

HUMANE ENFORCEMENT & LEGAL PROTECTIONS (HELP) FOR SEPARATED CHILDREN ACT

WHAT IS THE PURPOSE OF THE HELP FOR SEPARATED CHILDREN ACT?

The Humane Enforcement and Legal Protections (HELP) for Separated Children Act (S. 1399), introduced by Senator Al Franken (D-MN), would implement critically needed reforms to protect children, families and communities impacted by immigration enforcement. The companion bill in the House of Representatives, also known as the HELP Separated Children Act (H.R. 2607), was introduced by Representative Lynn Woolsey (D-CA). The bill was re-introduced in July 2011.

WHY IS THE HELP FOR SEPARATED CHILDREN ACT NECESSARY?

Enforcement activities conducted by Immigration and Customs Enforcement (ICE) and local law enforcement agencies operating under agreement with ICE too often result in unnecessary harm to children, families and communities. Parents who are detained are often separated from their children, sometimes permanently, and always at great cost to a child's safety and well-being

WHAT DOES THE HELP FOR SEPARATED CHILDREN ACT DO?

The bill provides nationwide protocols to help keep children with their parents or caregivers while immigration proceedings are underway. It establishes guidelines for certain immigration enforcement activities that involve parents, guardians, or primary caregivers of minor children in the United States. Specifically, the bill ensures that:

- Local authorities, schools, child welfare agencies, and NGOs receive timely notification regarding enforcement actions;
- Child welfare agencies and NGOs are provided with the opportunity to screen for parents, guardians, and primary caregivers;
- Children are not present during an interrogation

or requested to translate;

- Parents, legal guardians, and primary caregivers are provided free, confidential phone calls to arrange for the care of their children upon apprehension and throughout the immigration process;
- The best interest of the child is considered in all decisions regarding the detention, release, and transfer of a parent, guardian, or primary caregiver;
- Parents and guardians receive information regarding legal service providers and state and local child welfare providers;
- ICE, child welfare agencies, and NGOs have improved coordination to ensure that parents are able to meaningfully participate in case plan requirements and family court proceedings;
- Parents of separated children who wish to have their children accompany them to their country of origin are given adequate time and assistance to obtain the necessary documents;
- ICE and cooperating entity personnel that regularly come into contact with children and parents receive mandatory training regarding the provisions of the bill; and
- The Secretary of Homeland Security submits and annual report documenting the impact of immigration enforcement on U.S. citizen children.

PROTECTING CHILDREN AND FAMILIES FIRST

Ultimately, the HELP Separated Children Act improves coordination and communication between all the entities involved to safeguard the best interest of the child and preserve family unity whenever possible. In addition to keeping children safe and families together, the bill saves taxpayers millions of dollars by keeping children who don't need to be in the child welfare system out of it.



For more information about the HELP Act, contact Wendy Cervantes, Vice President of Immigration and Child Rights Policy at First Focus. WendyC@firstfocus.net; 202.657.0637.

The First Focus Campaign for Children is a 501(c)(4) nonprofit organization affiliated with First Focus, a bipartisan children's advocacy organization. The Campaign for Children advocates directly for legislative change in Congress to ensure children and families are a priority in federal policy and budget decisions.