daughter's passports, which indicate that he is her father. He was not asked for any additional documents. Alejandro reports that he and his daughter were there for approximately five days, that it was cold, and that his daughter "would cry all the time because she was afraid that the men guarding us with guns were there to kill us. She knew that we had left El Salvador because someone wanted to kill us so she was very afraid."

Alejandro reports that he and other fathers and their children were transported subsequently to a hotel. The next day they were taken to a building where they were detained in two different holding cells until they returned to the hotel in the evening. The following morning, they returned to the

office. They were eventually told to separate their belongings from their children's and that they would be separated from them. Although they resisted, eventually an individual who Alejandro reports was a senior official with ICE (a "jefe") appeared who told them that the order to separate had come from higher levels and that they would have to be separated from their children. Alejandro interpreted the official's words as a threat that their cases would be negatively impacted. Alejandro reports that the children became extremely upset. He said that Aria said to him " 'I don't want to be separated, I'm going to hug you so hard that no one will be able to separate us [...] Who will protect me if I'm afraid that someone will kill me?'"

After they were separated, Alejandro reports that he and the others received a phone number for ORR to call his daughter, but that he could not do so from detention. Alejandro writes:

I am worried about [Aria's] mental health. I tried calling but I have no funds. She has a congenital condition that causes her to lose control of her bladder.

I do not understand why I was separated from my daughter. The officers never asked me for any other documents proving I was her father. It did not seem that there was ever any question that Aria is my daughter. I have never been arrested in any country. I had an *in absentia* removal order from many years ago, but I explained that to the officers and they never mentioned it as a reason for taking my child from me. It has been very difficult not knowing where she is.

According to advocates working on his case, Aria remains in ORR custody at the time of submission of this complaint.

9. Case of Federico, Honduras, separated from his three-year-old son Sami at the U.S.-Mexico Border

Federico and Sami crossed the U.S.-Mexico border on Monday, November 13, 2017, to seek humanitarian protection, after fleeing Honduras. Federico and Sami were apprehended by Border Patrol and transferred to a facility he believes was in Chula Vista. Federico reports that he and his son were badly treated while being held; Sami had to repeatedly use the bathroom and eventually the Border Patrol officer interacting with them got upset and screamed at them to shut up. Sami ultimately wet his pants. When Federico asked to call his sponsor, he reports he was told that he was not allowed to do so and that "it would not make any difference." On Tuesday, November 14, Federico and Sami were taken to a building he believes was in San Diego, and that night stayed in a hotel. He and his son were taken back to the building the next day and held in a room with other fathers and children until they returned to the hotel that night. On November 16, he reports they were again taken to the same building and that on this day they were told they would have to let go of their children so the children could go to a shelter.

Federico reports that they repeatedly resisted, until eventually an official arrived who announced that he was in charge. Federico reports that he and the other fathers still tried to refuse letting go of their children, but that eventually the officials returned and said they would “have to use force to take them away.” Federico writes that Sami “begged to not be taken away and put his arms around me. I grasped him firmly in my arms. I told the officials that I would not give him up, and that they would have to take him from me. Then, one of the officers came up to me and with both hands forcefully pulled [Sami] out of my arms. They didn’t give us any paperwork to sign or anything.”

Federico shared that he was only provided with a number for ORR, but told when he called that they could not give him any information about his son. He writes “I feel like I have no will to do anything without knowing where my son is or whether he is safe. The only thing I ask for right now is that [Sami] be by my side.” Advocates working on the case believe Sami remains in an ORR custody program.

10. “Andrea,” Honduras, older woman separated from husband, children, daughter-in-law, and grandchild, separated at the U.S.-Mexico border³⁰

Andrea is a Garifuna woman in her 60s who presented at the Nogales port of entry along the Arizona-Mexico border in June 2017. She has no criminal history and no past immigration history. Andrea and her family fled to the U.S. after violent gangs killed three of her sons because the family was unable to pay the monthly extortion payments the gang demanded. Andrea presented at the port of entry with her son, daughter, daughter-in-law, granddaughter and husband, who suffered from cancer and was seriously ill. Her daughter, granddaughter, daughter-in-law, and husband were paroled into the United States and allowed to go to Texas to complete their immigration case in a non-detained setting, while Andrea and her son were both detained in Eloy, Arizona. Despite Andrea’s husband being in critical condition as of late October 2017, ICE refused to release Andrea to be with him. It was only after her husband’s death and intensive efforts by Andrea’s attorneys that Andrea was paroled in order to attend her husband’s funeral.

11. “Fernando,” Honduras, disabled 18-year-old separated from mother and younger siblings at the U.S.-Mexico border

Fernando is an 18-year-old with developmental disabilities, who fled gang violence in Honduras with his mother and younger siblings following the murder of his half-brother. Fernando, his mother, and his younger brothers presented at a port of entry on the U.S.-Mexico border in September 2017. The family had never been in the United States before. Fernando was separated

³⁰ Cases #10-#13 are anonymized in order to protect identity and were reported through the Florence Project. Although we cannot share more specific information, they serve to illustrate a growing trend of family separation observed by service providers.

from his family members and detained alone in adult detention while his mother and siblings were sent to a family detention center. It has been difficult for attorneys working with Fernando to reach the rest of his family and for Fernando to provide information about his claim due to his developmental disability. Because of the separation, it has also been difficult for attorneys to obtain medical records documenting Fernando's medical history and disability and which would provide critical evidence in his asylum case. Fernando remained detained in Arizona as of December 6, 2017.

12. "Anna," Guatemala, a two-year-old separated from her father at the U.S.-Mexico border and rendered unaccompanied and "Antony," Guatemala, two-year-old separated from his father at the U.S.-Mexico border and rendered unaccompanied

Anna's and Antony's cases are completely unrelated, but both are examples of family separation involving young toddlers. Anna is a two-year-old Guatemalan girl who was separated from her father at the U.S.-Mexico border and transferred to ORR custody. Antony is a two-year-old Guatemalan boy who was also separated from his father at the U.S.-Mexico border and encountered by legal service providers in ORR custody. Both were too young to be able to communicate with legal service providers about their arrest, separation, or reasons why their families left Guatemala. In Antony's case, legal service providers were able to determine that his father had been prosecuted for illegal entry 8 U.S.C. §1325(a)(1) in the Western District of Texas. This separation occurred despite records indicating that the father had no prior immigration history or known criminal history.

13. "Carlos," Guatemala, 16-year-old separated at U.S.-Mexico border from his mother, who was prosecuted for illegal entry under 8 USC §1325(a)(1)

"Carlos" is a 16-year-old boy from Guatemala who was separated from his mother after they were apprehended while crossing the U.S.-Mexico border. Together they were seeking asylum based on gang violence and threats they received after reporting violence to the police. Carlos was transferred to a shelter in Tucson as an unaccompanied child, while his mother was prosecuted and convicted for illegal entry pursuant to 8 U.S.C. §1325(a)(1) in the Western District of Texas. According to records, Carlos's mother had no immigration or criminal history.

14. "Alex," who was separated from his toddler child, "Jesse," and then subsequently deported³¹

Jesse, a toddler child and his parent Alex were detained in CBP custody, where a CBP agent mocked Alex and the circumstance of being in CBP custody. The agent asked Alex if Alex believed in God. Alex replied that he was Catholic. The agent then proceeded to say, "Where is your God now?!...Is your God going to save you from being deported?!...Your God must not care about you because he allowed you to be here!" Alex was subsequently deported to their country

³¹ Case information in #14-#15 are from the affidavit of Jessica Jones, LIRS. They have been anonymized and given gender neutral names to protect the identity of the family. Full information will be filed separately.

of origin without his child. The child was rendered unaccompanied and transferred to ORR and placed in an LIRS foster care program. Upon placement, ORR did not have any information on whether Alex had been criminally prosecuted, where he was, or whether the child had a fear of return, because the Form 93 or I-213 were not provided to ORR. LIRS has frequently called Alex to gather more case information and understand what Alex would like to happen; during these calls, “Alex frequently would sob uncontrollably about the experience in CBP custody and reported severe anxiety attacks. The foster parent caring for the toddler child has reported that the child has also had severe anxiety attacks for a toddler and has been unable to sleep at night due to the separation from the parent. This has required a high level of care by the foster parent and LIRS foster care agency due to the medical attention needed for the child.”

15. “Chris,” an asylum-seeking parent separated from “T.J.” a U.S. citizen child and “A.J” an undocumented child

TJ, a U.S. citizen child and AJ, an undocumented child arrived at the border with their parent Chris who was coming to the United States for the first time and seeking asylum. Border Patrol separated both children from Chris and LIRS believes Chris was transferred to ICE detention, but Chris may have been previously detained in United States Marshals custody. LIRS does not have these details because ORR was not provided the I-213 and other documentation. TJ was transferred to state child protective services and because AJ was rendered “unaccompanied” when CBP transferred AJ to ORR custody. ICE told Chris that if he decided to pursue an asylum case he would remain detained for over six months. Further, Chris has children in two different forms of custody and may face a child welfare proceeding for Chris’s U.S. citizen child. Forced to choose between months of separation from his children or pursuing asylum, Chris ultimately decided not to pursue an asylum claim and requested to be deported.

CONCLUSION

The above case examples demonstrate a disturbing, increasing trend of family separation at the hands of U.S. immigration officials at the U.S.-Mexico border despite former Secretary Kelly’s assurances to the contrary. The separation of family members, and specifically minor children from their parents, absent extraordinary circumstances, raises significant legal concerns and threatens the most fundamental interests of parents and their children.

We urge your office to investigate and clarify current DHS policy on family separation and ensure that former Secretary Kelly’s commitment to avoid family separation is implemented. Many of our organizations have also outlined recommendations designed to prevent family separation, ensure a fair process for those seeking protection, and help families stay connected and in communication if separation does occur. These include that:

1. DHS should consider family unity as a primary factor in all charging and detention decisions. DHS agents should receive training and clear guidance on the identification, documentation, processing, and placement decisions for families.

2. DHS and its component agencies should document and trace all family relationships to better understand when family separation occurs and inform strategies to address it.
3. DHS should consider the best interests of the child in all processing, custody, and removal and repatriation decisions.
4. DHS should mandate the hiring of child welfare professionals at the border to supervise the protection of children and families and, in rare instances in which it is warranted, oversee instances of family separation.
5. DHS should coordinate among its components and with HHS and DOJ to identify family separation and facilitate release and reunification. DHS and its components should work with HHS and DOJ to ensure an inter-agency process to help separated family members be released and/or reunited. This should include mechanisms to help detained family members locate and connect with loved ones, such as an inter-agency hotline.³²
6. DHS should prioritize humanitarian considerations and obligations to ensure access to protection for asylum seekers when considering referral for criminal prosecution. Those traveling together as a family and who are asylum seekers should not be referred for prosecution until a determination has been made about an individual's eligibility for relief.
7. For families who require additional support, DHS should explore alternatives to detention such as the Family Case Management Program (FCMP) that ICE terminated in June 2017 and that—rather than unnecessarily relying on detention or ankle monitors—facilitated access to case management to ensure compliance with immigration requirement.
8. The Office for Civil Rights and Civil Liberties and the Office of the Inspector General should continue to investigate the unscrupulous prosecution of asylum seekers for entry and reentry following a former attempt to avail themselves of humanitarian protection in the United States.

Thank you in advance for your time and consideration. If you have any questions or require additional information, please contact Katie Shepherd of the American Immigration Council at kshepherd@immcouncil.org or (202) 507-7511, or Katharina Obser of the Women's Refugee Commission at katharinao@wrcommission.org or (202) 750-8597.

Al Otro Lado

American Immigration Council (Council)

American Immigration Lawyers Association (AILA)

³² The undersigned organizations recommend the implementation of a coordinated, national phone system that will permit detained (and non-detained) individuals to locate and contact their family members. Individuals in ICE, CBP, and DOJ custody—who should already have access to telephones with which they may call their attorneys or non-detained individuals—should be able to call a free number and speak with an individual who can assist in coordinating a phone call in a timely manner. The agency has already had some success with the ICE ERO Detention Reporting and Information Line (DRIL), which may serve as a model, but is specific to ICE custody, rather than HHS and DOJ. The coordination of phone calls between family members could address several concerns raised in this complaint.

Florence Immigrant and Refugee Rights Project (FIRRP)

Kids in Need of Defense (KIND)

Lutheran Immigration and Refugee Service (LIRS)

Refugee and Immigrant Center for Education and Legal Services (RAICES)

Women's Refugee Commission (WRC)