



THE CENTER ON
IMMIGRATION
AND CHILD WELFARE

IMMIGRANT FAMILY SEPARATION & DETENTION

RESOURCE LIST

NOVEMBER 2019

This document provides a list of vetted resources aimed at enhancing knowledge and understanding of the topics of immigrant family separation, family detention and incarceration, the Flores Settlement Agreement, and the Office of Refugee Resettlement federal foster care program. It also provides resources for legal and social services providers working with families and on issues of family separation and detention.

FAMILY SEPARATION

FACT SHEETS

- **Fact Sheet on Family Separation for Asylum Seekers** (August 2018) *Catholic Legal Immigration Network, Inc. (CLINIC)* <https://cliniclegal.org/sites/default/files/resources/defending-vulnerable-populations/fact-sheet-on-family-seperation.pdf>

This fact sheet explains how the Trump Administration carried out family separation in 2018, and reviews the federal court ruling in *Ms. L v. ICE*, which required the government to reunify most parents with their children.

- **Fact Sheet: The Trauma of Childhood Separation** (July 2018) Megan J. Wolff, Weill Cornell http://psych-history.weill.cornell.edu/pdf/Trauma_of_Separation.pdf

This fact sheet details the medical aspects of the trauma of child separation. Reviewed are both immediate and long-lasting health consequences that can result from the forcible and sudden separation of children from parents.

BRIEFS/ REPORTS

- **Beyond the Border: Family Separation in the Trump Era** (2019) *Unidos US* http://publications.unidosus.org/bitstream/handle/123456789/1915/unidosus_beyondtheborder_22519.pdf?sequence=3&isAllowed=y

This report outlines the harm to children, families, and communities caused by policies in the areas of education, health and mental health, public safety and economic opportunity.

- **Serving Separated and Reunited Families: Lessons Learned and the Way Forward to Promote Family Unity** (October, 2018) *Migration and Refugee Services and Legal Immigrant Resource Center* https://justiceforimmigrants.org/2016site/wp-content/uploads/2018/10/Serving-Separated-and-Reunited-Families_Final-Report-10.16.18-updated-2.pdf

This report shares information on social services provided by the U.S. Conference of Catholic Bishops/Migration and Refugee Services (USCCB/MRS) and the Lutheran Immigration and Refugee Service (LIRS) in response to the “zero tolerance” family separation crisis of 2018, and provides recommendations for policymakers, elected officials, and child welfare experts.

- **Entangled Roots: The Role of Race in Policies that Separate Families** (October, 2018) Elisa Minoff, *Center for the Study of Social Policy* <https://cssp.org/wp-content/uploads/2018/11/CSSP-Entangled-Roots.pdf>
This report examines the roots of policies that separate families and their entanglement with racial prejudice and discrimination. Immigration, criminal justice, and child welfare policies are discussed in relation to their impact on family separation.
- **Initial Observations Regarding Family Separation Issues Under the Zero Tolerance Policy** (September 2018) *Department of Homeland Security, DHS Office of Inspector General* <https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-84-Sep18.pdf>
This special report released by the DHS Office of Inspector General concerning family separation under “zero tolerance” identifies issues such as lack of resources, inadequate tracking systems, and inconsistent information given to parents.
- **Betraying Family Values: How Immigration Policy at the United States Border is Separating Families** (April 2017) Jessica Jones, Katharina Obser, and Jennifer Podkul; *KIND, WRC, and LIRS* <http://cimmcw.org/wp-content/uploads/BetrayingFamilyValues-Feb2017.pdf>
This report provides details about intentional and unintentional family separation, absence of humanitarian considerations, and effects of these experiences on immigrant families.
- **Love Without Borders: Grandfamilies and Immigration** (2018) *Generations United* <https://www.gu.org/app/uploads/2019/02/Grandfamilies-Report-LoveWithoutBorders.pdf>
This report highlights the additional hurdles faced by grandfamilies who come together as a result of a parent’s detention or deportation. Those hurdles include restricted access to support and services to help meet the children’s needs, language barriers, and fear of government agencies.

RESEARCH

- **Communities in Crisis: Interior Removals and Their Human Consequences** (November 2018) *Kino Border Initiative, The Center for Migration Studies of New York, and the Office of Justice and Ecology* <http://cmsny.org/wp-content/uploads/2018/11/FINAL-Communities-in-Crisis-Report-ver-5.pdf>
This study describes the impact that deportation has on immigrants after spending many years living in the United States. This survey by several faith-based groups details the hardships separated families face after a relative is deported.
- **Research and Policy Perspectives on Separating (and Reconnecting) Children and Parents: Implications for Families on the Border** (July 2018) *Zero to Thrive, University of Michigan Center for Human Growth & Development* https://medicine.umich.edu/sites/default/files/content/downloads/Rapid%20Response%20Talk_Research%20and%20Policy%20Perspectives%20on%20Separating%20Children%20and%20Parents.pdf
This report highlights research evidence on the science of early childhood development, stress and trauma, and implications of family separation and reunions for very young children.
- **The Science is Clear: Separating Families has Long-term Damaging Psychological and Health Consequences for Children, Families, and Communities** (June 2018) *Society for Research in Child Development* http://srcd.org/sites/default/files/documents/the_science_is_clear.pdf
This Statement of Evidence highlights research and data on the damaging effects of family separation on children,

families, and communities.

- **The Effects of Forced Family Separation in the Rio Grande Valley: A Family Unity, Family Health Research Update** (October 2018) *Human Impact Partners & La Union del Pueblo Entero*
https://familyunityfamilyhealth.org/wp-content/uploads/2018/10/HIP-LUPE_FUFH2018-RGV-FullReport.pdf
This report describes how everyday activities, like driving, can result in severe consequences for children and families in the Valley. Impacts of current practices around traffic stops, identification (ID) cards, and immigration enforcement are covered in this report.

FAMILY DETENTION

FACT SHEETS

- **Fact Sheet: Top 10 Reasons Family Incarceration is Not a Solution** (June 2018) *Human Rights First*
https://www.humanrightsfirst.org/sites/default/files/Top_Ten.pdf
This fact sheet reviews the long-lasting and damaging impacts that family incarceration can have on families and why it is ineffective.

BRIEFS/REPORTS

- **Trump's Family Incarceration Policy Threatens Healthy Child Development** (July 2018) Leila Schochet, *Center for American Progress* <https://cdn.americanprogress.org/content/uploads/2018/07/12055110/Family-Incarceration-brief1.pdf>
This brief outlines Trump administration's attempt to roll back important legal protections for children in detention and details how detaining families will have negative effects on the health and well-being of immigrant children and their parents.
- **The Harm of Family Detention** (June 2018) *Women's Refugee Commission*
<https://www.womensrefugeecommission.org/images/zdocs/WRC-harm-of-family-detention.pdf>
This brief explains why modifying the 1997 Flores Settlement Agreement – which sets national standards regarding the detention, release, and treatment of all children in immigration detention – and expanding family detention cannot be the answer to the Trump administration's self-created family separation policies.

RESEARCH

- **How do Immigrant Children and Families Experience Immigrant Detention?** (September 2018) Thomas M. Crea, Boston College; Laurie Cook Heffron, St. Edwards University; Catherine LaBrenz, University of Texas at Austin; and Alejandra Ros Pilarz, University of Wisconsin, Madison; *Scholars Taking Action for Families (STAFF): A CICW Workgroup* http://cimmcw.org/how-do-immigrant-children-and-families-experience-immigrant-detention/?preview_id=5850&preview_nonce=77637da31a&post_format=standard&thumbnail_id=1&preview=true
This CICW research brief reviews the existing literature on the impacts of immigration detention on children and families, and provides recommendations to support and promote their well-being.
- **Detaining Families: A Study of Asylum Adjudication in Family Detention** (August 2018) Ingrid Eagly, Steven Shafer, and Jana Whalley, American Immigration Council
https://www.americanimmigrationcouncil.org/sites/default/files/research/detaining_families_a_study_of_asylum_adjudication_in_family_detention_final.pdf
This report presents findings from an empirical analysis of asylum adjudication in family detention. Based on government data from over 18,000 immigration court proceedings, this report documents how families detained in U.S. family detention centers proceeded through the court process.

- **The Impact of Detention and Deportation on Latino Immigrant Children and Families: A Quantitative Exploration** (July 2010) Kalina M. Brabeck and Qingwen Xu, *Rhode Island College*
<https://www.researchgate.net/publication/247721989> The Impact of Detention and Deportation on Latino Immigrant Children and Families A Quantitative Exploration

This quantitative analysis found that parents with higher levels of legal vulnerability report a greater impact of detention/deportation on the family environment and children's well-being. It also provides practice and policy implications.

FLORES SETTLEMENT AGREEMENT

FACT SHEETS

- **The Trump Administration and the Flores Settlement Agreement: An Attempt to Undermine Decades-Old Protections for Vulnerable Children** (September 2018) *Kids In Need of Defense (KIND)*
<https://supportkind.org/resources/the-trump-administration-and-the-flores-settlement-agreement-an-attempt-to-undermine-decades-old-protections-for-vulnerable-children/>

This fact sheet reviews changes in proposed regulations concerning treatment of children in federal immigration custody if the Flores Settlement is terminated.

BRIEFS/REPORTS

- **The High Costs of the Proposed Flores Regulation** (October 2018) Philip E. Wolgin, *Center for American Progress* <https://www.americanprogress.org/issues/immigration/reports/2018/10/19/459412/high-costs-proposed-flores-regulation/>
This brief reviews what the implementation of the proposed rule to dissolve the Flores Settlement would likely cost DHS. The proposed rule which would allow the Trump administration to indefinitely incarcerate children, would cost slightly more than \$2 billion at the low end, and as much as \$12.9 billion at the high end.
- **The "Flores Settlement" and Alien Families Apprehended at the U.S. Border: Frequently Asked Questions** (September 2018) *Congressional Research Service* <https://fas.org/sgp/crs/homsec/R45297.pdf>
This Congressional Research report addresses questions concerning alien minors being separated from their parents at the U.S. border and the Flores Settlement. This document covers what the Flores Settlement is and what it provides, recent litigation related to the settlement, and what authority congress and the executive branch hold in altering the Flores Settlement.

OFFICE OF REFUGEE RESETTLEMENT & FEDERAL FOSTER CARE

FACT SHEETS

- **Frequently Asked Questions About Separated Children and the Child Welfare System** (July 2018) *ABA Center on Children and the Law, Women's Refugee Commission, and the Center on Immigration and Child Welfare*
<http://cimmcw.org/wp-content/uploads/Separated-Children-and-Adoption-Concerns-Fact-Sheet-FINAL-FINAL-7.29.18.pdf>
This fact sheet answers frequently asked questions about what happens to children separated from their parents at the border, highlighting differences between the federal foster care system and state public child welfare system.

BRIEFS/REPORTS

- **Separated Children Placed in Office of Refugee Resettlement Care** (2019) *U.S. Department of Health and Human Services Office of Inspector General* <https://oig.hhs.gov/oei/reports/oei-BL-18-00511.pdf>
This report by the Office of Inspector General (OIG) is a published review of the number and status of separated children who

have entered ORR care.

- **Custody and Care of Children at the Border: 2019 Congressional Briefing Book** (2019) *Warren Binford et al.*
<https://cimmcw.org/wp-content/uploads/Custody-and-Care-of-Children-Briefing-Book-2019-c2.pdf>

This document is intended to provide the reader with an overview of the current and recent legal landscape regarding children's legal rights in immigration detention, the children's placement in various immigration-related facilities, and rigorous scientific research highlighting the significant risk of harm from certain government policies and practices on arriving children.

PRACTICE RESOURCES

- **Template Motion to Rescind In Absentia Removal Order and Reopen Removal Proceedings for Formerly Separated Families**, *Catholic Legal Immigration Network* (2019) <https://cliniclegal.org/template-mtrr-for-formerly-separated-families>
This is a template created for Formerly Separated Families with the goal of assisting practitioners who represent or wish to represent these families.
- **The Legal Rights of Separated Children** (August 2018) *Kids in Need of Defense*
<https://supportkind.org/resources/the-legal-rights-of-separated-children/>
This web site briefly describes the legal rights that children in immigrant families have in the context of family separation.
- **Resources for Families Facing Deportation and Separation** (July 2018) *Women's Refugee Commission*
<https://www.womensrefugeecommission.org/rights/resources/1409-resources-for-families-facing-deportation-separation>
This page presents a series of guides, reports, and tools about family separation, safety planning, and child welfare for families facing detention and deportation. Available in English and Spanish.
- **Interfaith Toolkit to Engage Congress on Family Incarceration & Separation** (July 2018) *Interfaith Immigration Coalition* <http://www.interfaithimmigration.org/wp-content/uploads/2018/07/Tell-Your-Members-of-Congress-Reject-Separating-Families-and-Incarcerating-Children-4.pdf>
This toolkit contains language and resources on engaging Congress regarding family incarceration and separation.
- **Separated Children Resources Website** (July 2018) *Alliance for the Advancement of Infant Mental Health*
<https://www.allianceaimh.org/separationistrauma/>
This website provides two types of resources: resources for children who have been separated from their parents, and resources for caregivers and social service providers working to support these children and their families.
- **ICE Directive on Detention and Removal of Alien Parents or Legal Guardians** (2017) *Women's Refugee Commission* <https://www.aila.org/File/Related/18042302a.pdf>
This document is a preliminary analysis of the new ICE Directive on Detention and Removal of Alien Parents or Legal Guardians, current as of April 17, 2018. This new Directive replaces ICE's 2013 Parental Interests Directive, and eliminates certain key pieces of the 2013 policy. This document reviews frequently asked questions about the Directive.
- **Make a Plan: Migrant Parents' Guide to Preventing Family Separation** *Women's Refugee Commission*
<http://cimmcw.org/wp-content/uploads/Make-a-plan-english.pdf>
This is a guide to help immigrant parents understand their rights and prepare for the possibility of separation. Available both in English and Spanish.