



CWS Statement to the U.S. House Committee on the Judiciary, pertaining to its [hearing](#) “Overcrowding and Prolonged Detention at CBP Facilities” on Monday, July 15, 2019

As a 73-year old humanitarian organization representing 37 Protestant, Anglican, and Orthodox communions and 25 refugee resettlement offices across 17 states, Church World Service (CWS) urges Congress to recognize the importance of providing children and families access to life-saving protection and humane treatment at the border. Children, families, women and men are fleeing violence, gang conscription, trafficking and sexual exploitation in the Northern Triangle. Individuals seeking safety within the region and in the United States have clear and compelling protection concerns and the United States has moral and legal obligations under international and U.S. law to see that individuals seeking protection are not returned back into the hands of traffickers and others who seek to exploit them. These asylum seekers, however, are being held in detention facilities, which do not meet federal safety and sanitation guidelines. CWS urges Congress to put an end to the dehumanizing practices occurring in CBP facilities.

CWS is strongly opposed to immigrant and family detention and any proposal that would undermine Flores protections. Detention in DHS custody is plagued with systemic abuse and inadequate access to medical care. Numerous reports have revealed the systemic human rights abuses, sexual assaults, and dehumanizing conditions that exist in the detention facilities overseen by the current administration. These exceedingly overcrowded detention centers are unsanitary, unhealthy, unsafe and are leading to extreme, and sometimes fatal, mental and physical health outcomes for children. These conditions and abuses are unconscionable and are not a result of a lack of funding or resources, but rather, are the result of intentional policies put in place to deter children and families from seeking protection. The American Association of Pediatrics has found that family detention facilities do not meet basic standards for children and “no child should be in detention centers or separated from parents.” CWS demands that Congress reject any proposal that would expand family detention or violate the Flores agreement’s long-standing consensus that children should not be detained for longer than 20 days. CWS also urges Congress to cut funding for detention, deportations, and border militarization - and to exert robust oversight over DHS detention centers to end harmful abuses.

CWS remains gravely concerned by reports of ongoing family separation. A recent report has uncovered evidence that DHS has continued the systemic practice of child separation, long after the June 20, 2018 Executive Order that supposedly ended this harmful policy. DHS officials continue to illegally separate children from their parents based on faulty and unproven claims of criminal activity or other characteristics that are unrelated to a parent’s ability to care for their child. This practice neglects due process and is extremely harmful to both children and their parents. CWS urges Congress to see the administration end family separation, eliminate criminal prosecution for migration-related offenses, and ensure swift family reunification.

CWS urges the administration to rescind its April 2018 information-sharing agreement between DHS and the Department of Health and Human Services (HHS) that turns HHS into an immigration enforcement agency. This practice prolongs family separation and results in children remaining in unsafe and unsanitary detention facilities for far too long. The agreement “requires HHS to share the immigration status of potential sponsors and other adults in their households with DHS to facilitate HHS’s background checks.” The population of detained unaccompanied children ballooned, and the Office of Refugee Resettlement (ORR) at HHS continues to share information about all potential sponsors with DHS, needlessly prolonging child detention since sponsors are afraid to come forward out of concern about immigration consequences for themselves or a loved one. We demand that the administration immediately revoke this agreement so that children can be released as soon as possible and sponsors are not forced to choose between caring for their children or risking deportation.

Congress and the administration should utilize community-based, least-restrictive alternatives to detention (ATDs) that connect individuals with family members, faith-based hospitality communities, and local services to help them navigate the legal system. The Family Case Management Program (FCMP) is effective and less expensive than detention, connecting people with legal counsel, providing case supervision, and helping with child care. The program is 99% effective at having families show up for check-ins and court appearances and also ensures departure from the United States for those who are not granted protection.

CWS is equally troubled by any proposal that would weaken or eliminate provisions in the Trafficking Victims Protection Reauthorization Act (TVPRA), which provides important procedural protections for unaccompanied children in order to accurately determine if they are eligible for relief as victims of trafficking or persecution. Weakening existing legal protections, especially for children, undermines the United States’ moral authority as a leader in combating human trafficking and increases vulnerabilities for trafficking victims by curtailing access to due process, legal representation, and child-appropriate services. CWS urges the administration and Congress to affirm the right of all people to seek protection and ensure that individuals seeking safety are not returned to their traffickers and exploitation.

Our faith traditions call us to welcome the stranger. CWS calls on the administration to stop detaining children and families - and drastically improve conditions for asylum seekers, unaccompanied children, and other vulnerable populations in our care so that all people are treated with the inherent dignity they deserve.