



*... because every child needs a permanent, loving, and culturally sensitive family*

October 25, 2018

Debbie Seguin  
Assistant Director  
Office of Policy  
US Immigration and Customs Enforcement  
Department of Homeland Security  
500 12<sup>th</sup> Street SW  
Washington, DC 20536

Re: DHS Docket No. ICEB-2018-0002, RIN 0970-AC42 1653-AA75, Comments in Response to Proposed Rulemaking: Apprehension, Processing, Care, and Custody of Alien Minors and Unaccompanied Alien Children

Dear Ms. Seguin:

I write on behalf of the North American Council on Adoptable Children (NACAC)—an organization dedicated to protecting the health and wellbeing of all families—to express our strong opposition to the proposed rule to amend regulations relating to the apprehension, processing, care, custody, and release of alien juveniles published in the Federal register on September 7, 2018.

As a child welfare organization, NACAC works daily with children who are or have been in foster care and their parents: we have seen the devastating effects of family separation, the intense pressure already placed on the US foster care system, and the grievous effects of inappropriate child imprisonment. This new policy, which offers immigrant parents a “choice” to either waive their child’s protection from indefinite imprisonment or turn the child over to the federal government, is flagrant child abuse at the hands of the government.

The government is familiar with the harm this new policy will bring to children: the protection against indefinite detention that parents would have the right to waive was afforded to children after several court orders declared child imprisonment unconstitutional—most notably with the 1997 Flores settlement. These court orders were based in recommendations from organizations like the American College of Pediatrics, which declares that indefinite child detention can result in “considerable adverse harm to the detained children ... that may follow them through their entire lives,” including psychiatric disorders such as depression and insomnia.

The potential harm done is increased by the poor quality of living offered to families at the border. Reports from detention centers reveal that children and families are not given access to

adequate or appropriate immunizations, medical care, education services, and mental health services. The conditions of these centers have been called “prison-like,” with open toilets, constant light exposure, insufficient food and water, no bathing facilities, extremely cold temperatures, and children sleeping on cement floors.

No child should have to endure this. Policies and protections like the *Flores Settlement Agreement* exist to protect this particularly vulnerable and innocent population from experiencing such trauma and violence.

Many parents will “choose” to turn their child over to the federal government rather than exposing them to indefinite imprisonment. This is also an unsustainable solution for the US government. Largely due to the opioid crisis, many children in foster care are staying in group homes, shelters, hotels, and even social work offices because there aren’t families to care for them. By removing children from their families inappropriately and unjustly, the government places the weight of thousands more children on this already struggling system, effectively creating a child welfare crisis.

Our nation’s public policies need to protect children, not harm them. Any changes to the current standards should build on decisions like those made in the *Flores* settlement by focusing on how to lessen the traumatic effects of fleeing danger and violence in one’s home country, forced separation, and/or indefinite imprisonment. For the reasons outlined above, NACAC urges DHS and the Department of Health and Human Services (HHS) to immediately withdraw its current proposal and dedicate their efforts to advancing policies that safeguard the health, safety, and best interests of children and their families, not least through robust, good-faith compliance with the *Flores Settlement Agreement*.

Thank you for the opportunity to submit comments on the Notice on Proposed Rulemaking (NPRM). Please to not hesitate to contact NACAC for further information.

Sincerely,

A handwritten signature in black ink that reads "Mary Boo". The signature is written in a cursive, flowing style.

Mary Boo  
Executive Director