**Brief Summary of Current Border Crisis (June 2018):**

Individuals and families from Central America are coming to the U.S. to seek asylum due to the violence, intimidation and threats in their home countries. There also continues to be attempted entry into the U.S. by immigrants seeking opportunities for a better life for themselves and their children.

On April 6, 2018 Attorney General Jeff Sessions announced a “zero-tolerance” policy regarding attempted illegal entry into the U.S. This was purportedly due in part to a report from the Department of Homeland Security that there had been a 203 percent increase in illegal border crossings from March 2017 to March 2018.

Since then, more than 2300 children have been separated from their parents at the border – the parents have been placed into custody and the children have been placed in a variety of settings, including a refurbished Walmart and for-profit detention facilities. There is considerable written and photographic documentation that the children’s emotional needs and distress at separation from their caregivers have not been addressed.

On June 20, 2018 President Trump signed an Executive Order that included language stating “It is also the policy of this Administration to maintain family unity, including by detaining alien families together where appropriate and consistent with law and available resources.” This order states that families will be detained together and requires the Attorney General to prioritize adjudication of cases involving detained families whenever possible. However, there is no time limit set for the amount of time families will spend in detention, and this contradicts previous case law from 1997 that set a limit of 20 days for children to remain in detention, even if they are detained with their parents. It is still unknown how this order will affect the children who have already been removed from their families.

Subcontractors, including private prison companies and defense contractors, run the majority of immigration detention facilities as well as temporary holding facilities for children *(The Nation, 6/20/18).* There have been numerous reports of health and safety violations as well as abuse and neglect at some of these facilities. Concerns have also been raised that staff at some facilities, on behalf of the Office of Refugee Resettlement, are administering psychotropic medications to children without parental knowledge or consent *(www.huffingtonpost.com, 6/20/18).*

**Current Immigration Legislation:**

**Senate Bill 3036 - Keep Families Together Act**

- Introduced by Senator Dianne Feinstein (D-CA) 6/7/18; currently has 48 co-sponsors (46 Democrats, 2 Independents, 0 Republicans).
- Designed to prevent the practice of separating children from parents detained for crossing the border illegally. The bill includes the following provision:
  - “An agency may not remove a child from a parent or legal guardian solely for the policy goal of deterring individuals from migrating to the United States or for the policy goal of promoting compliance with civil immigration laws.”
- Other key provisions:
Requires all agents and officers be given evidence-based training to make those decisions “with an emphasis on the best interests of the child, childhood trauma, attachment, and child development.”

Requires public guidance, in English and Spanish, instructing parents on how to locate their child in the event of separation. It would also require that separated parents be given a monthly update on the activities, health, and immigration status of their child.

Requires an annual report with details on each case of separation, as well as a Government Accountability Office study on the prosecution of asylum seekers from 2008 to 2018.

**HELP Separated Children Act (HR 5950 and SB 2937)**

- Introduced by Rep. Lucille Roybal-Allard (D-CA) 5/23/18 and Senator Tina Smith (D-MN) 5/23/18; SB has 28 co-sponsors (27 Democrats, 1 Independent) and HB has 35 co-sponsors (all Democrats).
- The full title of the bill is “Humane Enforcement and Legal Protections of Separated Children Act,” and the goal is to provide protections for children separated from parents at the border, including:
  - Allows parents to make calls to arrange for the care of their children prior to being taken into custody.
  - Allows parents a meaningful opportunity to communicate with children by saying goodbye, reassuring them, and sharing information about their care arrangements before they are separated.
  - Protects children from having to translate ICE interrogations for their parents.
  - Requires ICE to consider children’s best interests in decisions about parents’ detention, transfer between detention facilities, and release from detention.
  - Allows detained parents to have regular phone calls and contact visits with children.
  - Allows parents to fully participate in child welfare proceedings during their detention.

**The Border Security and Immigration Reform Act (HR 6136)**

- Introduced by Rep. Bob Goodlatte (R-VA) 6/19/18; currently has 10 co-sponsors (all Republicans).
- This is a broad-based bill to “amend the immigration laws and provide for border security...” Considered a “compromise” bill; it provides a path to legal status for DACA recipients but otherwise narrows the path to legal immigration. It also provides for increased military presence at the southern border as well as funding for a border wall.

**Securing America’s Future Act (HR 4760)**

- Introduced by Rep. Bob Goodlatte (R-VA) 1/20/18; currently has 99 co-sponsors (all Republican).
- More hard-line on immigration than HR 6136; does not offer a path for DACA recipients and institutes stricter worker identity verification requirements.
**Update July 10, 2018**

Last week, the Health and Human Services (HHS) Secretary estimated that under 3,000 children currently in custody are being looked at as possibly separated minors and that approximately 100 children under the age of five in HHS custody may have been separated from their families.

- Deadlines for reunification were recently set by a federal judge in California:
  - By July 6, the Trump administration was supposed to have guaranteed that every child separated from a parent as a result of the "zero-tolerance" policy at the border was in touch with their parents.
  - By July 10, all children 5 and under have to be reunited with their parents.
  - By July 26, all children separated from their parents at the border have to be reunited.

HHS has said it plans to meet the deadlines set by the California judge, although that might mean sending separated kids into detention facilities with their parents.

Two major pieces of immigration reform legislation (the Border Security and Immigration Reform Act of 2018 and the Securing America’s Future Act of 2018) failed in the House during the last week of June. The Keep Families Together and Enforce the Law Act was introduced around this same time and has been sent to the House and Senate for consideration. This bill supports reuniting families and protecting family unity, but also overturns previous legislation that limits the amount of time families can spend in detention to 20 days.