



ACP Statement for the Record
U.S. House Committee on the Judiciary
Hearing: Oversight of the Trump Administration's Family Separation Policy
February 26, 2019

On behalf of the American College of Physicians (ACP), I would like to express our appreciation to the House Committee on the Judiciary for conducting a hearing on the Trump Administration's Family Separation Policy at the border. **ACP strongly opposes any effort by the Administration to separate families at our border because of the immediate and long-term negative health impacts on children and their parents. We urge this Committee to enact policies to ensure that this does not happen again. In every immigration policy decision affecting children and families, government decision-makers should prioritize the best health interests of the child and of the entire family.**

ACP is the largest medical specialty organization and the second largest physician group in the United States. ACP members include 154,000 internal medicine physicians (internists), related subspecialists, and medical students. Internal medicine physicians are specialists who apply scientific knowledge and clinical expertise to the diagnosis, treatment, and compassionate care of adults across the spectrum from health to complex illness.

The Administration's Action of Separating Children from Parents

In January of 2017, ACP approved a [series of policies](#) concerning immigration, including our opposition to separating children at the border, in response to several proposals to curb immigration that were under consideration or implemented by the Administration.

In May of 2018, the Department of Homeland Security (DHS) issued a [zero tolerance](#) policy that required all unlawful border crossers to be referred to the Department of Justice for

prosecution as a misdemeanor for illegal entry, including parents seeking asylum from persecution who enter the U.S. with their children. The Department of Homeland Security (DHS) ordered that children be forcibly separated from their parents and sent to holding facilities administered by the federal government. ACP expressed our strong opposition to this policy in a [statement](#) about immigration policies that would split up families.

Separating children from their families creates childhood trauma and adverse childhood experiences that result in [negative health consequences](#) that will last an individual's entire lifespan. Separating a child from his or her parents triggers a level of stress consistent with trauma. Families seeking refuge in the U.S. already endure emotional and physical stress and separating family members from each other only serves to exacerbate that stress.

- **ACP supports the passage of H.R. 541 - the Keep Families Together Act:** We are pleased to support legislation that has been introduced by Congressman Jerry Nadler, the Keep Families Together Act, which would help ensure that children are not separated from their parents when families unlawfully cross over the border into the United States. This legislation would ensure that the Department of Homeland Security would not be able to implement the zero tolerance policy that separated families at the border last summer. We look forward to working with Chairman Nadler to pass this measure through the Judiciary Committee and onward to passage in the House and Senate.

In June of last year, ACP sent a [letter](#) of support for the Keep Families Together Act, which was introduced by Senator Feinstein and Representative Nadler in the last Congress. We intend to draft a similar letter of support for the bill this year.

ACP Opposes Family Detention in Immigration Cases

Although the Administration eventually reversed the policy of separating children from their parents through an executive order, the order also called for children and parents to be detained together through the pendency of criminal proceedings. ACP released a [policy](#) in direct opposition to the forced detention of families in immigration cases. We believe that forced family detention—indefinitely holding children and their parents, or children and their other primary adult family caregivers, in government detention centers until the adults'

immigration status is resolved—can be expected to result in considerable adverse harm to the detained children and other family members, including physical and mental health, that may follow them through their entire lives, and accordingly should not be implemented by the U.S. government. The health impact of detaining families is consistent with experiences known as Adverse Childhood Experiences which result in emotional and physical illness and chronic disease.

ACP's policy is consistent with a policy paper released by the American Academy of Pediatrics which reviewed the [evidence](#) on the health impact associated with detention of immigrant children. It found that “studies of detained immigrants, primarily from abroad, have found negative physical and emotional symptoms among detained children, and post-traumatic symptoms do not always appear at the time of release. ACP concurs with the position of the American Academy of Pediatrics that separation of a parent or primary caregiver from his or her children should never occur, unless there are concerns for the safety of the child at the hand of the parent, primary family caregiver, or other adults accompanying them. Efforts should always be made to ensure that children separated from their parents or other relatives are able to maintain contact with them during detention and community-based alternatives to detention should be implemented to offer opportunities to respond to families' needs in the community as their immigration cases proceed.

ACP also condemns the Administration's detention policy since we believe that it violates a federal court ruling in the case of Flores vs. Sessions that states that DHS cannot detain children and their parents together for more than brief periods (generally no more than 20 days).

ACP Calls for Increased Congressional Oversight of Family Detention

We strongly endorse the House Judiciary Committee's effort to increase oversight on the policies of separating children from families at the border and holding families in detention centers. We issued a [statement](#) in July of last year that endorses the need for congressional oversight of this issue as called for in a [letter](#) to the Senate Whistleblowing Caucus drafted by physicians Dr. Scott Allen and Dr. Pamela McPherson, who serve as medical and psychiatric subject matter experts for the Department of Homeland Security.

Dr. Allen and Dr. McPherson have attested that their call for oversight is based on 10 investigations they conducted of several detention facilities, where they documented practices harmful to the health of children. The harmful practices that they cite occurred in facilities operated by both the Obama and Trump Administrations. The risk of harm to children is compounded by policies of the current Administration to expand greatly the number of children, and families, being detained for entering the border outside of legal entry points.

ACP agrees with their observation that “the problem with family detention is not the failure of the many good people who have labored tirelessly to make the existing centers better, with improvements in access to health and mental health services, educational and social programs. The fundamental flaw of family detention is not just the risk posed by the conditions of confinement—it’s the incarceration of innocent children itself.” We concur that “there is no amount of programming that can ameliorate the harms created by the very act of confining children to detention centers.”

As physicians, Dr. Allen, a fellow of the American College of Physicians, and Dr. McPherson are acting in accord with their ethical obligation to speak out on issues affecting the health of these children and their families, a responsibility supported by the ACP’s Ethics Manual. [ACP’s Ethics Manual](#) states that physicians have a “...collective responsibility to advocate for the health, human rights, and well-being of the public.”

ACP urges congressional leaders to conduct oversight hearings on the impact family detention has on the health of the children and families who are being detained, including the impact of detention over an affected child’s lifetime, how they are being treated and cared for in the existing detention centers, and the implications for health of the Administration’s planned expansion of family detention. Congress and the Administration should focus on how to reunite families, how to keep them out of detention, and how to ensure their health and well-being, while still exercising appropriate and necessary control over who enters U.S. borders in accordance with current law.

We appreciate the opportunity to submit our statement to the House Judiciary Committee on this topic and remain committed to an immigration policy that keeps families together. Please

do not hesitate to contact Brian Buckley on our staff at bbuckley@acponline.org if you have any questions regarding our statement. We look forward to working with you.