



January 19, 2022

Ms. Michelle Brané
Executive Director
Interagency Task Force on the Reunification of Families
U.S. Department of Homeland Security

RE: Recommendations of the National Immigration Forum to Support the Work of the Interagency Task Force on the Reunification of Families; Docket No. DHS-2021-0051

Dear Ms. Brané:

The National Immigration Forum (the Forum) respectfully submits its recommendations on the prevention of family separations at the U.S.-Mexico border.

The Forum is a nonprofit organization that advocates for the value of immigrants and immigration to the nation. Through its policy expertise, the Forum represents a network of faith, law enforcement, and business leaders who have come together to establish a new consensus on the critical role of immigrants in America. The perspectives of these leaders complement and inform the Forum's recommendations to minimize the separation of migrant parents and legal guardians and children entering the United States.

The Forum strongly believes that family unity is an integral American value. Rather than pull families apart, we should aim to preserve and protect them. Policies that intentionally seek to break up families – like Trump administration's [Zero Tolerance Policy](#) – are cruel and deeply problematic. The government should not separate migrant families except in rare circumstances and never as a deterrent.

Family separation causes serious trauma and long-lasting harm to children. Children separated from their families and put into foster care are more likely to develop [behavior problems](#) and be maladjusted. They are also much more likely to face [physical and sexual abuse](#). Parental absences are also positively correlated with poor mental health and high [suicide rates](#) among children and teens. Placement of children from different countries and cultures with total strangers who may not even speak their language, may only exacerbate the impacts felt by them. And since many of the impacted families have already fled violence and persecution in their home countries, it should not be our nation's policy to increase that trauma through policies that aim to use separation as deterrence.

Accordingly, the Forum commends the Biden administration for establishing the [Family Reunification Task Force](#) (FRTF), and we appreciate your work leading this effort. FRTF's efforts to identify and reunify all of the 1,700-plus children separated from their families at the United States-Mexico border between January 20, 2017 and January 20, 2021 is essential. We are

encouraged by FRTF's progress in enabling the reunification of at least [63 families](#) with their children so far and understand that the difficult work of bringing these families back together is continuing. Nevertheless, even as the Forum applauds the creation of the FRTF, we see its function as a palliative — yet incomplete — measure to prevent further separations at the U.S.-Mexico border.

Providing refuge to those fleeing persecution is critical to our national identity. Accordingly, the Forum has consistently advocated for the humane treatment of migrant families seeking asylum and humanitarian relief, including affording families due process. While some have proposed family detention as an alternative to family separation, the Forum has consistently favored [alternatives to detention \(ATD\)](#) over family detention. Family-oriented ATDs including case management and in-person or telephone check-ins [cost](#) a fraction of detention and ensure that as many as 95% of individuals attend their immigration hearings and appointments. ATDs along with additional policies promoting family unity represent a better and more humane approach.

In addition, the Forum supports adopting additional proactive policies to prevent future administrations from resuming family separations. We believe it is essential to instruct immigration enforcement personnel to protect family unity. Hence, the Forum applauds the recent publication of [DHS's Immigration Enforcement Guidelines](#), through which immigration officers can consider an individual's [family and community ties](#) in the United States as mitigating factors when making an enforcement determination. In allowing for additional reliance on prosecutorial discretion to better prioritize threats to national security and public safety, the guidance provides significant flexibility to protect families.

The use of ATDs and prosecutorial discretion are often appropriate because, contrary to what the previous administration claimed, no federal statute or regulation [mandates](#) the separation of families. And to the extent family separation is utilized to send a deterrence message, it has not proven successful, failing to stem families fleeing violence and persecution from seeking refuge in the U.S.

We encourage the Biden administration to utilize the rulemaking process and agency guidance to enshrine enforcement policies that promote family unity and prevent future efforts to intentionally separate families for deterrence purposes. We urge it to continue its efforts to reunify all separated families, provide those impacted families with protections from detention and deportation, grant access to trauma counseling resources and psychological support to victims. Finally, we urge the Biden administration to work with Congress to avoid family separation and large-scale family detention, and instead promote family case management and other alternatives to detention and improved asylum processing.