

Congress of the United States
Washington, DC 20515

March 28, 2023

The Honorable Joseph R. Biden
President
The White House
1600 Pennsylvania Ave. NW
Washington, D.C. 20500

Dear President Biden:

We write to express serious concerns about reports that the Administration is considering restarting the detention of families.¹ Shortly after you took office, you rightfully committed to end the practice of detaining families and children, with the last family detention facility closing in December of 2021. We urge you to maintain your commitment to not detaining families and children and not return to a cruel policy of the past. We applaud your work to expand legal pathways through designating and re-designating countries for Temporary Protected Status and expanding humanitarian parole. We urge you to continue expanding legal pathways and rapidly investing in community-based alternatives to detention, in particular the Federal Emergency Management Agency (FEMA) Case Management Pilot Program (CMPP), which provides individuals and families with assistance to comply with their immigration obligations.

The harm of detaining children is clear: According to the American Academy of Pediatrics, “there is no evidence that any amount of time in detention is ‘safe’ for children. In fact, even short periods of detention can cause psychological trauma and long-term mental health risks for children.”² According to a physician and psychiatrist who investigated family detention facilities for the Department of Homeland Security’s Office of Civil Rights and Civil Liberties, “shorter lengths of detention did not sufficiently mitigate the harmful conditions that we observed and their deleterious consequences; most of the harms we documented were in families detained less than 20 days.”³ In addition incarceration hinders normal child development, disrupts family roles and dynamics, undermines a parent’s authority and ability to address their children’s needs.⁴ When children witness their parents being treated poorly by detention staff or

¹ Eileen Sullivan & Zolan Kanno-Youngs, *U.S. Is Said to Consider Reinstating Detention of Migrant Families*, N.Y. TIMES (Mar. 6, 2023) <https://www.nytimes.com/2023/03/06/us/politics/biden-immigration-family-detention.html>.

² Devin Miller, *Pediatricians speak out: Detention is not the answer to family separation*, American Academy of Pediatrics (Jul. 24, 2018) <https://publications.aap.org/aapnews/news/12792>.

³ Letter to Joseph R. Biden, President of the United States, and Alejandro Mayorkas, Secretary, Dep’t of Homeland Security from Dr. Scott A. Allen & Dr. Pamela McPherson re: Renewed Concerns of DHS Medical Experts Regarding Harms to Children Caused by Family Detention (Mar. 8, 2023) <https://assets.law360news.com/1584000/1584237/letter.pdf>.

⁴ Julie M. Linton, Marsha Griffin, *et al.*, *Detention of Immigrant Children*, American Academy of Pediatrics (May 1, 2017) <https://publications.aap.org/pediatrics/article/139/5/e20170483/38727/Detention-of-Immigrant-Children>; Declaration of Luis H. Zayas https://chu.house.gov/sites/chu.house.gov/files/documents/Declaration%20of%20Luis%20Zayas_0.pdf

sense their helplessness in detention, it undermines a child's sense that their parent is an authority figure who can provide security and protection.

We have seen how legal pathways can work. There are over 18 million people in the Western Hemisphere who are displaced.⁵ Cuba, Haiti, Nicaragua, and Venezuela are among the top sending countries to the United States. Individuals are fleeing rampant violence, persecution, corruption, climate change, and economic crises. However, when the Biden Administration created new legal pathways for nationals of Haiti, Venezuela, Cuba, and Nicaragua, crossings between ports of entry for national of those countries fell 98 percent.⁶ This was a good first step by the Administration, but more can be done.

Further, case management has a proven record of ensuring compliance with immigration obligations while allowing individuals to remain in communities. CMPP is the successor to the successful Family Case Management Program (FCMP), which used case managers to ensure families comply with immigration obligations while allowing families to remain in communities. The program produced a 99 percent compliance rate with Immigration and Customs Enforcement (ICE) and immigration court requirements.⁷ Moreover, FCMP cost only \$36 per day per family compared to family detention, which cost \$319 per person per day.⁸ The FCMP demonstrated that when individuals are provided with clear assistance to navigate the immigration system, they follow through on their obligations. Unfortunately, the Trump Administration terminated FCMP; however, CMPP received \$20 million for its establishment in the FY23 appropriations bill. Standing up this program and investing in its success is crucial to ensure humane and efficient processing of arriving asylum seekers.

We urge you to consider these important and proven alternatives to detention and reject resurrecting family detention. We look forward to working with you.

Sincerely,

⁵ National Immigration Forum, *Alternative Pathways for Arrivals at the Border: A Holistic Response to Increasing Migration in the Western Hemisphere* (Dec. 22, 2022) <https://immigrationforum.org/article/alternative-pathways-for-arrivals-at-the-border-a-holistic-response-to-increasing-migration-in-the-western-hemisphere>.

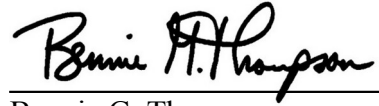
⁶ U.S. Customs and Border Protection, "CBP Releases February 2023 Monthly Operational Update" (Mar. 15, 2023) <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-february-2023-monthly-operational-update>.

⁷ Women's Refugee Commission, *The Family Case Management Program: Why Case Management Can and Must Be Part of the U.S. Approach to Immigration* (Jun. 13, 2019) <https://www.womensrefugeecommission.org/research-resources/the-family-case-management-program-why-case-management-can-and-must-be-part-of-the-us-approach-to-immigration>.

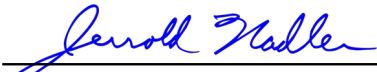
⁸ Matthew La Corte, *Restore the Family Case Management Program for Asylum Seekers*, NISKANEN CENTER (Apr. 17, 2019) <https://www.niskanencenter.org/restore-the-family-case-management-program-for-asylum-seekers>.



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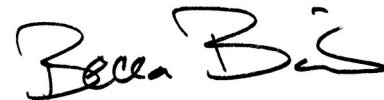
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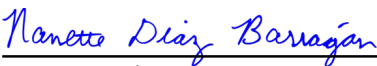
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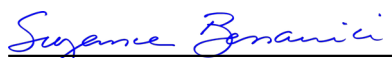
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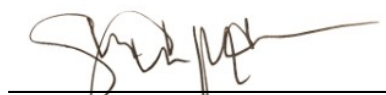
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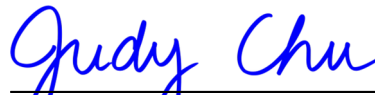
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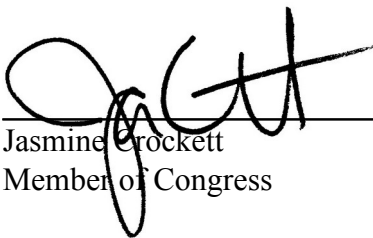
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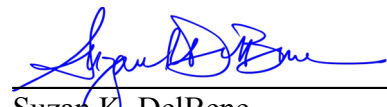
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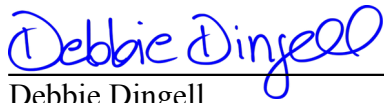
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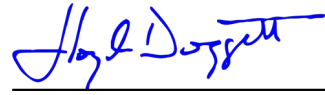
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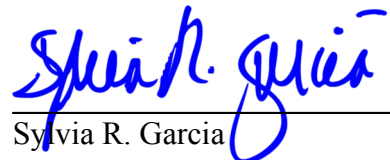
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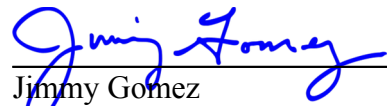
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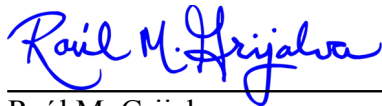
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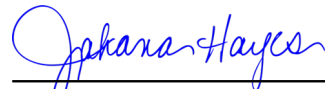
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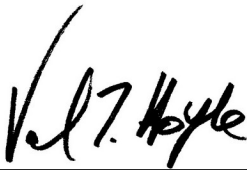
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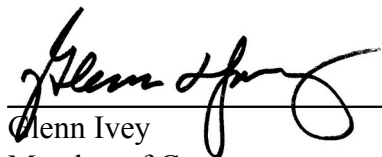
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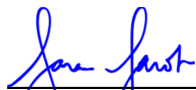
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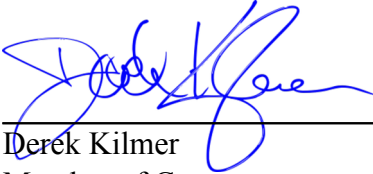
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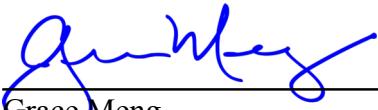
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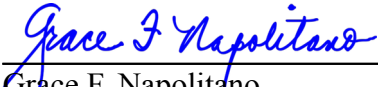
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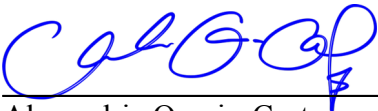
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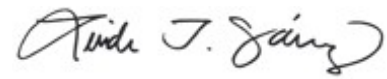
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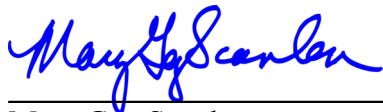
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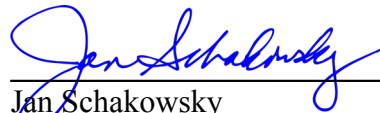
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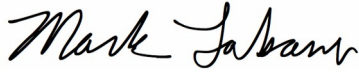
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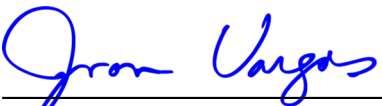
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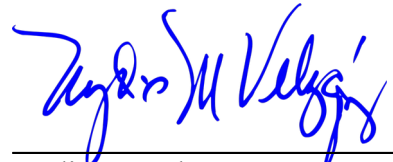
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