



## **WOMEN'S REFUGEE COMMISSION**

### **HELP Separated Children Act (H.R. 3531)**

#### **INTRODUCTION**

In recent years, immigration enforcement has expanded dramatically. Many people are now apprehended following a home raid or contact with the criminal justice system. Unlike in large-scale worksite raids, no humanitarian protocols apply to these types of apprehensions. As a result, many parents – including parents of U.S. citizen children – are detained without an opportunity to arrange care for their children, and their children are placed into the child welfare system. Because the immigration and child welfare systems are not well-calibrated, detained parents can struggle to maintain a relationship with their children and to reunify with them at the conclusion of their immigration case. In too many cases, families face permanent separation, and in the most extreme cases, detained parents find their parental rights challenged, and even terminated.

#### **HELP SEPARATED CHILDREN ACT (H.R. 3531)**

The Humane Enforcement and Legal Protections (HELP) for Separated Children Act (H.R. 3531) was introduced in the House of Representatives by Representative Lynn Woolsey (D-CA6) during the 111<sup>th</sup> Congress.<sup>1</sup> The HELP Separated Children Act was intended to protect parents' right to make decisions in the best interest of their children, provide safeguards to preserve family unity and reduce the strain immigration enforcement is placing on our foster care system and U.S. citizen children. We hope that this critical legislation will be reintroduced early in the next Congress.

#### **HIGHLIGHTS**

- Requires DHS and its surrogates, in partnership with social service agencies and NGOs, to screen all apprehended individuals to determine whether they have humanitarian concerns and to consider vulnerable persons – including parents – for release or alternatives to detention so that they may remain with their children while their immigration proceedings are underway
- Provides all apprehended individuals who are believed to be parents of a child in the U.S with a phone call within eight hours of apprehension for the purpose of making childcare arrangements
- Ensures that detained parents have the opportunity to comply with reunification plans and participate in any proceedings impacting upon custody of their children
- Promotes family unity at the conclusion of a parent's immigration case by facilitating parents' ability to obtain travel documents for their children and to depart with their children if they so choose
- Requires DHS to collect data on the impact of detention and deportation on families
- Enhances state child welfare services' ability to serve children whose parents are detained or deported
- Provides for training for all DHS employees, surrogates and detention facility staff regarding protocols and requirements to reduce infringement on parental rights and the unnecessary separation of families

---

<sup>1</sup> The legislation was introduced on July 31, 2009. A similar bill, also known as the HELP Separated Children Act (S. 3522), was introduced in the Senate by Senator Al Franken (D-MN) and Senator Herb Kohl (D-WI) on June 22, 2010.