

**MIGRANT & REFUGEE COMMITTEE
AN AD-HOC COMMITTEE OF THE CAPE COD COUNCIL OF CHURCHES**

**AN EDUCATION DOCUMENT:
THE SEPARATION OF FAMILIES NEAR THE SOUTHERN BORDER
8 JUNE 2018**

In its mission “to respond to the continuing revelation of God in Jesus Christ,” the Cape Cod Council of Churches formed an ad-hoc committee – The Migrant and Refugee Committee– to foster communication and education on immigration issues.

Here is one of our committee’s periodic updates on an issue – meant as educational background, and not a call to any one mode of response. Here, we share the positions of many faith traditions on our government’s separation of immigrant children from their families. We welcome more links to faith traditions. As more links are made and the national issues evolve, there may well be updated editions of this paper.

Thomas Ryan
Chair, Migrant and Refugee Committee

TRACKING OUR GOVERNMENT’S OFFICIAL POSITION



PRESIDENT TRUMP & A G SESSIONS

Recent documents summarize our government’s position:

◆ Presidential Memorandum for the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Health and Human Services, and the Secretary of Homeland Security
Issued on: April 6, 2018

SUBJECT: **Ending “Catch and Release”** at the Border of the United States and Directing Other Enhancements to Immigration Enforcement

Section 1. Purpose.

(a) Human smuggling operations, smuggling of drugs and other contraband, and entry of gang members and other criminals at the border of the United States threaten our national security and public safety. The backlog of immigration-related cases in our administrative system is alarmingly large and has hindered the expeditious adjudication of outstanding cases. Border-security and immigration enforcement personnel shortages have become critical.

(b) In Executive Order 13767 of January 25, 2017 (Border Security and Immigration Enforcement Improvements), I directed the Secretary of Homeland Security to issue new policy guidance regarding the appropriate and consistent use of detention authority under the Immigration and Nationality Act (INA), including the termination of the practice known as “catch and release,” whereby aliens are released in the United States shortly after their apprehension for violations of our immigration laws. On February 20, 2017, the Secretary issued a memorandum taking steps to end “catch and release” practices. These steps have produced positive results. Still, more must be done to enforce our laws and to protect our country from the dangers of releasing detained aliens into our communities while their immigration claims are pending.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct as follows:

Sec. 2. Ending “Catch and Release”.

(a) Within 45 days of the date of this memorandum, the Secretary of Homeland Security, in coordination with the Secretary of Defense, the Attorney General, and the Secretary of Health and Human Services, shall submit a report to the President detailing all measures that their respective departments have pursued or are pursuing to expeditiously end “catch and release” practices. At a minimum, such report shall address the following:

(i) All measures taken pursuant to section 5(a) of Executive Order 13767 to allocate all legally available resources to construct, operate, control, or modify — or establish contracts to construct, operate, control, or modify — facilities to detain aliens for violations of immigration law at or near the borders of the United States;

(ii) All measures taken pursuant to section 5(b) of Executive Order 13767 to assign asylum officers to immigration detention facilities for the purpose of accepting asylum referrals and conducting credible fear determinations and reasonable fear determinations;

(iii) All measures taken pursuant to section 6 of Executive Order 13767 to ensure the detention of aliens apprehended for violations of immigration law;

(iv) All measures taken pursuant to section 11(a) of Executive Order 13767 to ensure that the parole and asylum provisions of Federal immigration law are not illegally exploited to prevent the removal of otherwise removable aliens;

(v) All measures taken pursuant to section 11(b) of Executive Order 13767 to ensure that asylum referrals and credible fear determinations pursuant to section 235(b)(1) of the INA (8 U.S.C. 1125(b)(1)) and 8 CFR 208.30, and reasonable fear determinations pursuant to 8 CFR 208.31, are conducted in a manner consistent with those provisions;

(vi) All measures taken pursuant to section 6 of Executive Order 13768 of January 25, 2017 (Enhancing Public Safety in the Interior of the United States), to ensure the assessment and collection of all authorized fines and penalties from aliens unlawfully present in the United States and from those who facilitate their unlawful presence in the United States;

(vii) A detailed list of all existing facilities, including military facilities, that could be used, modified, or repurposed to detain aliens for violations of immigration law at or near the borders of the United States; and

(viii) The number of credible fear and reasonable fear claims received, granted, and denied — broken down by the purported protected ground upon which a credible fear or reasonable fear claim was made — in each year since the beginning of fiscal year 2009.

(b) Within 75 days of the date of this memorandum, the Attorney General and the Secretary of Homeland Security, in consultation with the Secretary of Defense and the Secretary of Health and Human Services, shall submit a report to the President identifying any additional resources or authorities that may be needed to expeditiously end “catch and release” practices.

Sec. 3. Return of Removable Aliens to Their Home Countries or Countries of Origin. Within 60 days of the date of this memorandum, the Secretary of State and the Secretary of Homeland Security shall submit a report to the President detailing all measures, including diplomatic measures, that are being pursued against countries that refuse to expeditiously accept the repatriation of their nationals. The report shall include all measures taken pursuant to section 12 of Executive Order 13768 to implement the sanctions authorized by section 243(d) of the INA (8 U.S.C. 1253(d)), or a detailed explanation as to why such sanctions have not yet been imposed.

Sec. 4. General Provisions.

(a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memo shall be implemented consistent with applicable law, subject to appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary of State is hereby directed to publish this memorandum in the Federal Register.

DONALD J. TRUMP



Attorney General Sessions

Delivers Remarks Discussing the Immigration Enforcement Actions of the Trump Administration
San Diego, CA ~ Monday, May 7, 2018

Today we are here to send a message to the world: we are not going to let this country be overwhelmed. People are not going to caravan or otherwise stampede our border. We need legality and integrity in the system. That’s why the Department of Homeland Security is now referring 100 percent of illegal Southwest Border crossings to the Department of Justice for prosecution. And the Department of Justice will take up those cases.

I have put in place a “zero tolerance” policy for illegal entry on our Southwest border. If you cross this border unlawfully, then we will prosecute you. It’s that simple. If you smuggle illegal aliens across our border, then we will prosecute you.

If you are smuggling a child, then we will prosecute you and that child will be separated from you as required by law.

If you make false statements to an immigration officer or file a fraudulent asylum claim, that’s a felony. If you help others to do so, that’s a felony, too. You’re going to jail.

So if you’re going to come to this country, come here legally. Don’t come here illegally.

In order to carry out these important new enforcement policies, I have sent 35 prosecutors to the Southwest and moved 18 immigration judges to the border. These are supervisory judges that don’t have existing caseloads and will be able to function full time on moving these cases. That will be about a 50 percent increase in the number of immigration judges who will be handling the asylum claims.

These actions are necessary. And they are made even more necessary by the massive increases in illegal crossings in recent months. This February saw 55 percent more border apprehensions than last February. This March saw triple the number from last March. April saw triple the number last April.

The trends are clear: this must end.

Eleven million people are already here illegally. That’s more than the population of Portugal or the state of Georgia. The Congressional Budget Office estimates that those 11 million have 4.5 million children who are American citizens. Combined, that group would be our fifth-most populous state. This situation has been many years in the making.

For decades, the American people have been pleading with our elected representatives for a lawful system of immigration that serves the national interest—a system we can be proud of.

That is not too much to ask. The American people are right and just and decent to ask for this. They are right to want a safe, secure border and a government that knows who is here and who isn’t. Donald Trump ran for office on that idea. I believe that is a big reason why he won. He is on fire about this. This entire government knows it. The American people have a right to expect that the laws that their representatives voted for are going to be carried out. Failure to enforce our duly-enacted laws would be an affront to the American people and a threat to our very system of self-government.

And these laws are the most generous immigration laws in the world. We accept 1.1 million lawful permanent residents every year—that’s more than the population of Montana, every single year. These are the highest numbers in the world.

I have no doubt that many of those crossing our border illegally are leaving difficult situations. But we cannot take everyone on Earth who is in a difficult situation. According to a Gallup poll from a few years ago, 150 million people around the world want to immigrate to the United States. Gallup says that 37 percent of Liberians want to immigrate to the United States. One fifth of Cambodians want to move here. One-in-six Salvadorans are already in the United States—and another 19 percent tell Gallup they want to come here.

It's obvious that we cannot take everyone who wants to come here without also hurting the interests of the citizens we are sworn to serve and protect. We have to have limits. And Congress has already set them.

And if you want to change our laws, then pass a bill in Congress. Persuade your fellow citizens to your point of view. Immigrants should ask to apply lawfully before they enter our country. Citizens of other countries don't get to violate our laws or rewrite them for us. People around the world have no right to demand entry in violation of our sovereignty.

This is a great nation—the greatest in the history of the world. It is no surprise that people want to come here. But they must do so properly. They must follow our laws—or not come here at all. Make no mistake, the objections, the lawsuits, the sanctuary jurisdictions are often the product of a radical open border philosophy. They oppose all enforcement.

And so this Department, under President Trump's leadership, is enforcing the law without exception. We will finally secure this border so that we can give the American people safety and peace of mind. That's what the people deserve.

Thank you



RESULT OF THIS ZERO TOLERANCE = SEPARATION OF CHILDREN FROM PARENTS.

Article from the U S Conference of Catholic Bishops

SEPARATING FAMILIES AT THE BORDER: A COSTLY PRACTICE

An Example of Who DHS is Separating & Detaining: Maria's Story

Maria, a young mother, was abused and forced into sex trafficking by a local gang in her home country of Guatemala. Maria eventually escaped this situation and fled to the U.S. with her three-year-old son, Jose, in search of protection. When Customs and Border Protection agents apprehended Maria and Jose at the border, they chose to separate Maria from her toddler, seemingly convinced that she was Jose's aunt. Consequently, Jose was deemed "unaccompanied" and transferred to the care of the Office of Refugee Resettlement, and Maria was transferred to adult detention. Maria remains detained and has yet to be reunified with her son.

At the end of the Obama Administration and into the Trump Administration, there have been significant increases in the separation of families at the U.S./Mexico border by the Department of Homeland Security's (DHS) Customs and Border Protection (CBP). Since October 2017, over 700 children have been separated from their parents and rendered "unaccompanied," including over 100 children under the age of four. On May 4, 2018, DHS stated that it will refer all individuals who cross the border without authorization for criminal prosecution, including adult members of family units. If implemented, this policy will undoubtedly lead to a drastic increase in incidences of family separation. Forcibly separating families is deeply troubling for several reasons:

1. It Will Be Costly to U.S. Taxpayers. As DHS separates families at the border, DHS will likely transfer individuals over age 18 into custody of the U.S. Marshals Service, within the Department of Justice (DOJ),

to await prosecution and will designate any children as “unaccompanied” The children would then be transferred to the custody of the Department of Health and Human Services (HHS). Separating families at the border will be incredibly costly – unnecessarily shifting the financial burden of families awaiting immigration proceedings and prosecution to the U.S. taxpayer. Currently, if an individual is not referred for prosecution or detained, the families of those arriving and charitable groups provide assistance. With the policy change, DOJ and HHS – and by extension the U.S. taxpayer – will be required to fund the care and custody of these families.

Separating Families at the Border: A Costly Practice

Taxpayers Will Have to Pay Hundreds of Dollars Per Family Per Day to Implement This Policy. DOJ found that the average daily cost of detaining an individual with the U.S. Marshals Service was \$89.33 in Fiscal Year 2017. Meanwhile, a 2015 Government Accountability Office report estimates that the average cost to the taxpayer to keep an unaccompanied child in an ORR shelter is \$248 per day. This means that costs can range up to \$585 per night for a family of three (two children, one parent) and will be borne by the U.S. taxpayer. In contrast, exercising discretion in determining who to prosecute and releasing families under certain existing Alternative to Detention (ATD) programs is much more cost effective; ATD programs operated by DHS can cost as little as \$5 per person per day and are extremely effective in ensuring compliance with immigration proceedings and orders.

2. It Will Hinder Judicial Efficiency. Separating families will also impede access to due process and decrease judicial efficiency. Adult detained family members will be placed into separate immigration removal proceedings from their children after separation. This requires unnecessary expenditure of Department of Justice (DOJ) resources on duplicative proceedings that otherwise would be linked. Consequently, the policy will further contribute to the immigration court backlog, which is already over 692,000 cases. Additionally, separating family members may impede their access to evidence and testimony that is essential for efficient processing of their cases and their access to justice.

3. Children Are Vulnerable & Should Not Be Separated From Their Parents. Family unity is a cornerstone of our American immigration system and a foundational element of Catholic teaching. While there are times when separation is appropriate due to abuse or trafficking concerns, unnecessarily separating families would be extremely detrimental to basic child welfare principles, contrary to our Catholic values, and ineffective to the goals of deterrence and safety.

4. Increasing Prosecutions and Separating Parents From Their Children Will Not Deter Families From Seeking Safety in the U.S. Such a policy will not cure the pervasive root causes of migration existing in the Northern Triangle of Central America today. Factors such as community or state-sanctioned violence, poverty, lack of educational opportunity, forcible gang recruitment, and domestic abuse are compelling children and families to take the enormous risks of migration, including the possible additional risk of family separation at the border. These are the factors that must be addressed as we look to repair our broken immigration system.

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RESPONSES TO OUR GOVERNMENT'S OFFICIAL POSITION:

UNITED NATIONS COMMISSIONER FOR HUMAN RIGHTS & MAJOR FAITH TRADITIONS



UNITED NATIONS

UN High Commissioner for Human Rights: Ravina Shamdasani, June 5, 2018

We are deeply concerned that the zero tolerance policy recently put in place along the US southern border has led to people caught entering the country irregularly being subjected to criminal prosecution and having their children – including extremely young children -taken away from them as a result.

The practice of separating families amounts to arbitrary and unlawful interference in family life, and is a serious violation of the rights of the child. While the rights of children are generally held in high regard in the US, it is the only country in the world not to have ratified the UN Convention on the Rights of the Child. We encourage it to accede to the Convention and to fully respect the rights of all children.

The use of immigration detention and family separation as a deterrent runs counter to human rights standards and principles. The child's best interest should always come first, including over migration management objectives or other administrative concerns. It is therefore of great concern that in the US migration control appears to have been prioritised over the effective care and protection of migrant children.

Children should never be detained for reasons related to their own or their parents' migration status. Detention is never in the best interests of the child and always constitutes a child rights violation.

Information from various sources suggests that several hundred children have been separated from their families since last October. The practice of separating children from their parents is being applied to both asylum-seekers and other migrants in vulnerable situations, and we note that the American Civil Liberties Union has brought a class action case on behalf of hundreds of parents who have been forcibly separated from their children.

The majority of people arriving at the U.S.'s southern border have fled Honduras, Guatemala and El Salvador – in many cases either because of rampant insecurity and violence, or because of violations of a range of other rights, such as health, education, and housing.

The US should immediately halt this practice of separating families and stop criminalizing what should at most be an administrative offence – that of irregular entry or stay in the US.

We call on the US authorities to adopt non-custodial alternatives that allow children to remain with their families and fulfil the best interests of the child, their right to liberty and their right to family life



EVANGELICAL IMMIGRATION TABLE

www.evangelicalimmigrationtable.com

June 1, 2018

Dear Mr. President:

As evangelical leaders representing tens of thousands of local churches, campus communities, and ministries we are concerned that the new “zero tolerance” policy at the U.S.-Mexico border, recently announced by Attorney General Sessions and being implemented by the Department of Justice and the Department of Homeland Security, has had the effect of separating vulnerable children from their parents. As head of the Executive Branch of the federal government, we are writing to ask you to resolve this situation of families being separated that you have rightly described as “horrible.”

As evangelical Christians guided by the Bible, one of our core convictions is that God has established the family as the fundamental building block of society. The state should separate families only in the rarest of instances. While illegal entry to the United States can be a misdemeanor criminal violation, past administrations have exercised discretion in determining when to charge individuals with this offense, taking into account the wellbeing of children who may also be involved. A “zero tolerance” policy removes that discretion—with the effect of removing even small children from their parents. The traumatic effects of this separation on these young children, which could be devastating and long-lasting, are of utmost concern

U.S. law currently allows individuals with a credible fear of persecution to request asylum whether the individual enters with a valid visa, requests asylum at a port of entry, or is apprehended seeking to enter without a visa. Not every individual arriving will merit asylum protection, but we would ask that families be kept together while ensuring each individual asylum seeker is afforded due process according to our laws.

We are also concerned that there are fewer legal possibilities for those with a well-founded fear of persecution to be considered for refugee status without needing to make it to the U.S. border. The U.S. Refugee Resettlement Program has allowed many fleeing persecution in Central America and elsewhere to register as refugees abroad and be thoroughly vetted before coming lawfully to the U.S. However, with significantly fewer refugees being admitted in recent years, there are fewer options for those fleeing persecution. Those facing legitimate threats to their lives often feel they have no choice but to leave their countries and seek asylum elsewhere.

We respectfully ask you to work with Attorney General Sessions and Secretary Nielsen to reverse this “zero tolerance” policy and instead urge law enforcement entities to exercise discretion to protect the unity of families. We also ask that you work with the U.S. State Department to resume a robust U.S. refugee resettlement program and to leverage U.S. influence to seek peaceful resolutions to the situations of violence in Central America. We appreciate your attention to these urgent matters and your service to our country. We continue to pray for you and for all who serve in your administration.

Sincerely,

Leith Anderson, President, National Association of Evangelicals

Scott Arbeiter, President, World Relief

Shirley V. Hoogstra, President, Council for Christian Colleges and Universities

Hyepin Im, President, Korean Churches for Community Development/Faith & Community Empowerment

Jo Anne Lyon, Ambassador, General Superintendent Emerita, The Wesleyan Church

Russell Moore, President, Ethics & Religious Liberty Commission of the Southern Baptist Convention
 Samuel Rodriguez, President, National Hispanic Christian Leadership Conference



EPISCOPAL

Their Office of Government Relations – www.advocacy.episcopalchurch.org/immigration?0
 - has a broad range of statements. On this topic, see “Who are the “Missing” 1,475 Children and What Do They Have to Do with Family Separation at the Border?”, and “#FamiliesBelongTogether: Statement on Protecting Family Unity”



LUTHERAN

The Evangelical Lutheran Church in America – www.elca.org
 On the home page, enter “separation of families” in the search box, and find the joint interfaith statement (last on this document, below) and other resources.



PRESBYTERIAN CHURCH (U.S.A.)

[Wwww.presbyterianmission.org/opw/2018/05/31](http://www.presbyterianmission.org/opw/2018/05/31)

The head of their Office of Public Witness gives more biblical background, and helpfully sorts out the separate issue of “lost children”.



ROMAN CATHOLIC

The United States Catholic Bishops have these resource websites for documentation and advocacy ideas.

www.cliniclegal.org

Catholic Legal Immigration Network, Inc.

www.justiceformigrants.org

Here you will find many statements of the popes, the bishops, and supportive articles on issues such as family separation. The essay, above, “SEPARATING FAMILIES AT THE BORDER: A COSTLY PRACTICE” (page 5) is at that site.



UCC:

At www.ucc.org/news_ucc

see the leaders join national call to end cruel immigration policy; keep families together.



UNITARIAN UNIVERSALIST ASSOCIATION

See www.uua.org/lovesists/blog/love-resists-family-separation for information on rallies and efforts to

end the forced separation of families, starting with a call to march as “Families Belong Together, in 57+ cities on June 14.



FAITH LEADER STATEMENT ON FAMILY SEPARATION

June 7, 2018

Recently, the Administration announced that it will begin separating families and criminally prosecuting all people who enter the U.S. without previous authorization. As religious leaders representing diverse faith perspectives, united in our concern for the wellbeing of vulnerable migrants who cross our borders fleeing from danger and threats to their lives, we are deeply disappointed and pained to hear this news. We affirm the family as a foundational societal structure to support human community and understand the household as an estate blessed by God. The security of the family provides critical mental, physical and emotional support to the development and wellbeing of children. Our congregations and agencies serve many migrant families that have recently arrived in the United States. Leaving their communities is often the only option they have to provide safety for their children and protect them from harm. Tearing children away from parents who have made a dangerous journey to provide a safe and sufficient life for them is unnecessarily cruel and detrimental to the well-being of parents and children.

As we continue to serve and love our neighbor, we pray for the children and families that will suffer due to this policy and urge the Administration to stop their policy of separating families

His Eminence Archbishop Vicken Aykazian - Diocese of the Armenian Church of America

Mr. Azhar Azeez - President, Islamic Society of North America

Most Rev. Joseph C. Bambera - Chair Catholic Bishops' Committee for Ecumenical & Interreligious Affairs

Senior Bishop George E. Battle, Jr. - African Methodist Episcopal Zion Church

Bishop H. Kenneth Carter, Jr. - President, Council of Bishops, The United Methodist Church

The Most Rev. Michael B. Curry - Presiding Bishop Episcopal Church (United States)

The Rev. Dr. John C. Dorhauer - General Minister & President, United Church of Christ

The Rev. Elizabeth A. Eaton - Presiding Bishop, Evangelical Lutheran Church in America

The Rev. David Guthrie - President, Provincial Elders' Conference, Moravian Church Southern Province

Mr. Glen Guyton - Executive Director, Mennonite Church USA

The Rev. Teresa Hord Owens - General Minister and President, Christian Church (Disciples of Christ)

Rabbi Rick Jacobs - President, Union for Reform Judaism

Mr. Anwar Khan - President, Islamic Relief USA

The Rev. Dr. Betsy Miller - President, Provincial Elders' Conference, Moravian Church Northern Province

The Rev. Dr. J. Herbert Nelson II - Stated Clerk, Presbyterian Church (USA)

Rabbi Jonah Pesner - Director, Religious Action Center of Reform Judaism

The Rev. Don Poest - Interim General Secretary, Reformed Church in America

Senior Bishop Lawrence Reddick III - Presiding Bishop, Christian Methodist Episcopal Church

The Rev. Phil Tom - Executive Director, International Council of Community Churches

Senior Bishop McKinley Young - Presiding Prelate, African Methodist Episcopal Church

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