

Congressional Testimony

ADL Submission for the

House Oversight and Government Reform Committee

at a hearing on

The Trump Administration's Child Separation Policy:
Substantiated Allegations of Mistreatment

Washington D.C.

July 12, 2019



*Working to stop the defamation of the
Jewish people and to secure justice and
fair treatment for all since 1913*

Dear Chairman Cummings and Ranking Member Jordan:

We write to provide the views of ADL (the Anti-Defamation League) in advance of the House Oversight and Government Reform Committee hearing on the “Trump Administration’s Child Separation Policy: Substantiated Allegations of Mistreatment.” Since our founding in 1913, ADL’s mission has been to stop the defamation of the Jewish people and to secure justice and fair treatment to all. We represent a community that has experienced the plight of living as refugees throughout its history. For those of us in the Jewish community – whose parents or grandparents, neighbors, or community members once faced a similarly callous and unwelcoming world in the darkest of times – we feel a particular responsibility to speak out. As a result, we have been advocating on behalf of immigrants and refugees and for sound and just immigration policies for generations.

America’s history is littered with government injustices that have left an indelible mark and continue to stain our society today. When our country has let prejudice and fear predominate over reason and compassion, we falter, with devastating consequences, and are left to apologize to people – and their descendants – who have suffered and to promise to learn from our mistakes and not to repeat them.

Today, as our government is relentlessly attacking migrants escaping violence and seeking refuge in our country, we need not wait for history to judge us or hold us to account to act.

Over the course of our history, our country has made deeply unjust and harmful decisions that still affect us today. Our founders built an independent country on the backs of slaves, which required a civil war to begin to remedy and whose inequities we are still addressing. During World War II, we incarcerated our own Japanese-American citizens and treated them as the enemy. Although our government has now apologized, the impacts on those who were incarcerated, and on our nation, continue to reverberate. During that war, the United States also refused entrance to millions of Jews fleeing the Holocaust. In one instance, we refused safe harbor to the *St. Louis* with its human cargo of desperate Jewish refugees. After being denied entrance to several countries including the United States, the *St. Louis* returned to Europe and many of its passengers died at the hands of the Nazis. But the painful lessons of our closed doors during and after the war helped lead the world and America to establish protocols and commitments for taking in refugees.

We know all too well what happens when people fleeing for their lives have nowhere to turn. Yet today, a cruel Muslim Ban is in effect, tearing apart families simply because of religious animosity and xenophobia, and causing severe damage to our nation’s highest ideals. At the same time, the number of refugee admissions to the U.S. has been slashed to an historic low. These actions – turning our backs on people fleeing for their lives and treating them with cruelty and inhumanity – defy the principles and values we celebrated just last week on our nation’s Independence Day.

Last year, the Administration expanded its “zero tolerance” policy, resulting in thousands of children being ripped out of their parents’ arms. Prior to this policy announcement, data revealed that hundreds of children had been taken from their parents while attempting to cross into the United States in 2018.

At the time, Americans spoke out against this policy, which was eventually rescinded. Yet, many children remain separated from their parents. The trauma of this cruel policy will linger through generations. Moreover, the detention of children has continued apace and we continue to learn more about the inhumane treatment and abuse of children and families in government detention facilities.

Six migrant children have died in U.S. custody since last September. Lawyers who visited migrant children in federal facilities [asked a judge to hold the government in contempt of court for violating the Flores Settlement](#), which put in place safeguards to ensure the health and safety of immigrant children held in government custody. After visiting the children being held at Clint Border Patrol Station in Texas, lawyers discovered that the children were being denied soap, blankets, and adequate access to water, showers, food, sleep, and medical care. A video of an Assistant U.S. Attorney [arguing](#) that guaranteeing hygiene and sleep were not required under *Flores* went viral. At the same time, the Department of Homeland Security’s [own inspector general found](#) that conditions for migrants, young and old, were squalid. This week, there were dozens of [accounts](#) of U.S. Customs and Border Protection agents sexually assaulting and retaliating against children being held in Arizona.

And it is impossible to forget the recent horror, when Óscar Alberto Martínez Ramírez [drowned with his daughter](#) Valeria, who was not even two years old, as they were crossing the Rio Grande River. The family sought asylum in the U.S. but because of the administration’s policy of “metering” – which limits the number of asylum seekers who can apply at ports of entry each day – they faced a long wait at the U.S.-Mexico border and in desperation tried to cross the river to Brownsville, Texas.

Seeking asylum is a fundamental legal right in the U.S. and core to our nation’s principles. However, the administration is undermining that fundamental right and value by also requiring more than 16,500 migrants to [wait in Mexico](#) while their asylum cases are pending in the U.S. – sending them back to dangerous conditions and creating insurmountable barriers to their ability to seek legal resources to pursue their claims.

There are also Administration policies that have torn apart families apart across our country. This includes the termination of Deferred Action for Childhood Arrivals and Temporary Protected Status protections; a proposed rule change that would prevent tens of thousands of mixed-immigration-status families from receiving public housing assistance; looming ICE raids targeted at families; and the targeting of parents for deportation in ways that violate traditional norms of safety.

When our country has faltered in the past, the voices calling for America to do better were drowned out. Today, America cannot let that happen again – these horrors require action.

For ADL, that means [fighting](#) efforts to dismantle refugee and asylum protections; continuing to [expose](#) nativist, extremist voices in the anti-immigrant movement and opposing the confirmation of nominees who seek to bring these views to the federal government; supporting efforts in the courts and legislatures to fight the Administration’s policies, including the [Muslim Ban](#), efforts to [punish](#) so-called “sanctuary cities”, and the [termination](#) of Temporary Protected Status; providing [support](#) to people of Mexican heritage who are victims of hate, bullying, and bigotry in the United States; and building a deep catalogue of curricular content, and lesson plans for tens of thousands of schools across the country that detail how America benefits from the rich diversity of immigrant stories and experiences.

And it means speaking out consistently and loudly against the policies of family separation that you are looking into today. For example, last year, when the policy of “zero tolerance” was first uncovered, ADL [worked with the Hidden Children Foundation](#) to highlight the lasting trauma of forcibly separating children from their parents by sharing the experiences of hidden children of the Holocaust. Now, we ask you to finally end these policies.

We urge you to ensure that our country stops criminalizing asylum seekers, allows refugees in to our country at levels commensurate with the largest refugee crisis since World War II, and treats those seeking asylum with the humanity and dignity they deserve.

Specifically, we encourage you to:

- Prioritize policies that promote child protection and end family separation at the border and throughout our country;
- Stop the Administration’s dismantlement of the U.S. asylum and refugee systems, including ensuring due process protections for asylum seekers and access to bond hearings for all asylum seekers;
- [End the administration’s failed and cruel Remain in Mexico policy](#);
- Ensure that government shelters are state-licensed to meet state law standards for child care facilities and are compliant with the *Flores* settlement agreement requirements;
- Prioritize the use of alternatives to detention to keep families together, including community-based programs operated by nonprofit organizations;
- Ensure the quick release of asylum seekers who pose no public safety risk to the community or flight risk;
- End the use of private prisons and county jails for immigration detention and improve detention standards for facilities housing immigrants;
- Require ongoing independent investigation and oversight of all immigration detention facilities and hold federal agencies accountable when facilities are found to be in violation of standards;

- Address the challenges in the Northern Triangle countries that have caused the surge in migration and people fleeing for their lives in order to help improve human and economic security in these countries and Mexico;
- Increase our country's refugee admissions cap to at least 95,000 per fiscal year; and
- Work together on comprehensive immigration reform.

We thank you for holding this hearing and look forward to working with you to address this humanitarian and human rights crisis.