



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Vice Mayor Magdalena  
Carrasco,  
District 5

**SUBJECT:** HR 5950; S2937  
(REPRESENTATIVE  
ROYBAL-ALLARD AND  
SENATOR SMITH) HELP  
SEPARATED CHILDREN  
ACT

**DATE:** 5-29-18

APPROVED:

## RECOMMENDATION

1. Adopt a support position on HR 5950 and S2937; Help Separated Children Act.
2. Place the item on the June 19, 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.

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 at 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 local families that are facing similar circumstances with their families 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.

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0027  
(916) 319-2027  
FAX (916) 319-2127

DISTRICT OFFICE  
100 PASEO DE SAN ANTONIO, SUITE 319  
SAN JOSE, CA 95113  
(408) 277-1220  
FAX (408) 277-1036

E-MAIL  
Assemblymember.Kalra@assembly.ca.gov

# Assembly California Legislature



**ASH KALRA**  
ASSEMBLYMEMBER, TWENTY-SEVENTH DISTRICT

COMMITTEES  
CHAIR: AGING AND LONG-TERM CARE  
EDUCATION  
JUDICIARY  
LABOR AND EMPLOYMENT  
WATER, PARKS, AND WILDLIFE

June 6, 2018

**RE: Item G.2: HR 5950; S2937 (Representative Roybal-Allard and Senator Smith) Humane Enforcement and Legal Protections for (HELP) Separated Children Act.**

Dear Mayor Liccardo and Rules Committee Members,

In recent months, it has become clear that the White House has implemented a deliberate strategy to strike fear into the community with a cruel directive to separate families at the border seeking refuge in our country like millions of families that have previously arrived on our welcoming shores. With the federal administration directing immigration enforcement officers to rip babies and young children from the arms of their mothers and fathers, it is imperative that we speak in solidarity with those families. It is in that spirit that I urge you to support Vice Mayor Magdalena Carrasco's memorandum in support of the Help Separated Children Act and oppose the zero-tolerance policy currently being enforced by Attorney General Jeff Sessions.

We have the obligation to protect families and send a message that it is immoral to separate children from their parents, all of whom are fleeing poverty, corruption, political persecution and suffering. Many of the residents today who make up our diverse community in San José are refugees themselves and have experienced the same struggle. Whether these refugees were fleeing from Vietnam, Eastern Europe, Central America or Africa, they escaped persecution to make a better life for themselves here in San José. Yet, today, we have families hoping to seek refuge just to find themselves involved in a new nightmare as they are separated and housed in inhumane conditions. This is not only un-American, but it is not what San José represents. This is not the moment for us to be silent. Let us work together to change the fate of these families and support the compassionate policy of keeping families together.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Ash Kalra".

Ash Kalra  
State Assemblymember, 27<sup>th</sup> District  
California Legislature