

## THE “MIGRANT PROTECTION PROTOCOLS” ARE HARMING CHILDREN AND MUST END NOVEMBER 2019

As documented below, immigration officials have separated families and sent parents to Mexico as part of the so-called Migrant Protection Protocols (MPP), despite public statements to the contrary. Young Center Child Advocates have been appointed to multiple children whose parents remain in MPP, while their children are here. They have witnessed first-hand the harm of these separations on loving families. We urge Congress and the public to demand an immediate end to the MPP program. Until then, federal policy must prohibit using MPP for any family members separated from children.

**Family separation continues as a result of the Migrant Protection Protocols.** Since implementation of the “Migration Protection Protocols” in January 2019, the Young Center for Immigrant Children’s Rights has been appointed as Child Advocate to an increasing number of children whose parents were sent to Mexico under MPP.<sup>i</sup> Government officials deny this is happening. During a hearing before the Senate Homeland Security and Governmental Affairs Committee on November 13, 2019, Mark Morgan, Acting Commissioner for CBP, claimed that the government “would not return an individual like a parent to Mexico and keep the child” barring a violent criminal conviction.<sup>ii</sup> But the Young Center is appointed to multiple cases of children separated from parents who are in MPP, none of which are due to criminal convictions. As with other separations, the government has again failed to track family relationships or parent’s contact information, making communication and reunification nearly impossible.

**Parents who fear for their children’s lives in Mexico are denied protection at the border.** Acting CBP Commissioner Morgan also stated that “At any time, anybody, any person that’s enrolled in MPP, if they have any concern, any fear at all, all they have to do is come to a U.S. port of entry and express that, and they will be given due process.”<sup>iii</sup> In two cases to which the Young Center has been appointed, fathers were separated from children who were less than two years old. In both cases, the families first came to the border but were turned away and placed in MPP. The fathers later returned to the border to protect the children from conditions in Mexico. Both fathers were ultimately separated from their children. In another case, a school-age child languished in Mexico for two months under MPP. When her desperate parent sought help a second time at the border, the child was taken away and placed in ORR custody.

**Immigration officials have failed to implement DNA testing to prevent separation through MPP.** The government has made multiple claims that they need access to DNA to avoid separation.<sup>iv</sup> Acting Deputy Director Derrek Benner of ICE stated that rapid DNA on the border has allowed the Department of Homeland Security to verify family relationships. Yet immigration officials have refused to perform DNA tests in discrete cases when it could be used to prevent separation. In one case to which the Young Center was appointed, a mother was separated from her child over concerns about her identity. She was sent to Mexico under MPP. After lawyers intervened, a DNA test confirmed their family relationship. Mother and child were separated for more than three months before being reunified.

**The Young Center calls for the immediate end of the MPP.** As documented by multiple outlets, the Migrant Protection Protocols has led to grave human rights violations and is especially harmful to children.<sup>v</sup> With the onset of winter, and reports of deteriorating conditions for families subjected to MPP, ending MPP is even more urgent.

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<sup>i</sup> See also letter from Women's Refugee Comm'n to Cameron Quinn, Office of Civil Rights & Civil Liberties, and Joseph Cuffari, Inspector Gen., Dep't of Homeland Sec. (Aug. 16, 2019),

<https://www.womensrefugeecommission.org/images/zdocs/Separation-of-families-via-the---Migrant-Protection-Protocols---WRC-complaint-to-DHS.pdf>.

<sup>ii</sup> *Unprecedented Migration at the U.S. Southern Border: The Year in Review Before S. Comm. on Homeland Sec. & Gov. Affairs*, 116<sup>th</sup> Cong. (2019) (testimony of Mark A. Morgan, Acting Commission of Customs and Border Protection), available at <https://www.c-span.org/video/?c4830188/user-clip-senator-portman-questions-acting-cbp-commissioner-mark-morgan-separations-mpp>.

<sup>iii</sup> *Unprecedented Migration at the U.S. Southern Border: The Year in Review Before S. Comm. on Homeland Sec. & Gov. Affairs*, 116<sup>th</sup> Cong. (2019) (testimony of Mark A. Morgan, Acting Commission of Customs and Border Protection), available at <https://www.c-span.org/video/?466262-1/migration-us-southern-border>.

<sup>iv</sup> Priscilla Alvarez & Geneva Sands, Exclusive: DHS to Start DNA Testing to Establish Family Relationships on the Border, CNN (May 1, 2019), <https://www.cnn.com/2019/04/30/politics/homeland-security-dna-testing-immigration/index.html>.

<sup>v</sup> See, e.g., Kritina Cooke, Mica Rosenberg, Reade Levinson, *Exclusive: U.S. Migrant Policy Sends Thousands of Children, Including Babies, Back to Mexico*, REUTERS (Oct. 11, 2019), <https://www.reuters.com/article/us-usa-immigration-babies-exclusive/exclusive-u-s-migrant-policy-sends-thousands-of-children-including-babies-back-to-mexico-idUSKBN1WQ1H>; *This American Life: The Out Crowd*, NAT'L PUBLIC RADIO (Nov. 15, 2019), <https://www.thisamericanlife.org/688/the-out-crowd>.