

NATIONAL IMMIGRANT JUSTICE CENTER

A HEARTLAND ALLIANCE PROGRAM

Secretary John Kelly
Department of Homeland Security
Washington, D.C.

March 8, 2017

Dear Secretary Kelly:

As attorneys who represent hundreds of asylum seekers each year, we condemn the threat to separate children from their mothers upon apprehension by U.S. officials. These measures, which you have publicly stated are an attempt to deter refugees from seeking safe haven in the United States, run afoul of our legal obligations and, perhaps more importantly, are inhumane and contrary to our values. There is no justification for this sort of callousness.

Separating children from their mothers at a time when these family units are already in crisis is cruel. The women and children who will be impacted by this policy have often experienced severe trauma in their countries of origin. Taking children from the care of their mothers exacerbates and deepens the experience of trauma for both mother and child.

We talked to some of our clients about the the prospect of a policy that would separate mothers from their children at the border. All of the women we talked with are mothers who arrived at the southern border in recent years with their children. Here is what they said:

- “If we were separated, it would be horrible. I presented myself at the border. I was very afraid because I did not know what was going to happen. Everything felt so uncertain. My daughter had not eaten anything all day. This knowledge broke me. My daughter, she was very anxious. She was very nervous and only wanted to be with me. She did not want to separate herself from me.”
- “It was so important to me for us to be together during the case, because we found strength in each other. Knowing that my children were safe while my case was pending gave me strength to go forward. If my children had been taken away, they would have taken everything away from me. It would be something so painful; it would be more painful for the children.”
- “It isn’t normal to separate children from their parents. I would have felt very depressed and isolated.”
- “It was so painful to leave our country, our home. I cannot imagine how it would have been if we had been separated. It would have been traumatizing and painful for them.

More so because they came to an unknown country where they don't know anything; the language, the people. It would have been something extremely difficult and hard."

- "I think that if we had been separated, it would have affected my son terribly. I think it would have affected him in all forms, being with people he does not know, feeling unsafe, I think being separated from me would have been traumatizing from him. I am his mother. It would have been an injustice."
- "I cannot imagine my daughter losing the love of her mother. It would be so painful. It was painful even when she was just in the infirmary. She is so young. She cannot be without her mother."
- "If we had been separated, I think [my daughter] may have had panic over everything. She would not have wanted to eat or see anyone. I know her, I know how she is, and I know she would have stopped eating. I think that would have traumatized her. At this age, they need their mother. They don't understand what is happening or the process. She was only 1 year old and 9 months."

Aside from being inhumane, a policy of separating children from their mothers is senseless policy making – such actions would not prevent refugees from fleeing to the United States because these women are coming to save the lives of their children. Many of these families go on to be granted asylum by immigration judges. They leave their countries because they are compelled to do so. As excruciating as separation in detention would be, these women would endure that harm to save the lives of their children.

When asked specifically whether separation from their children in detention would have deterred them from coming to the United States, our clients had the following to say:

- "Because of the circumstances, even if I knew [we might be separated], I would make the journey to the United States and I would have begged and pleaded not to be separated. Both options are terrible.
- "When I decided to flee to the United States, I didn't know anything about what would happen to us when we got there. I didn't know if we would be together or apart. I only knew we had to come. When you receive threats from the gang like we did, you have to get out or your family will be dead. We didn't have any other options"
- "The only thing that I thought about was my children. I did not want to leave my country, but we had to because of the security for me and my children. My son was two and a half and my daughter was about fourteen. I knew she was afraid and I just tried to tell her we would be safe"

- “My faith was in God when I made the decision to leave. I had never heard of asylum. All I knew was that the United States was a place where people could be protected and safe. I think I would have come to the United States anyway, even if I knew they would separate me. This is because I knew that even if we were separated, my faith would have been that my children would be safe. And I would be safe.”
- “When I came to the United States, I did not think about the policies of the United States. I was just considering the United States as the thing that could protect us from all the violence we were living.”
- “If I had known we might be separated, I would have come anyway, to ask for asylum. I knew in Honduras I could not stay. My child was in danger. Before my trip, I knew if I stayed in Honduras I would have died and my child would have been harmed by my abusive partner. Even though I would have been separated, my hope would be that it would not be forever and that if I won they would give me my son.”
- “I came because of the fear I had in Honduras. I thought about the United States policies but it was too large my fear of staying and I knew I had no other option but to come to the United States.”
- “Even if it would keep us together I could not stay in my home country. It was another life. Our lives were always at risk. There was no other place we could exit, no other place for us, no other support. The authorities there don’t help.”

We urge you to consider the human experiences described above and abandon any efforts to adopt a cruel and senseless policy that tears mothers from their children.

Please don’t hesitate to be in touch with any further questions.

Sincerely,



Mary Meg McCarthy

Executive Director

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