



# **Durbin, Duckworth press DHS IG to investigate allegations of separation of children from asylum-seeking parents at U.S. border**

March 22 2018 4:07 PM

WASHINGTON - Following recent [reports](#) of the case of a seven-year-old girl and her mother from the Democratic Republic of Congo (DRC) who were separated for more than four months after they presented themselves at the U.S. border and sought protection in accordance with the law, U.S. Senators Dick Durbin (D-IL) and Tammy Duckworth (D-IL) led 22 of their Senate colleagues today in pressing the U.S. Department of Homeland Security (DHS) Acting Inspector General to investigate allegations that DHS is separating the children of asylum-seekers from their parents.

“This is reportedly only one of many recent cases in which DHS has separated children from their parents who are seeking asylum. According to one analysis, at least 155 such cases were identified as of October 2017. Reports further indicate that DHS may soon formalize a policy of detaining children of asylum-seekers separately from their parents. This would be an unacceptable breach of our legal and humanitarian obligations to innocents who are fleeing war and terrorism,” the Senators wrote in a letter to DHS Acting Inspector General John Kelly.

In their letter, the Senators asked DHS Acting Inspector General John Kelly to open an investigation that considers the following, among other issues:

1. The circumstances of the separation of the aforementioned mother and her seven-year-old child.
2. DHS policy on the separation of children of asylum seekers from their parents since January 20, 2017.
3. Implementation by U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) of DHS policy on the separation of

children of asylum seekers from their parents since January 2017, including any guidance, training, and oversight of ICE and CBP agents.

4. The number of children of asylum-seekers DHS has separated from a parent since January 20, 2017.
5. The average length of separation and the longest period of time a child has been separated.
6. The number of children of asylum-seekers who are currently detained separately from a parent.

The American Academy of Pediatrics and the American Medical Association have both condemned the separation of families in immigration detention. As the American Academy of Pediatrics found: “Studies of detained immigrants have shown that children and parents may suffer negative physical and emotional symptoms from detention, including anxiety, depression and posttraumatic stress disorder. When children live in fear for prolonged periods of time, they may develop toxic stress, which causes harm to the developing brain and can result in short and long-term health consequences.”

Along with Durbin and Duckworth, the letter was signed by U.S. Senators Dianne Feinstein (D-CA), Sheldon Whitehouse (D-RI), Amy Klobuchar (D-MN), Richard Blumenthal (D-CT), Mazie Hirono (D-HI), Cory Booker (D-NJ), Kamala Harris (D-CA), Heidi Heitkamp (D-ND), Patty Murray (D-WA), Bill Nelson (D-FL), Jack Reed (D-RI), Maria Cantwell (D-WA), Bob Menendez (D-NJ), Bernie Sanders (I-VT), Bob Casey (D-PA), Tom Udall (D-NM), Kirsten Gillibrand (D-NY), Tim Kaine (D-VA), Elizabeth Warren (D-MA), Ed Markey (D-MA), Catherine Cortez Masto (D-NV), and Tina Smith (D-MN).

Full text of the letter is available [here](#) and below:

March 22, 2018

Dear Mr. Kelly:

We respectfully request that you investigate allegations that the Department of Homeland Security (DHS) is separating the children of asylum-seekers from their parents.

Recent reports highlighted the case of a seven-year-old girl and her mother from the Democratic Republic of Congo (DRC) who were separated for more than four months after they presented themselves at the border and sought protection in accordance with the law. DHS apparently took this troubling action even though a United States

Citizenship and Immigration Services (USCIS) asylum officer found that the mother had a credible fear of being harmed if she was returned to the DRC and that she therefore had a significant possibility of receiving asylum.

This is reportedly only one of many recent cases in which DHS has separated children from their parents who are seeking asylum. According to one analysis, at least 155 such cases were identified as of October 2017. Reports further indicate that DHS may soon formalize a policy of detaining children of asylum-seekers separately from their parents. This would be an unacceptable breach of our legal and humanitarian obligations to innocents who are fleeing war and terrorism.

Any alleged deterrent effect this practice may have in reducing the number of individuals seeking safe haven under our laws is a wholly insufficient justification for forcibly separating children from their parents, particularly in light of its harmful impact. Indeed, the American Academy of Pediatrics and the American Medical Association have both condemned the separation of families in immigration detention. As the American Academy of Pediatrics found:

Studies of detained immigrants have shown that children and parents may suffer negative physical and emotional symptoms from detention, including anxiety, depression and posttraumatic stress disorder. When children live in fear for prolonged periods of time, they may develop toxic stress, which causes harm to the developing brain and can result in short and long-term health consequences.

In a recent statement, DHS claimed, “DHS does not currently have a policy of separating women and children. However, we retain the authority to do so in certain circumstances – particularly to protect a child from potential smuggling and trafficking activities.” We of course expect DHS to do everything in its lawful power to protect children from smugglers and human traffickers. However, separating a young child from her mother for months, as happened in the aforementioned case, clearly goes far beyond the reasonable steps needed to protect a child.

DHS further stated, “We ask that members of the public and media view advocacy group claims that we are separating women and children for reasons other than to protect the child with the level of skepticism they deserve.” It is unacceptable for any government agency to ask the public to be skeptical of claims made by attorneys representing their clients when the agency has provided no information to rebut these claims. This request is particularly inappropriate from the current leadership at DHS, whose truthfulness has been challenged by its own employees. In fact, the public and media has every right to view DHS’s claims with skepticism, especially since such a policy reportedly remains under consideration.

As a result, we ask you to open an investigation that considers the following, among other issues:

1. The circumstances of the separation of the aforementioned mother and her seven-year-old child.
2. DHS policy on the separation of children of asylum seekers from their parents since January 20, 2017.
3. Implementation by U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) of DHS policy on the separation of children of asylum seekers from their parents since January 2017, including any guidance, training, and oversight of ICE and CBP agents.
4. The number of children of asylum-seekers DHS has separated from a parent since January 20, 2017.
5. The average length of separation and the longest period of time a child has been separated.
6. The number of children of asylum-seekers who are currently detained separately from a parent.

Thank you for your time and consideration. We look forward to your prompt response.