



Working to Reduce Poverty in America

November 6, 2018

Ms. Debbie Sequin  
Assistant Director, Office of Policy  
U.S. Immigration and Customs Enforcement  
Department of Homeland Security  
500 12<sup>th</sup> St. SW  
Washington, DC 20536

**RE: *Apprehension, Processing, Care, and Custody of Alien Minors and Unaccompanied Alien Children, DHS Docket No. ICEB-2018-002***

Dear Ms. Sequin:

Chair  
Charles Cornelio

President & CEO  
Sr. Donna Markham OP, PhD

Vice Chair  
Robert McCann

Secretary  
Martina O'Sullivan

Treasurer  
Michael Connelly

On behalf of Catholic Charities USA (CCUSA), I respectfully submit the following Comments in response to the above-referenced notice of proposed rulemaking.

CCUSA is a national membership organization representing more than 167 diocesan Catholic Charities member agencies. These member agencies operate more than 2,600 service locations across 50 states, the District of Columbia, and five U.S. territories. The diverse array of social services offered by agencies reached more than 10 million individuals in need last year.

As part of these efforts, a number of local Catholic Charities agencies work with children and families who have been taken into custody or are unaccompanied minor children. These agencies see first-hand the life-long impact detention of children can have on their development, health and well-being. The proposed regulation would not only circumvent the clear terms of the Flores Agreement but would fundamentally undermine the long-term protection for children.

The Flores Agreement set forth foundational principles and critical protections regarding the care, custody, and release of accompanied and unaccompanied immigrant children. We are deeply concerned that provisions in this proposed rule, if implemented, would undo over a decade of judicial and local practice. We strongly oppose any effort that would compromise and weaken the protection of children by allowing them to remain in detention over 20 days; fail to place children in the least restrictive age and needs appropriate environment; and lessen standards of care and treatment of children detained in immigration custody.

### **Family Detention**

The proposed regulation would open the possibility for the government to detain immigrant families potentially well beyond the current 20 days required by the Flores Agreement. Long-term detention of families is not cost effective and is an



2050 Ballenger Avenue, Suite 400, Alexandria, VA 22314 | Phone: 703-549-1390 | Fax: 703-549-1656  
[www.CatholicCharitiesUSA.org](http://www.CatholicCharitiesUSA.org)

unnecessary use of government resources given that most of these families do not present a flight or safety risk. According to DHS, the projected cost of family detention for FY2019 is approximately \$319 per individual/per day.

We believe in the humane and fair treatment of families and that they can comply with their immigration proceedings without being separated and without being detained indefinitely. We therefore urge the government to consider more humane and cost efficient alternatives such as the previously terminated Family Case Management program. This program had a proven 99% success rate of court attendance and allowed families to be released, remain together and monitored by a case worker. In addition, this program cost significantly less. The cost per day for the Intensive Supervision Appearance Program for those in the former Family Case Management Program is \$36 per family/per day. While the processing for individuals' immigration cases not in detention typically takes longer, the government would save an estimated \$22,512 per one parent/one child family.<sup>1</sup>

### **Facility standards.**

The regulation proposes revising the definition of a "license facility" and provides a new federal licensing program for family residential centers which would circumvent established child welfare principles and provide substantially less protection of children compared to current state licensing standards. Under the Flores Agreement, facilities holding immigrant children must be licensed by the state. The proposed regulation would undermine this requirement. In addition, the proposed regulation would allow the possibility of children being held for prolonged periods of time in facilities lacking basic requirements to meet their needs.

Catholic Charities has a long history of operating child welfare facilities for children separated from their families or arriving in the United States unaccompanied. The licensing standards for these facilities provide assurances that children are receiving necessary housing, food, clothing medical/dental assistance and educational services. In addition, ensuring the safety and protection of children in U.S. custody is a legal and moral obligation.

### **Home Study and Post Release Services Requirements**

With regard to the Department of Health and Human Services request for comments regarding inclusion of home studies, denial of release to sponsors, and post-relief services policies in the final rule, we encourage HHS not to include these requirements. We concur with the United States Catholic Conferences of Bishops in their recommendation that the Office of Refugee resettlement develop specific guidelines and minimum requirements for these services in its policy guide.<sup>2</sup>

Catholic Charities agencies across the country have a long history of providing home studies and post-release services, and have seen first-hand the plight of vulnerable unaccompanied children exploited, forced into human trafficking, and subjected to domestic servitude. Catholic Charities agencies supports family reunification standards that promote safe and stable environments for children. Therefore, we strongly urge HHS to support the development of minimum standards

---

<sup>1</sup> See footnote 25 of U.S. Conference of Catholic Bishops Response to Proposed rulemaking: available at <https://justiceforimmigrants.org/news/dhs-docket-no-iceb-2018-0002-comments-in-response-to-proposed-rulemaking-on-apprehension-processing-care-and-custody-of-alien-minors-and-unaccompanied-alien-children/>

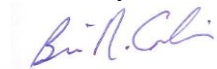
<sup>2</sup> Id.

for family reunification services as part of the ORR Policy Guide. These standards should be developed with the input and feedback of service providers and other experts in the field. Additionally, we encourage continued facilitated discussions on existing standards and evaluation of new and additional risk factors for placement of unaccompanied children at least once a year. In addition, should ORR decide to issue regulations regarding family reunification standards, we urge ensuring that these standards are framed as minimum requirements.

**Conclusion**

Because the rule provides for possible prolonged family detention and undermines basic protections for migration children in custody, we urge you to withdraw the proposed rule or revise the rule so as to mirror the requirements agreed upon in the Flores Agreement.

Sincerely,



Brian R. Corbin  
Executive Vice President for Member Services  
Catholic Charities USA