

## **Young Center for Immigrant Children's Rights Statement for the House Committee on Homeland Security, Subcommittee on Border Security, Facilitation, & Operations**

### **Examining Title 42 and the Need to Restore Asylum at the Border April 6, 2022**

The Centers for Disease Control and Prevention recent announcement to terminate the policy of expelling migrants under Title 42 of the U.S. Code, effective May 23, 2022 is an important step forward in ensuring children and families seeking protection at our borders can do so safely while remaining together. Congress must wholeheartedly support the termination of this illegal and inhumane policy. It must reject fear-based talking points, reclaim its commitment to welcoming asylum-seekers, and acknowledge that as a nation we have the resources and capacity to manage the border while respecting human dignity.

#### **The impact of Title 42 on children has been devastating.**

Title 42 puts children directly in harm's way by allowing federal officials to send any child who arrives with a parent right back to the very danger they just fled. Families nearing the border have been forced to "choose" between remaining in dangerous conditions with their children or separating from them in hopes that they will be taken in as unaccompanied children and be safe. Migrant children who have remained with their families in border towns are often targeted for exploitation and some have been kidnapped or faced other forms of violence. Black asylum-seekers are at heightened risk of harm due to racism.

#### **The Young Center has been appointed to numerous children in federal custody separated from family because of Title 42.**

Since 2004, the Young Center for Immigrant Children's Rights has been appointed independent Child Advocate for unaccompanied and separated children in federal custody. As Child Advocate, the Young Center submits best interests recommendations grounded in federal law and the U.N. Convention on the Rights of the Child on behalf of unaccompanied children to federal agencies. In the last two years, the Young Center has been appointed to numerous children who have separated from their parents to avoid being expelled back to danger under Title 42. Separation is often a last resort after trying to seek protection as a family. One child we were appointed to came to the border alone after being kidnapped with his mother for two months. Others have fled squalid conditions in makeshift camps. Once children make it across the border, they not only face the trauma of the separation, but also ongoing fear for the safety of their parents and relatives left behind in the camps. These children often have little information about when they might reunify with family or the status of their legal case, which causes additional stress.

#### **As a result of Title 42, family separation continues, but largely outside of public view.**

Parents who send their children across the border alone hope that relatives in the United States will be able to sponsor these children out of federal custody. But sometimes family members cannot care for another child or do not qualify as sponsors. Others are scared to make themselves known to U.S. immigration officials as they themselves do not have legal status and may put

themselves – and children they may already be caring for – at risk if they were deported. If parents are admitted later without their children, they could face expedited removal and risk permanent separation from their children.

**Congress must support the Biden Administration’s efforts to restore asylum and prioritize the best interests of children seeking safety.**

U.S. refugee and immigration law requires our government to guarantee people the right to seek asylum in the United States. Ending Title 42 is the first step towards fulfilling our minimum obligations under the law. It also provides an opportunity to build an immigration system which prioritizes children’s safety and well-being. Congress must support these efforts and push for a federally mandated “best interests of the child standard,” in which every immigration official who makes decisions about a child considers the child’s right to safety, to express their own wishes for their future, to family unity, to liberty, to identity, and to the ability to grow and develop. As a part of this commitment, Congress must challenge the government’s reliance on any policy or practice which results in family separation.