



BOARD OF SUPERVISORS

November 6, 2018

The Honorable Kirstjen M. Nielsen
Secretary
United States Department of Homeland Security
Office of the Secretary
Washington, DC 20528

RE: ICEB-2018-2002: Apprehension, Processing, Care, and Custody of Alien Minors and Unaccompanied Minor Children

The Alameda County Board of Supervisors in California appreciates the opportunity to comment on the above-referenced proposed rule issued on September 7, 2018. The County strongly objects to this Notice of Proposed Rule Making (NPRM) that would terminate the long established Flores Settlement Agreement (FSA), allowing the Department of Homeland Security (DHS) to detain families together until immigration proceedings are completed. The County disagrees with the premise that the only way to avoid separating families is to detain them together indefinitely and requests that DHS and the Department of Health and Human Services (HHS) withdraw the NPRM.

Alameda County is home to 1.67 million residents and is the seventh most populous county in California. Alameda is the most diverse county in the Bay Area and the fourth most diverse in the United States, and is home to over half a million immigrants who live, work, attend school, vote and engage in everyday activities in our communities. Nearly 1 in 3 Alameda County residents (32%) is an immigrant. This represents at least 526,124 naturalized U.S. citizens, lawful permanent residents, temporary migrants, humanitarian migrants, and other foreign-born residents who were not U.S. citizens at birth.

The County supports policies that protect children of parents detained in the current immigration system. Additionally, the County supports policies prioritizing the needs and welfare of children by prioritizing the following: family unity, resources for unaccompanied immigrant youth, creating appropriate humanitarian, transparent and accountable training policies and protocols for interacting with and screening children. The County supports policies that ensure all young people placed with relatives wherever possible, minimize the harmful local impacts of federal immigration policy, and increase immigrant access to legal services.

Trauma

Reforms in child welfare services over the last several years have focused on reducing removals from the home, as efforts focus on family maintenance and reunification -- goals that align with better outcomes for children. Family separation due to immigration detention places children at greater risk of psychological trauma, aggression and toxic stress responses. The American Association of Pediatrics (AAP) denounced the Administration's practice of separating immigrant children from their parents, noting that: "The psychological distress, anxiety, and depression associated with separation from a parent would follow the children well after the immediate period

of separation - even after eventual reunification with a parent or other family.” The AAP recommends that children remain with parents, family members and caregivers during anytime of anxiety or stress. As noted in 2014 by the Lutheran Immigration and Refugee Service and Women’s Refugee Commission: *Locking Up Family Values, Again*; and the Center for American Progress, not only is child detention unacceptable, but family detention can be just as traumatic for children as their parents are under immense stress and face many mental health challenges, making it difficult to adequately care for and comfort their children as they deal with their own trauma. At a time when children most need to feel safe, detention can compromise the parent-child relationship. Besides the basic premise of detention being cruel and inhumane, children forced to spend time in detention (even with their parents) see lasting consequences -- enduring the trauma, stress and uncertainty of detainment. As noted above by the AAP and countless others: any amount of time spent in a detention center is too much for children and is inconsistent with best practices in child welfare.

Licensing

The Notice of Proposed Rule Making would allow for children to be detained in family detention centers that are “self-licensed” by DHS rather than licensed by a state agency as the Flores Settlement currently requires. The County has grave concerns with this proposed change as it would allow a potential weakening of standards. The County suggests that state standards be the minimum standard for any licensing requirements as is current practice. For example, in the State of California Resource Family Approval (RFA) provides a family friendly and child-centered caregiver approval process. RFA has unified approval standards for all caregivers and includes a comprehensive psychosocial assessment, home environment check and training for families, and allows for a seamless transition to permanency. In addition, the County suggests states should be charged with monitoring the licensing standards of these facilities, rather than outside third-parties. The County is concerned not only with the proposed licensing scheme, but also with other proposed changes to the FSA, such as the greatly expanded “emergency” exception, which would allow DHS and HHS to excuse noncompliance with various protections set forth in the FSA.

Closing

Through implementation of the FSA, the United States has recognized that immigrant children are uniquely vulnerable and therefore deserve special protections and treatment under the law. The FSA instructs immigration officials to release immigrant children within days and “without unnecessary delay.” Detaining a child simply because the government refuses to release their parent during removal proceedings is unnecessary and unacceptable, and Alameda County requests that DHS and HHS withdraw the NPRM.

Sincerely,



Keith Carson
Supervisor, District 5
Chair, Board of Supervisors’
Personnel, Administration, Legislation Committee



Wilma Chan
Supervisor, District 3
President, Board of Supervisors

c: Other Members, Board of Supervisors