

United States House of Representatives Committee on Oversight and Reform

Full Committee Hearing

July 12, 2019

Washington, DC

**Written Testimony of Jennifer Nagda, J.D.
Policy Director
Young Center for Immigrant Children's Rights**

Chairman Cummings, Ranking Member Jordan, and distinguished Members of the Committee. Thank you for inviting me to appear before you.

My testimony addresses the experience of the Young Center for Immigrant Children's Rights, the sole organization appointed under federal law as the independent Child Advocate for child trafficking victims and other vulnerable, unaccompanied and separated children. We have been appointed by the Secretary of Health and Human Services (HHS) to hundreds of children separated from their parents since 2017, including more than 120 children separated from their parents after the administration ended the family separation policy in June 2018. In nearly all of these most recent cases, separating the family was contrary to the best interests of the child.

The reasons for which children are being separated from parents do not align with well-accepted principles of child welfare, which recognize the importance of the family relationship to children's health and development. State family courts will only separate if there is a risk of immediate harm to the child and provide the parent and child with independent judicial review within 48 hours of a separation. Today, Young Center child advocates are appointed to children separated from parents for myriad reasons unrelated to the child's safety: for example, when the parent's sole "criminal history" is a re-entry to the United States after a prior deportation; when a parent was mistakenly accused of having a gang membership but who instead was fleeing gang violence; or when an indigenous, non-Spanish-speaking parent who came to the border seeking help for his toddler was accused of neglect because the child appeared under-developed, and who remained separated from her for over four months. My testimony concludes with specific recommendations to investigate and engage in reform to prevent these separations, which are not only unnecessary, but demonstrably harmful to children.

I. Role and Expertise of the Young Center

The Young Center plays a unique and specific role among the many government and non-governmental actors who interact with unaccompanied and separated immigrant children. Since 2004, the Young Center has been appointed as the independent Child Advocate for thousands of unaccompanied children from around the world. Our staff of lawyers and social workers, supported by hundreds of bilingual volunteers, meet every week with each child we are appointed to and learn their stories. We gather information from government officials involved in the children's cases and speak with children's family members. Armed with this information, our role is to

identify and advocate for the best interests of each child with every government actor who will make a decision in the child's case. To minimize the impact of our own biases and subjectivity, we base our recommendations on the specific facts of each child's case, applying the widely-recognized best interests principles enshrined in each of the 50 states' child protection laws: the child's expressed wishes and the child's right to safety, liberty, family integrity, development, and to express his or her own identity.

In 2008, a bipartisan Congress and Republican President explicitly recognized the need to consider the best interests of immigrant children charged and placed in immigration court removal proceedings and authorized the Secretary of HHS to appoint independent Child Advocates to child trafficking victims and other vulnerable, unaccompanied children. Congress later authorized the Office of Refugee Resettlement (ORR) within HHS to expand Child Advocate services.

The Young Center, which developed the independent Child Advocate model for separated and unaccompanied children, currently operates programs in eight locations where thousands of children are in government custody, including: Harlingen, Houston and San Antonio, Texas; Phoenix, Arizona; Los Angeles, California; Washington, DC; metropolitan New York; and Chicago, Illinois.¹

In each of these locations, we are appointed only to the most vulnerable children in federal custody. Historically, that has included infants, toddlers and other young children; survivors of labor trafficking and sex trafficking; children with disabilities; children facing prolonged government custody; children who are pregnant or parenting; children who express a fear of return to their countries but who don't have an attorney to represent them in asking for protection; and children who are at risk of being thrown into adult detention on their 18th birthday. In recent years, as described below, the most vulnerable children now include many who have been forcibly separated from parents at the border.

Any individual can refer a child to the Young Center for the appointment of a Child Advocate; our appointment depends upon our capacity. For the last two years, we have had waiting lists of particularly vulnerable children in each of our eight program locations. Young Center Child Advocates submit best interests recommendations to all of the federal agencies that make decisions about unaccompanied and separated children, including the Department of Justice (DOJ), Department of Homeland Security (DHS), HHS and State. The Office of Refugee Resettlement has never rejected a Young Center request to be appointed to a child in its custody, even for cases in which it is highly likely that we will be arguing against the agency's position—for example, arguing for the release of a long-detained child. In 2015, the nonpartisan Government

¹ Pursuant to 8 U.S.C 1232(c)(6), every Child Advocate is appointed by the Office of Refugee Resettlement, as delegated by the Secretary of Health and Human Services. The Office of Refugee Resettlement has also contracted with the Young Center to provide some Child Advocate Services; other Child Advocate services are provided through private funds raised by the Young Center. Pursuant to the Violence Against Women Reauthorization Act of 2013, Pub. L No. 113-4, 127 Stat. 54 (2013), the Young Center must match 25% of each dollar awarded under contract with the Office of Refugee Resettlement.

Accountability Office found that government actors followed our recommendations more than 70% of the time.²

Over 16 years, we have grown from just a few staff and volunteers in Chicago, to more than 50 attorneys, social workers, case support specialists (paralegals) and volunteer coordinators, supported by a lean administration team. We have trained many hundreds of bilingual and often bicultural volunteers, who work one-on-one with individual children in government custody. We have secured private donations that allow us to conduct international home studies, so that we can determine whether a child will be safe if they choose to—or are forced to—return to their home country.

We also advocate for the creation of a child-appropriate immigration system that protects the rights of immigrant children. We staffed a multi-year endeavor of the federal Interagency Working Group on Unaccompanied and Separated Children, which in 2016 released a Framework for Considering the Best Interests of Unaccompanied Children. That Framework recommends changes in the policies and practices of every agency working with unaccompanied children to ensure that children’s best interests are considered in every decision, consistent with existing immigration law. For example, the Framework includes recommendations to prevent the separation of children from parents in DHS custody, such as implementing child welfare screenings to ensure that separation, when used, is appropriate.³

II. A New Category of Vulnerable Children: Infants, Toddlers, Pre-teens and Teens Forcibly Separated from their Parents at the Border

In the late summer of 2017, nearly a year before the “zero-tolerance” policy was formally announced, the Young Center began to receive referrals for children deemed unaccompanied and sent to ORR custody after being taken away from their parents at the border. In most of these cases, at the time of our appointment, neither ORR officials nor staff in ORR-contracted facilities had received critical information about the child’s parent from DHS—they often did not have the parent’s current location or contact information. And there was often no information about the reasons for which the child had been separated from the parent.

By the time the administration announced and launched its “zero-tolerance” policy in the spring of 2018,⁴ the Young Center had been referred hundreds of separation cases at all eight of our program sites. We had waiting lists of children at every location. Our attorneys and social workers faced many hurdles to reunifying these families. We generally received no information about the family members with whom children had arrived, the reasons for their separation, or the parent’s

² U.S. GOV’T ACCOUNTABILITY OFF., GAO-16-367, UNACCOMPANIED CHILDREN: HHS SHOULD IMPROVE MONITORING AND INFORMATION SHARING POLICIES TO ENHANCE CHILD ADVOCATE PROGRAM EFFECTIVENESS 29 (2016).

³ SUBCOMM. ON BEST INTERESTS, INTERAGENCY WORKING GRP. ON UNACCOMPANIED AND SEPARATED CHILDREN, FRAMEWORK FOR CONSIDERING THE BEST INTERESTS OF UNACCOMPANIED CHILDREN 14 (2016).

⁴ Memorandum for Federal Prosecutors Along the Southwest Border, Department of Justice, April 6, 2018, *available at* <https://www.justice.gov/opa/press-release/file/1049751/download>.

current location. Our staff had to repeatedly call CBP and ICE detention centers to locate the parents and gather information about the status of the parents' cases and the possibility for release. Once we located parents, we had to convince DHS officials to allow parents to communicate with their children. In some cases that communication was denied, but even when it was approved, there were no systems in place to ensure ICE facilitated regular contact between children and parents.

Where parents were still in the United States, the Young Center worked with both the child and the parents to determine the family's wishes. In almost every case, the children simply wanted to reunify with their parents. Parents faced much more complicated decisions—they did not know how long they would be detained, if they would be returned, or if the government would permit reunification with their children—and were forced to consider whether to give up the possibility of asylum or other forms of protection in the hope of being reunified with their child. In July, in the wake of a decision in the *Ms. L* litigation ordering the reunification of separated families, hundreds of parents were released from government custody without notice to Child Advocates, attorneys, or others working with their children. In many cases, Young Center staff received frantic phone calls from parents or other family members, indicating that the parent was at a bus stop, had just been unexpectedly reunified with their child, and had no resources or information about why they were released, what the status of their immigration cases were, or what would or should happen next.

Case Study: Brothers, including nursing infant, separated from their mother

In April 2018, the Young Center was appointed to a group of brothers, all separated from their mother at the border during “zero tolerance.” The youngest child was still nursing when he was taken from his mother; she lost and never recovered her milk supply. We recommended that ICE immediately release their mother, so she could be reunified with her children. As we waited for a response we established contact with the children’s grandmother, who was willing to provide a home to her daughter and grandchildren upon their release. When the mother and her children were unexpectedly reunified and taken directly from custody to a bus station, we helped the grandmother to purchase bus tickets, met the mother and children at the bus station, and stayed in contact as the mother and children traveled to reunify with family.

Many parents were deported without knowing where their child was before they were returned. Parents told us that they abandoned valid asylum claims because they were told that it would help their children or allow them to be reunified. Tragically, in some cases, children believed their parents willingly abandoned them. In these cases, the Young Center either advocated with DOJ and DHS for the child to seek voluntary departure to return to their family; or, if a parent believed it was not safe for their child to return to their country, the Young Center would work with the child and child's family to identify safe placements within the United States, so that the child could be released from HHS custody. Although the Young Center successfully reunified many children with parents—here in the US or in their home countries—the damage to these children and families is extraordinary. Children experienced regression and anger and family relationships were damaged in ways that could take months or years to repair, as described below.⁵

⁵ Caitlin Dickerson & Manny Fernandez, *What's Behind the 'Tender Age' Shelters Opening for Young Migrants*, N.Y. TIMES (June 20, 2018), <https://www.nytimes.com/2018/06/20/us/tender-age-shelters-family-separation-immigration.html> (quoting Young Center Associate Director Elizabeth Frankel) ; see

III. Continued and Alarming Separations, Long After the Official End of “Zero Tolerance”

Though a court order halted the formal policy of separating all children from their parents on June 26, 2018, the Young Center has received increasing numbers of referrals for newly separated children over the last year. Our experience of continuing parent-child separations at the border is consistent with reports confirming that more than 700 children have been separated from their parents since the official end of “zero tolerance.”⁶ We have been appointed to nearly 20% of those cases, and what we have witnessed is devastating. Of the approximately 120 cases of newly-separated children we have been appointed to, the average age of the newly separated children we serve was under 7 years old. Almost half—44% percent—of the newly-separated children we serve were five years old or younger. The average length of custody for these children was more than 115 days, which is nearly three times the reported “average length of stay” for unaccompanied children in federal custody.⁷ In our experience, prolonged custody is due to the difficulty in finding and communicating with children’s parents and determining whether the stated reason for separation was valid—for example, confirming that the parent was never convicted of a crime.

Applying recognized best interests factors, the Young Center has found that separation was contrary to the best interests of the child in nearly every case. In many of these cases, DHS ultimately facilitated the child’s reunification with the parent in order to jointly repatriate the family, suggesting that the agency’s original claims about the parent’s fitness or risk to the child’s safety were unjustified. In other cases, DHS released the parent from adult immigration detention, after which ORR released the child to the very parent from whom the child was separated weeks or months before.⁸

In rare situations, the temporary separation of a child from her parent may be warranted based on well-established child welfare principles. Thus, the cases in which we did not recommend reunification with the separated parent involved kidnapping; a child’s wishes not to reunify with an individual who could not be confirmed as the parent; a parent whose criminal history included child neglect leading to the substantial harm of a child; a parent with a criminal history of forcible rape; and a parent with a history of child abuse.

Under the *Ms. L.* litigation, DHS retains the discretion to separate a child from a parent if it has concerns about a parent’s fitness or if the parent has a criminal history. In our 16 years of

also All Things Considered: How the Trump Administration’s Family Separation Policy is Playing Out (NPR radio broadcast, May 28, 2018) (interviewing Young Center Policy Director Jennifer Nagda).

⁶ Lomi Kriel & Dug Begley, *Trump Administration Still Separating Hundreds of Migrant Children at the Border Through Often Questionable Claims of Danger*, HOUSTON CHRONICLE (June 22, 2019), <https://www.houstonchronicle.com/news/houston-texas/houston/article/Trump-administration-still-separating-hundreds-of-14029494.php>.

⁷ Miriam Jordan, *Migrant Children are Spending Months ‘Crammed’ in a Temporary Florida Shelter*, NY TIMES (June 26, 2019), <https://www.nytimes.com/2019/06/26/us/homestead-migrant-children-shelter.html> (stating that in May, the average length of stay for children in ORR was 44 days).

⁸ In some cases, reunification with the separated parent is not recommended to be in the child’s best interests because the parent faces prolonged detention; instead, the child and/or the parent may wish for the child to be reunified with other family in order to be released from custody.

experience, cases in which an arriving parent is unfit (poses a risk to the child's safety) are rare, exceptions to the norm. The same is true for parents who have a confirmed—not merely suspected—criminal history that resulted in a conviction: very rarely does that criminal history have a nexus with, or impact, the parent's ability to care for the child.

Our experience with children separated from their parents after June 2018 bears out these two observations: that DHS lacks the ability to determine when a child is at risk of abuse or neglect by the parent, and that the criminal history on which many separations are based have nothing to do with the parent's ability to care for the child. In our experience, the government separates families based on unverified arrests or mere suspicion of criminal activity.⁹ Even when there is an actual criminal history, it is rarely related to the child's safety. Children are being separated for reasons that would not be sufficient to separate them from a parent in any family court; these separations harm children, their health, development, and well-being.¹⁰

Case Study: Infant taken from father so that the father could be prosecuted for re-entry
As the Young Center prepared this testimony, in July 2019, we received a referral for a weeks-old child who arrived at the border with his father. Immigration officials separated the child and charged the father with re-entering the country after a prior deportation. That charge fails to demonstrate any immediate risk to the child's safety, particularly if the father was returning in an effort to protect his child. The separation resulted in the child's placement with strangers at the most vulnerable and most formative time in his life.

A significant complication to reunifying families is the lack of representation for parents. Many of the parents lack representation in their immigration case. They have no one to help fight for their release from custody, which in most cases will result in prompt reunification with their child.

When parents and children are separated in immigration custody, so are their cases. This means that parents and children appear in their removal proceedings separately, and each must individually make a request for protection. Due to the separation of cases, the parent is not able to provide testimony in the child's case, and their cases move at different speeds. In cases where a parent wishes to return home with a child, it can take weeks—even months—to coordinate their joint return. No government entity has taken on this responsibility, though at the Young Center, we have done so in the cases to which we are appointed. Coordinating a joint return requires the child to appear before an immigration judge to request an order of voluntary departure, while simultaneously persuading the Department of Homeland Security to delay the parent's repatriation so that the parent and child can return together; coordinating with the family's consulate to obtain two sets of travel documents (one for the parent, one for the child); and coordinating a reunification at the same time and place, and before the family's return flight.

⁹ See Melissa del Bosque, *Immigration Officials Use Secretive Gang Databases to Deny Migrant Asylum Claims*, PROPUBLICA (July 8, 2019), <https://www.propublica.org/article/immigration-officials-use-secretive-gang-databases-to-deny-migrant-asylum-claims> (noting cases where the government has separated families based on questionable gang databases from El Salvador).

¹⁰ See Colleen Craft, MD, *AAP Statement Opposing Separation of Children and Parents at the Border*, AM. ACAD. OF PEDIATRICS (May 8, 2018), <https://www.aap.org/en-us/about-the-aap/aap-press-room/Pages/StatementOpposingSeparationofChildrenandParents.aspx> (noting that separation can cause irreparable harm to a child's health).

In short, while there may be cases in which a trained child welfare worker can identify children whose accompanying parent poses an immediate threat to the child's safety, these cases are historically the exception—an anomaly. However, in the wake of “zero tolerance,” we have been appointed to children separated from a parent with a years-old arrest or conviction for offenses that had nothing to do with the child's safety. DHS officials with no child welfare expertise are making split-second decisions, and these decisions have traumatic, life-long consequences for the children and their families. We are deeply concerned that family separation continues to be used solely to deter families from exercising their legal right to seek protection.

IV. In Direct Contradiction: Family Separation and U.S. Laws Governing Parent's Right to Care for their Children, and Children's Need for Family Integrity

The family is “the natural and fundamental group unit of society and is entitled to protection by society and the State,”¹¹ and the right of parents to care for their children is well established in U.S. law.¹² The United States Supreme Court has declared that the Due Process Clause of the Fourteenth Amendment “protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children.”¹³ Indeed, the fundamental right to care for one's child is “perhaps the oldest of the fundamental liberty interests recognized by [the] Court.”¹⁴

As recognized by the Administration for Children and Families, a child must be at risk of “immediate danger” before a state can remove that child from the custody of his caregiver.¹⁵ For example, under Illinois law a child can be separated from a caregiver on an emergency basis only where there is an “immediate danger of moderate to severe harm” to the child, such as suspected or documented abuse or neglect of the child.¹⁶ Moreover, an Illinois court could only authorize the ongoing separation of a child from a caretaker beyond a period of 48 hours where it found “probable cause of abuse, neglect, or dependency.”¹⁷

¹¹ G.A. Res. 217 (III) A, Universal Declaration of Human Rights, art. 16(3) (Dec. 10, 1948).

¹² *Santosky v. Kramer*, 455 U.S. 745, 767 (1982) (declaring that a state “registers no gain toward its declared goals when it separates children from the custody of fit parents”) (quoting *Stanley v. Illinois*, 405 U.S. 645, 652 (1972)).

¹³ *Troxel v. Granville*, 530 U.S. 57, 66 (2000).

¹⁴ *Id.* at 65. Undocumented immigrant parents also enjoy the fundamental right to care for their children—to the same extent as parents who are citizens or lawful immigrants. As the Supreme Court has made clear: “[T]he Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

¹⁵ Children's Bureau, Admin. for Children and Families, U.S. Dep't of Health & Human Servs., *How the Child Welfare System Works* 4 (Feb. 2013), <https://www.childwelfare.gov/pubPDFs/cpswork.pdf#page=3&view=What%20Happens%20When%20Possible%20Abuse%20or%20Neglect%20Is%20Reported>.

¹⁶ Ill. Dep't of Children and Family Servs., *Child Endangerment Risk Assessment Protocol: Safety Determination Form*, CFS 1441 (May 2013) [https://www2.illinois.gov/dcf/aboutus/notices/Documents/cfs_1441_child_endangerment_risk_assessment_protocol_\(fillable\).pdf](https://www2.illinois.gov/dcf/aboutus/notices/Documents/cfs_1441_child_endangerment_risk_assessment_protocol_(fillable).pdf)

¹⁷ 705 ILL. COMP. STAT. 405/2-10 (2018).

Criminal history alone is not a justification to separate parents and children, unless the crime directly implicates the child’s safety. Moreover, criminal history is a vague term that in the cases we have been appointed to include mere suspicion of criminal behavior, including arrests that did not lead to convictions, or allegations of criminal history that turned out to be false.

A child’s separation from his parents is a deeply traumatizing experience and can carry consequences well beyond the period of separation.¹⁸ The American Psychological Association has raised grave concerns that the sudden and unexpected separation of a child from his or her parent can cause severe emotional trauma, noting that “the longer that parents and children are separated, the greater the reported symptoms of anxiety and depression are for children.”¹⁹ A Past President of the American Academy of Pediatrics (AAP) cautions: “[H]ighly stressful experiences, like family separation, can cause irreparable harm, disrupting a child’s brain architecture and affecting his or her short- and long-term health. This type of prolonged exposure to serious stress—known as toxic stress—can carry lifelong consequences for children.”²⁰ The World Health Organization (WHO) agrees: “Parent-child separation has a direct and immediate impact on a child’s physical, cognitive, mental and emotional well-being.”²¹ Therefore, family separation is “considered only as a last resort to keep children safe—generally to protect them from serious and lasting effects of maltreatment by the parents themselves.”²²

Case Study: Breaking the bonds between a six-year-old child and his father
*Mateo*²³ was just six years old when he travelled to the U.S. with his father. After crossing the U.S.-Mexico border, Border Patrol agents took Mateo and his father into custody and put them in a van with other immigrants. After driving some distance, Border Patrol stopped the van and ordered Mateo to get out. After Mateo began to cry and refused to move from his father’s side, Mateo’s father realized that the officers would take Mateo forcefully if he didn’t convince his son to step out of the van. Mateo’s father got out of the van with his son, handed Mateo over to the officers, climbed back in the van, and was driven away from his crying son. When Young Center Child Advocates first

¹⁸ Letter to Department of Homeland Security Secretary Kirstjen M. Nielsen, Renewed Appeal from Experts in Child Welfare, Juvenile Justice and Child Development to Halt the Separation of Children from Parents at the Border (June 7, 2018) (a letter from over 200 child-centered organizations opposed to family separation on the grounds that it “disrupts the parent-child relationship and puts children at increased risk for both physical and mental illness” even after reunification), <https://www.childrensdefense.org/wp-content/uploads/2018/08/child-welfare-juvenile.pdf>.

¹⁹ See Letter to Former Department of Homeland Security Secretary John F. Kelly, AMERICAN PSYCHOLOGICAL ASSOC., (Apr. 5, 2017) <http://www.apa.org/advocacy/immigration/separating-families.pdf>.

²⁰ Colleen Kraft, AAP Statement Opposing Separation of Children and Parents at the Border (May 8, 2018), <https://www.aap.org/en-us/about-the-aap/aap-press-room/Pages/StatementOpposingSeparationofChildrenandParents.aspx>.

²¹ Catherine Jan et al., *Improving the Health and Well-Being of Children of Migrant Workers*, BULLETIN OF THE WORLD HEALTH ORG. 850, 850 (2017), <http://www.who.int/bulletin/volumes/95/12/17-196329.pdf>.

²² Am. Psych. Ass’n, Immigration Policy: A Psychological Perspective, <https://www.apa.org/advocacy/immigration/fact-sheet.pdf>; see also General Comment No. 14, *supra* note 7, ¶ 61.

²³ Pseudonym used.

met with Mateo, he was convinced that his father had abandoned him. He was so angry that he wouldn't talk about his father. The Young Center worked quickly to locate Mateo's father, and discovered that he had already been deported. He was desperate to be reunified with his child. The Young Center recommended that the immigration judge overseeing Mateo's case issue an order that would allow Mateo to return to his family, and then advocated with DHS and the Honduran consulate for a coordinated plan for Mateo's safe return. In the end, Mateo returned to his parents after a separation of more than half a year.

V. Recommendations for Congress

First, as we do in all of our advocacy, we urge federal agencies to consider children's best interests in every decision that might affect a child. The Office of Refugee Resettlement is required by law to place children in the least restrictive setting in their best interests. Just as importantly, the law requires HHS to release children to safe sponsors—parents and other adult relatives, as well as institutional sponsors such as youth or young adult shelters. This statutory obligation to consider the best interests of unaccompanied children aligns with the laws of all 50 states, which requires consideration of the best interests of children separated from their families.

Recommendation 1: Congress should reject an effort to dismantle or otherwise narrow the Flores Settlement Agreement and Trafficking Victims Protection Reauthorization Act (TVPRA), which provide critical protections for children, including the rights to placement in the least restrictive settings in their best interests and the appointment of independent Child Advocates to identify and advocate for the best interests of the child.

Recommendation 2: Congress should require every federal agency involved in a child's case, from the time of the child's apprehension through the final resolution of the child's immigration case, to consider the best interests of the child—the child's expressed wishes, and rights to safety, liberty, family integrity, development and identity—in every decision.

Second, Congress and federal agencies must recognize that separating a child from a parent triggers a chain of events that can take months to reverse, and which imposes significant and harmful consequences on a child's health and development. The split-second decision to separate a child from a parent can have lasting and even life-long consequences that are not easily repaired.

Recommendation 3: Children must not be separated from their caregivers unless there is verifiable evidence that the parent poses a threat to the child's safety or is otherwise unfit to care for the child.

Recommendation 4: The decision to separate an immigrant child from a parent should be made only by an independent professional who is trained in child welfare, child development, migration and immigration law, and trafficking concerns.

Recommendation 5: Every decision to separate a child from a parent should be subject to prompt review by a court with expertise in child protection—not law enforcement officials.

Third, every effort should be made to minimize harm to the child and protect important familial relationships in the rare circumstances in which it is appropriate to separate an immigrant child from a parent or purported parent.

Recommendation 6: In those cases in which DHS separates a child from a parent and renders the child unaccompanied, the child should be referred for the immediate appointment of an independent Child Advocate to identify and advocate for the child's best interests on all relevant decisions, from reunification with the parent or other family members to whether or not the child can safely repatriate.

Recommendation 7: In those cases in which DHS separates the child and a parent, the government should be required to appoint immigration counsel to the parent and the child.

Recommendation 8: Unless the child expresses a contrary desire, the government should ensure regular, consistent, age-appropriate (video and phone) contact between the parent and child and facilitate regular in-person visits between the parent and child.

In conclusion, the House Committee on Oversight and Reform can play a critical role in understanding not just the family separations that occurred during "zero tolerance," but those that continue today, and which reflect a lack of understanding of child welfare law and child development principles. Immigration officials can respond to families presenting themselves at the border to seek protection without causing children the distinct harms associated with separation from a loving parent and caregiver. In those rare cases in which a trained child welfare official identifies a risk to the child's immediate safety, this Committee can investigate whether immigration officials have established protections that will facilitate the child's safety.

We look forward to working with Members to ensure that children are treated as children as they face our complex immigration system.