



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Vice Mayor Magdalena
Carrasco,
District 5

SUBJECT: Separation of Families

DATE: 5-29-18

APPROVED:

RECOMMENDATION

1. Request an analysis on HR 5950 and S2937; Help Separated Children Act to come back to Rules with a recommended position.
2. Send a letter on behalf of the City of San José opposing the zero-tolerance policy to Attorney General Jeff Sessions.
3. Place the item on the June 12, 2018, City Council Agenda for action.

SUMMARY

In the past few weeks, there has been a significant increase of children that are being separated from their families at the border. The children are taken at the border and placed in the custody of the Office of Refugee Resettlement in shelters and facilities throughout the country. These families are fleeing extraordinary violence and are further being traumatized by our federal administration.

At a Senate Judiciary Committee hearing on Wednesday, Richard Hudson, the deputy chief of the operations program at Customs and Border Protection, told lawmakers that between May 6 and May 19, 638 adults had been referred for prosecutions under the new “zero-tolerance” effort. As one of the largest immigrant cities in America, San José should oppose the zero-tolerance policy promulgated by Attorney General Jeff Sessions.

At the same time, we have families that are being separated within the United States during ICE Enforcement Actions. Congresswoman Lucille Roybal-Allard (CA-40) and Senator Tina Smith (D-MN) introduced legislation that would protect the safety and well-being of minor children who have been left alone and vulnerable after their parents have been arrested or detained by U.S. immigration authorities.

The two lawmakers said their Humane Enforcement and Legal Protections (HELP) for Separated Children Act is necessary because in the past children have been abandoned at home or school after their parents' detention, often without information about their parents' location and without adequate arrangements for their care. They said that with the Trump Administration seeking to step up enforcement operations targeting immigrant families, and planning to separate children from their parents during enforcement operations, action is needed to protect children impacted by the administration's actions.

The HELP Separated Children Act's protections for these children include:

- Allowing parents to make calls to arrange for the care of their children and ensuring that children can call and visit their parents while they are detained;
- Allowing parents to participate in family court proceedings affecting their children;
- Protecting children from being compelled to serve as translators for their parents in immigration enforcement actions;
- Ensuring that parents can coordinate their departures with their children, including allowing parents to say goodbye to their children prior to being taken into custody; and
- Requiring U.S. Immigration and Customs Enforcement (ICE) to consider the best interests

According to a 2011 study, there are more than five million children in the United States living with at least one unauthorized immigrant parent. The vast majority of these children are U.S. citizens. These children are vulnerable when their parents are the subjects of immigration enforcement, detention, and removal actions. When parents facing detention are not given the opportunity to make arrangements for the care of their children, this not only results in serious, avoidable trauma to children and families but also unnecessary expenses for the state.

Children of detained parents have been needlessly taken into the custody of state or local child welfare agencies. In the most extreme cases, because of their parents' inability to participate in family court hearings, these children have been adopted or placed into foster care with well-meaning American families. Even when the outcome is not the termination of parental rights, enforcement can lead to de facto permanent separation of children from their parents and cause tremendous harm to children, undermining their sense of security and even inflicting symptoms of post-traumatic stress disorder (PTSD).

We have residents that are facing similar circumstances with their family members at the border, and we should support any efforts to increase the rights of our children to ensure the best outcomes and reduce trauma. The zero-tolerance policy flounders international law and U.S. moral standing around the world. Representative Zoe Lofgren is leading efforts in the House of Representatives to deny federal funding to stop this immoral action. She is also urging the DHS Secretary to put an end to this immoral action of separating families. I hope that we can join our federal leaders in a call to end the zero tolerance policy and support legislation that increases protections for children within the United States.