



CONGRESSIONAL HISPANIC CAUCUS

Joaquin Castro | *Chairman*

116TH CONGRESS

March 19, 2020

Mr. Mike Faust
Director
Arizona Department of Child Safety
3003 N. Central Avenue
Phoenix, AZ 85012

Dear Mike Faust;

We write to you as we have become aware that certain state child welfare agencies have been removing U.S. citizen babies from migrant mothers at the behest of immigration officials^[1]. According to media reports, children have been removed from their mothers' care because immigration officials intend to detain their mothers or subject them to the "Remain in Mexico" policy. State child welfare agencies have a duty to do what is best for a child and your goal should always be to keep families together whenever possible. Further, some states have laws that prevent state agencies from using resources on behalf of immigration enforcement agencies. We are disturbed to learn that the Department of Homeland Security (DHS) is using some state welfare agencies to further the Trump Administration's cruel and anti-immigrant agenda.

Based on the information we have from national articles, it appears that immigration officials are separating babies from their mothers in order to use cruelty as a deterrent for immigrating to the United States. Based on the limited stories reported, separations have taken place in California^[2] and Texas^[3] – it appears that in some instances immigration officials contacted the state child welfare agency to take the children because the federal government's intent was to detain the mother or parent. In other cases, mothers were already in detention when they gave birth and at that point immigration officials contacted the state child welfare agency. Last fiscal year, Congress appropriated \$319 million dollars to fund alternatives to detention, which is supposed to be used to assist vulnerable families who often have special or immediate medical needs, to be paroled in their communities where they can find the support and care they need. This type of assistance ensures that vulnerable families are kept together in one unit and are provided assistance as they proceed through their immigration proceedings.

[1] <https://www.sandiegouniontribune.com/news/immigration/story/2020-01-06/honduran-mom-allegedly-told-she-would-be-separated-from-baby-still-in-u-s?>

[2] Ibid

[3] <https://rewire.news/article/2019/05/28/trump-administration-separates-pregnant-migrants-newborns-before-returning-detention/>

However, despite clear Congressional intent, the Trump Administration has continued to detain immigrants and asylum seekers at record levels, leaving thousands of families separated. Worse yet, under the Trump Administration's "Remain in Mexico" policy, some families are left in dangerous towns across the border as they wait for their hearing date, which can take several months to occur. Other families are separated when children or parents are allowed into the U.S., while the rest of the family is subjected to the "Remain in Mexico" policy. It appears that immigration officials have now found a way to separate U.S. citizen babies from their asylum-seeking mothers by calling on state child protective services to take custody of the babies while DHS cruelly detains the mother or sends the mother to wait in Mexico for her asylum case. According to the San Diego County Child Welfare Services agency, in 2018 the agency received 130 referrals from CBP and, in 2019 the agency received 43 referrals^[4].

Since these family separations involve U.S. citizens, they are not being counted by DHS statistics on family separations nor are they part of the San Diego-based federal litigation regarding the Trump Administration's brutal zero-tolerance policy that separated thousands of children and deported parents to their home country without their children. Since we have limited information on the separation of U.S. citizen children from asylum seeking parents, we are reaching out to all the border states' child welfare agencies to obtain more information about these separations in order to understand how widespread these U.S. citizen and asylum parent separations have become.

We urge your agency to answer the following questions and to provide the information requested below at your earliest convenience:

1. Has your state child protective services agency received any referrals from federal immigration authorities, where the basis of the neglect allegation is solely the immigration status of the birth parent, between the years of 2016 and 2020?
 - a. If so, please specify:
 - i. which federal immigration division has made such referrals
 - ii. how many such referrals your state has received from such division per year, and
 - iii. how many such referrals resulted in an investigation and how many such referrals resulted in a finding of child abuse or neglect.
2. Does your state track the number of children who enter the child welfare system as a result of a child protective services referral from immigration authorities?
 - a. If so, please specify the number of children per year between the years of 2016 and 2020, and how many of those children subsequently enter into foster care.
 - b. What is the process for establishing a family reunification plan for these children?
3. Does your state child protective services agency have specific guidance or protocols in place to handle referrals from immigration authorities?
 - a. If so, what questions or steps must case workers ask or undergo before a child is removed from a birth parent where the only allegation is neglect due to immigration status? Do those differ from the protocols followed when referrals are made through other means?

^[4] [https://www.sandiegouniontribune.com/news/immigration/story/2020-01-06/honduran-mom-allegedly-told-she-would-be-separated-from-baby-still-in-u-s?](https://www.sandiegouniontribune.com/news/immigration/story/2020-01-06/honduran-mom-allegedly-told-she-would-be-separated-from-baby-still-in-u-s?hpid=hp_hp-top-table-main-immigration%3A-honduran-mom-allegedly-told-she-would-be-separated-from-baby-still-in-u-s%3A-story%3Ahomepage%2Ft%3Aimmigration#hpid=hp_hp-top-table-main-immigration%3A-honduran-mom-allegedly-told-she-would-be-separated-from-baby-still-in-u-s%3A-story%3Ahomepage%2Ft%3Aimmigration)

- b. Are there certain situations where your child protective services agency declines referrals from immigration authorities? If so, what are they?
4. If a child is removed from his or her parents in situations where the only allegation is neglect due to immigration status, what is the procedure for establishing family reunification?
 - a. How does your state approach the child welfare case in instances where a child's parent is deported from the United States after the case becomes known to child welfare?
 - b. What measures are in place to ensure the parent receives complete information related to their child welfare case, how to stay in touch with the child welfare agency, and participating in the child welfare case plan?
5. Does your state agency have any Memorandum of Understandings with other countries, like Mexico, Guatemala, Honduras, or El Salvador to ensure the protection of both foreign national parents and their children?

We have a moral duty to protect families and children. We cannot allow the Trump Administration to continue using family separation as a cruel deterrence strategy toward families fleeing violence, persecution and even death. We look forward to receiving responses to our questions above and look forward to working with you.

Thank you for your attention to this immediate matter.

Sincerely,

Joaquin Castro
CHC Chair

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CHC First Vice Chair

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CHC Whip

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CHC Freshman Representative

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