



Testimony of

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Before the New York City Council
Immigration, General Welfare and Health Committees
Oversight: The Impacts of Trump Administration Family Separation Policy on New York City

July 12, 2018

Good afternoon. My name is Stephanie Gendell and I am the Associate Executive Director for Policy and Advocacy at Citizens' Committee for Children of New York, Inc. (CCC). CCC is an over 70-year-old, independent, multi-issue child advocacy organization dedicated to ensuring that every New York child is healthy, housed, educated and safe.

I would like to thank City Council Immigration Chair Menchaca, General Welfare Chair Levin and Health Chair Levine and the members of the City Council Immigration, General Welfare and Health Committees for holding today's oversight hearing on the impacts of the Trump Administration's Family Separation Policy on NYC. I would also like to thank Council Member Carlina for sponsoring, and Council Member Ayala and Speaker Johnson for co-sponsoring, a resolution calling on the U.S. Congress to pass, and the President to sign, the Keep Families Together Act (S. 3036), to immediately stop the Department of Homeland Security from taking children from their parents at the U.S. border, except with express directive from a child welfare expert, and for additional legislation that would end family detention as an unsafe and harmful alternative. CCC truly appreciates the City Council holding today's hearing, as well as your unwavering commitment to fighting harmful Trump policies and meeting the needs of all children and families in New York City.

Like so many New Yorkers, CCC is deeply concerned about the trauma and abuse the United States government is inflicting upon children through the Trump Administration's zero tolerance policy, the separation of children from their parents at the border, the ongoing delays in reunifying families, as well as the continued detention of families seeking asylum.

Parent-child separation has a profoundly detrimental impact on children—in both the short-term and long-term- on their health, behavioral health, development and overall well-being. “[H]ighly stressful experiences, like family separation, can cause irreparable harm, disrupting a child's brain architecture and affecting his or her short- and long-term health. This type of prolonged exposure to serious stress - known as toxic stress - can carry lifelong consequences for children,” explained the American Academy of Pediatrics in its May 8, 2018 statement opposing forcibly separating children from their parents at the border.¹

And as Pediatrician John Harlow penned for CNN this week, “The effects of trauma on children are cumulative and life-threatening. Pediatricians and other experts in child health and behavior should be clear: this policy is state-enacted child abuse. It was child abuse when the policy involved parental separation. It is child abuse if the policy becomes the indefinite

¹ The American Academy of Pediatrics 5/5/18 statement can be retrieved here: <https://www.aap.org/en-us/about-the-aap/aap-press-room/Pages/StatementOpposingSeparationofChildrenandParents.aspx> .

detention of children alongside their parents. It is child abuse every day that passes in which the children already separated remain in isolation.”²

And to be clear, family detention should not be a “solution” to ending the practice of separating children from their parents at the border. While this appears to be the Trump administration’s new plan, it is not only an inappropriate place for children and their families, it is not required by law for asylum seekers. Detention for asylum seekers (even if families are not separated) still causes various health and mental health issues, including anxiety, trauma and post-traumatic stress. The US government is also not equipped to be providing family detention and there is no valid reason for the United States government to be inflicting this inhumane detention and zero tolerance policy on children and their parents fleeing their home countries and seeking asylum in the United States.

We are also deeply concerned that the Trump Administration is attempting to budget for increased detention of families and children, including both increases in family detention and immigrant minors, and that part of this funding will come from cuts to HIV/AIDS programs and refugee resettlement services.³

Furthermore, the Trump administration has been unable to comply with the U.S. District Court Judge to reunite separated families with children under 5 by July 10th (and the remaining children by July 26th). As we have now learned, some of the parents have already been deported without their young children- this is abominable. In addition, the US government is literally collecting DNA samples to try to match children and parents because they did not (and do not) have a system to track where parents and children are placed and sent in relation to one another.

Every day we learn more information about the situation at the border and every day it is more concerning. Given the gravity of the crisis brought about by the Trump administration’s zero tolerance policy, we need to do all that we can to address the needs of children and their families subjected to these policies, as well as work together to improve immigration policies, practices and laws that impact children and adults seeking asylum here in the United States after fleeing untenable situations in their home countries.

We appreciate the City Council’s longstanding commitment to the diversity of New York City and the steps you have already taken to better support immigrant families in New York City.

² John Harlow, “Pediatricians Know Why Family Separation is Child Abuse,” CNN. July 10, 2018.

<https://www.cnn.com/2018/07/10/opinions/family-separation-child-abuse-harlow/index.html>

³Mark Joseph Stern, “Trump’s Office of Refugee Resettlement is Budgeting for a Surge in Child Separations,” Slate. July 10, 2018. https://amp.slate.com/news-and-politics/2018/07/trumps-office-of-refugee-resettlement-is-budgeting-for-a-surge-in-child-separations.html?_twitter_impression=true

Notably, for the past two years, the City Council has provided \$2 million for the ICARE initiative, which has been funding lawyers in New York City for the unaccompanied minors seeking asylum in the United States, and now also for the children who have been separated from their parents at the border. Under federal law, children, regardless of their age, are not entitled to legal assistance in immigration proceedings, making this Council initiative invaluable for the children who would otherwise not have the assistance of counsel.

We are also grateful to the Governor and the state agencies, as well as the Mayor and the City agencies for both pushing the federal government for more transparency and information regarding the children, and for their commitment to ensure the children receive high quality care and the services that they need, while steps are taken to reunify families expeditiously.

“Even though these children are here under the auspices of the federal Office of Refugee Resettlement, we believe we have a moral responsibility to make sure that these kids are safe and healthy because they are here in our city,” said ACS Commissioner David Hansell, just last week. We are pleased and grateful to know that ACS is providing support and specifically that the City is offering on-site child and adolescent psychiatric services, health care for children at public hospitals, 24-hour hotline and free legal assistance, training for foster parents and staff at the nonprofit agencies on how to work with children who have experienced trauma, as well as the resources for trips, activities and teddy bears.

CCC is also grateful to the social service providers who are providing care and services for the children, including the child welfare agencies providing residential care and/or foster families (note that the children are technically in detention not in foster care), those providing health and mental health services, and those providing legal services. While the Trump administration policy of separating families and detaining children (and families) is abhorrent and CCC will continue to fight to end these practices, we also appreciate the care that our colleagues at provider agencies in New York City and New York State are able to provide to the children who are here in New York.

We know that this has been a challenging time for these providers and their staff and we thank them for their commitment to doing the best they can for the children and families in this unfortunate situation. We urge New Yorkers not to protest, rally or hold press conferences outside these programs as the crowds, cameras and chanting frightens the already traumatized children, makes the job much more challenging for staff, and in some instances, prevents the children from being able to leave the program to participate in social activities. While we know the protesters and elected officials mean well, we urge everyone to focus their energy and anger at the Trump administration rather than the social service providers.

This is a crisis created by the federal government and we very much appreciate the efforts of so many New Yorkers, including elected and appointed officials, social services workers, lawyers, and every day New Yorkers who have stepped forward to care for children, donated resources to organizations helping children, marched against family separation, and made calls and written letters to Congressional representatives, the President, and those responsible for these policies at the federal level.

CCC respectfully offers the following recommendations to build upon the work underway to ensure the children receive the best possible care they can in these unfortunate circumstances:

- **Increase funding for ICARE lawyers and add social workers to the model**

CCC greatly appreciates the City Council's ICARE initiative, which has been providing funding for lawyers for the children and youth in New York City who are here seeking asylum through the Unaccompanied Minors program. The six legal service organizations funded through ICARE are the Door, Legal Aid, Catholic Charities, Safe Passage Project, Central American Legal Defense and KIND (Kids in Need of Legal Defense).

Having a lawyer in an immigration proceeding is critical: when children do not have a lawyer they only win 20% of the time, but when children are represented they win 92% of the time. No child should have to face an immigration proceeding without legal counsel.

Prior to the recent influx of children separated at the border, the Council's \$2 million of support enabled 6 non-profit legal service organizations to represent 1,250 children. During the budget process, CCC had been supporting ICARE's request to increase the support to \$4 million to enable the programs to represent an additional 550 children.

CCC respectfully asks that the City Council and the Mayor work to ensure that ICARE funding is increased by at least \$2 million (to \$4 million) so that these legal organizations can represent more children, including those who have been separated at the border. In addition, many legal service organizations employ a model that pairs lawyers and social workers. Given the trauma these children have faced and are continuing to face, we also suggest adding funding to enable the legal organizations to include social workers to the ICARE model. Finally, it is important to keep in mind that litigating cases of minors separated from parents at the border is a new type of case and thus the costs of litigating these cases is still unknown. As such, we urge the City to continue revisiting the needs of the ICARE providers to ensure that they have the resources they need.

- **Reunification efforts**

Separating children from their parents at the border is an inhumane, unconstitutional and deeply troubling policy implemented by the Trump Administration. CCC appreciates the many voices from throughout the city, state and country who have expressed outrage about this Trump administration policy. Most recent numbers from the federal government, which are likely suspect, are that 3,000 children have been separated from their parents at the border, 100 of whom are under age 5.

Last week, US District Court Judge Dana Sabraw, a George W. Bush appointee, ruled that Trump's separation policy causes "irreparable harm" and issued an order that the children under 5 years old be reunified by July 5th and all the remaining children need be reunited by July 26th. While this court order appeared to be a victory for children and families, the days following the order have confirmed that the federal government did not take appropriate measures to track children and parents to ensure that they could be easily reunified and thus the federal government has not complied. In addition, it appears that the US government sometimes uses reunification as a bribe to convince parents to agree to voluntary deportation.

As written in a July 6, 2018 letter⁴ from 6 Governors, including Governor Cuomo, "Given recent reports suggesting this [reunification] process is being carried out chaotically and inconsistently, and in light of your agencies' latest admission that hundreds more separated migrant children are in the custody of the Office of Refugee Resettlement (ORR) than were previously accounted for, we remain deeply concerned that wholly inadequate resources and procedures are in place to ensure children and parents are reunified safely and securely within the court-ordered deadlines." This letter also indicates that the Trump administration seems to believe that placing the children with sponsor families, be they relatives or anyone else, would constitute compliance with the federal court order, when clearly long-term stranger foster care is not reunification.

CCC truly appreciates the efforts the Governor and the Mayor have taken to prioritize reunification and push the Trump Administration to reunify children expeditiously and without using children as bargaining chips. We must all remain vigilant and watchful of the federal policies, as they change every day, and typically fail to account for the well-being of children and their families.

Even when children and parents are located, connected and communicating, immigration proceedings, high cost bond requirements for parole to the tune of thousands of dollars, excessively high travel costs to get their children, and requirements to provide their ability to

⁴ The letter can be found here: <https://www.politico.com/f/?id=00000164-7063-dc1f-a97d-77eb5bcf0001>

care for their children can impede reunifications efforts. If bond and flights costs are too costly, they will further impoverish families and create delays in reunification.

While we hope that these shameful policies, as well as the zero-tolerance policy, will be reversed, **we urge the city to create a travel and bond/bail fund to cover the costs to eliminate financial barriers to reunification.**

- **End Family Detention**

It is critical to note that while CCC is adamantly opposed to separating children from their parents at the border, we are also opposed to detaining children and parents seeking asylum together. We appreciate the City Council resolution not only calling on the federal government to stop separating families, but to also stop detaining them.

Federal law does not require that these asylum seekers be detained- that is a policy that the Trump administration decided to implement under a belief that it would be a deterrent. Families seeking asylum are desperate to escape violence and threats in their home country and are willing to take risks to make it to the safety the United States is supposed to provide. We support the Council's resolution and strongly urge the United States government to halt the zero-tolerance policy that will now lead to family members being detained together (likely in violation of Flores).

- **Continue to reassess the needs of social service providers**

The Trump administration creates new barriers, hurdles and inhumane policies that children and their families face nearly every day. We appreciate the City Council holding this hearing today, and urge the City Council and the de Blasio administration to continue this conversation over the coming months to ensure that as this ever-evolving situation changes, the City remains prepared to meet the needs of the children and their families.

This includes reassessing the needs of the social service providers, the legal service providers, the mental health providers, and others on an ongoing basis. In addition, as we get closer to September when children will be returning to school, we must also make sure that the educational needs of children separated from their families are able to be met.

- **Remember there are other systems in New York and New York City that separate children from their families**

While this tragedy of separating children from their parents at the border is heart-breaking, it is important to remember that there are other systems in place that also separate children from their families, including the child welfare system, the juvenile justice system and the adult corrections system that can incarcerate parents. The outpouring of offers of assistance

including money, services and foster parenting, as well as the concerns about the trauma the separation causes, has been heart-warming for advocates like CCC.

We urge all who are offering assistance to also remember children and families impacted by other systems as well, including child welfare, juvenile justice and corrections. We must be intentional in our efforts to provide support and services to all children separated from their parents, increase efforts to prevent family separations, and intensify efforts aimed at expeditious reunifications for them as well.

Thank you for the opportunity to testify.