



*Protecting Immigrant
Women and Girls
Fleeing Violence*

Statement of the Tahirih Justice Center:
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
Oversight of the Trump Administration's Family Separation Policy
February 26, 2019

The Tahirih Justice Center ("Tahirih") respectfully submits this statement to the United States House Committee on the Judiciary for consideration as the Committee engages in oversight of the Administration's 2018 Family Separation Policy.

Tahirih is a national, nonpartisan advocacy and direct services organization that has assisted over 25,000 immigrant survivors of gender-based violence over the past 22 years. The women and girls we serve endure horrific abuses such as rape, domestic violence, and human trafficking and are in dire need of humanitarian relief. Tahirih is deeply concerned about the Administration's implementation of its "zero tolerance" policy in 2018 that was used as a justification for separating families. The policy, however, was specifically intended to result in separation to further punish even the most vulnerable asylum seekers and deter them from lawfully seeking refuge in the United States. Such deterrence measures directly contravene international refugee protection principles.ⁱ

Those impacted by the policy include traumatized mothers with children whose lives are irrevocably altered as a result; separation of children from their families causes both short and long-term physical and psychological harm which will last a lifetime. One survivor who Tahirih represents was separated from her young daughter after surviving years of severe domestic abuse in Guatemala. Ms. Carrillo Carrillo fled her country in May 2018 and upon requesting asylum in the US, she was sent to a detention center in one state, while her daughter was put into foster care in another. Although reunification of separated families is required under *Ms. L v. ICE (Immigration & Customs Enforcement)*, ICE deemed Ms. Carrillo Carrillo and her daughter ineligible for reunification because her daughter is a US citizen. All parties agreed that Ms. Carrillo Carrillo's daughter's dependency case would be dismissed if her mother was released, because the sole basis for the proceedings was her mother's detention. Ms. Carrillo Carrillo endured eight months of agony, with the threat of imminent termination of her parental rights looming. Ms. Carrillo Carrillo was finally released on bond and she and her daughter were reunited in January. They are both in desperate need of extensive treatment for trauma resulting not only from domestic violence but from the arbitrary, unnecessary separation from each other. Details about the case have been widely reported in the news.ⁱⁱ

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Tahirih legal staff also counseled numerous parents seeking asylum who had been forcibly separated from their children, and then encouraged by US Customs and Border Protection (CBP) agents to plead guilty to unlawful entry with the promise of reunification for doing so. The parents were extremely distraught and highly vulnerable to coercion immediately following separation.ⁱⁱⁱ One mother was worried because she had no way of knowing whether her young epileptic daughter was receiving her seizure medication. Another mother, separated from her five year-old daughter, explained how her child was screaming and vomiting as she was taken away. The mother pled with the CBP official to have a moment to comfort her but the answer was no. None of the parents knew where their children were or when they would see them. They had gone several days without contact, were given no telephone access, and were not told the name or address of the facility where their children might be. One father shook uncontrollably as he explained that he didn't know if his child had been fed or not, or was being mistreated. A mother was told by CBP that they needed to take her son away for a few minutes to give him a shower. After some time, she asked where he was, and the official said he had been taken away and they did not know when she would see him again.

It is well-documented that forcibly separating families, particularly while withholding communication among them, is highly traumatizing for both parents and children.^{iv} The harm resulting from separation is even more pronounced for those fleeing gender-based violence, who are already experiencing profound trauma and isolation from critical support networks. The egregious violations of due process and inhumane, exploitative practices perpetrated by the Administration pursuant to its zero tolerance and family separation policies are inexcusable. We applaud the Committee for conducting this critical oversight and we are grateful for your thoughtful consideration of this statement.

Respectfully,



Irena Sullivan
Senior Immigration Policy Counsel

ⁱ The policy involved prosecution of asylum seekers for unlawful entry, which is generally prohibited under the United Nations Convention Relating to the Status of Refugees, and subsequent separation of children from parents while in custody. According to Article 31 of the Convention: "The contracting states shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article on, enter or are present in their territory without authorisation, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence."

ⁱⁱ See, eg, <https://www.nytimes.com/2018/11/23/us/migrant-family-separation-citizen-domestic-abuse.html>. <https://www.nbcnews.com/news/latino/guatemalan-mom-american-born-daughter-reunited-after-8-months-apart-n959846>

ⁱⁱⁱ The parents were also under extreme physical stress from hunger, exhaustion, and trauma as asylum seekers. Our staff learned that they had not been able to change clothes since being arrested three or four days earlier, and had not been provided with showers. One parent had dried blood on his pants from his journey.

^{iv} <http://www.aappublications.org/news/2017/03/13/Immigration031317>