

United States Senate

WASHINGTON, DC 20510

March 26, 2019

The Honorable Kirstjen Nielsen
Secretary
U.S. Department of Homeland Security
3801 Nebraska Ave. NW
Washington, DC 20016

Dear Secretary Nielsen,

We write to express our continued concern that families who were forcibly separated under the administration's cruel zero tolerance policy have yet to be reunited. Multiple inspector general reports found that Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) failed to prepare for the zero tolerance policy and failed to adequately track families once they were separated.¹ Furthermore, first-hand reports show parents were coerced into giving up their asylum claims and being deported without their children.² We urge you to immediately reunify separated parents who wish to be reunited with their children, including those previously removed under the zero tolerance policy.

We are aware of 29 parents who were forcibly separated from their children in the spring and summer of 2018 and who presented themselves at the Calexico Port of Entry on March 2, 2019.³ Representatives for the parents have informed us that they legally requested asylum consistent with our immigration laws and obligations under international treaties, they have sponsors in the United States, and they have legal representation. Additionally, it is our understanding that each of these parents was deported without their children, very often under suspect circumstances in which they were pressured into signing documents they did not understand or misled about their options for reunification.

We understand 17 of the 29 parents have been held in detention for three weeks and have yet to be reunited with their children. Some of these parents returned to the United States with their other children, fearing what would happen if they left them behind. These parents have again been separated from the children they presented themselves with, further compounding the fear,

¹ U.S. Department of Health & Human Services Office of Inspector General, *Separated Children Placed in Office of Refugee Resettlement Care* (January 2019), available at: <https://www.oig.hhs.gov/oei/reports/oei-BL-18-00511.pdf>; and U.S. Department of Homeland Security Office of Inspector General, *Special Review – Initial Observations Regarding Family Separation Under the Zero Tolerance Policy* (September 27, 2018), available at: <https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-84-Sep18.pdf>.

² *Ms. L v. ICE*, Case No. 18cv0428 DMS (MDD), *Exhibit 58: Declaration of Laila Arand* (July 28, 2018), available at: <https://www.aclu.org/legal-document/ms-l-v-ice-exhibit-58>; and Dara Lind, *ICE agents pressured parents to be deported with their children – then separated them again when they refused*, VOX (July 29, 2018), <https://www.vox.com/2018/7/29/17626588/separated-families-lawsuit-deport-ice>.

³ Kevin Sieff and Sarah Kinoshian, *29 Parents Separated From Their Children and Deported Last Year Cross U.S. Border to Request Asylum* Wa. Po. (March 2, 2019) https://www.washingtonpost.com/world/the_americas/29-parents-separated-from-their-children-and-deported-last-year-arrive-at-us-border-to-request-asylum/2019/03/02/38eaba7a-2e48-11e9-8781-763619f12cb4_story.html?utm_term=.c2c5595bad6b.

harm, and trauma they have already experienced. It is imperative that these parents be released, reunited with their children, and allowed to continue their cases in immigration court.

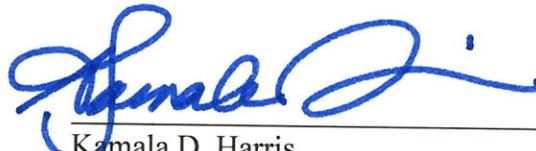
In many cases, these parents have been separated from their children for several months, and in some cases more than a year. The American Academy of Pediatrics reports that separating children from their parents can cause “irreparable harm” including “disrupting a child’s brain architecture and affecting his or her short-and long-term health.”⁴ These families have already suffered significant trauma at the hands of the U.S. government. Given the grave risks to the health and wellbeing of these children and families, we urge you not to prolong their separation.

This administration has caused immense harm to these children and families. We ask you to expeditiously work to mitigate those harms and to uphold our nation’s highest values as you carry out your mission. We look forward to a prompt response.

Sincerely,



Catherine Cortez Masto
United States Senator



Kamala D. Harris
United States Senator



Richard Blumenthal
United States Senator



Jeffrey A. Merkley
United States Senator

⁴ Colleen Kraft, *AAP Statement Opposing Separation of Children and Parents at the Border*, American Academy of Pediatrics (May 8, 2018), <https://www.aap.org/en-us/about-the-aap/aap-press-room/Pages/StatementOpposingSeparationofChildrenandParents.aspx>.