



## Recommendations for Reunifying Separated Family Members

The Administration was recently [ordered](#) to reunify thousands of migrant and refugee families that were forcibly separated due to the Administration’s “zero tolerance” policy. Reunification efforts, which the government has moved in court to further delay, have important implications for the rights and well-being of separated family members, many of whom are seeking humanitarian protection. The ill-thought policies that forced these families apart, and the trauma inflicted upon them, demand a thoughtful and coordinated response to ensure the best interests of these families and their meaningful access to due process and protection. To this end, KIND recommends:

### *For separated children*

- ***Access to legal screenings and counsel:*** Children separated from their parents have their own legal cases apart from their parents. In some cases, children may share claims for legal relief with their parents or rely on information and documentation in the parent’s possession to substantiate their cases. However, children may also be eligible for additional or different legal protections from their parents.

In order to ensure meaningful access to due process, separated children should be provided free legal screenings with an opportunity to consult with an attorney both before and after reunifying with their parents so they can better understand their rights and ability to pursue their cases on their own or joined with their parents. Consolidation of parents’ and children’s legal cases should not occur automatically upon reunification, but rather, only when both parents and children desire. Government officials and administrators should never pressure or encourage children to relinquish their cases or claims for legal relief as a condition for reunifying with parents or speeding their release from custody.

- ***Prompt reunification through expedited procedures:*** Children should be promptly reunified with their parents through [streamlined procedures](#), barring concerns about the validity of the family relationship that may indicate trafficking or other crimes, or indications that the parent otherwise poses a danger to the child (e.g. a violent criminal history). Neither children nor parents should be required to undergo additional or different procedures from those they would have been subject to if they had not been forcibly separated.
- ***Reunification outside of detention and support services:*** Separated families should be reunified using community-based alternative to detention programs, and not in detention. Families should be provided social services support upon reunification to address the trauma resulting from their separation and to facilitate their access to community-based services, including medical and mental health services, family support, and legal service referrals.

- ***Information and communication while awaiting reunification:*** Children should be provided information about the location of their parents and be afforded meaningful and regular opportunities for communication and/or visitation until reunification is achieved.

#### **For detained parents**

- ***Prompt reunification through expedited procedures:*** Parents should be reunified with separated children through streamlined procedures, [as directed by court order](#), rather than ORR's traditional sponsorship application process. Additional measures should be undertaken if there are concerns that the parent poses a danger to the child's safety or welfare, or concerns about the validity of the family relationship that may indicate trafficking or other crimes.
- ***Reunification outside of detention:*** Barring safety concerns, parents should be reunited outside of detention to pursue their legal case.
- ***Communication about children:*** Parents should be provided information about the location of their children and be provided regular opportunities to communicate or have visitation with their children until reunification is achieved, except in cases of safety concerns.
- ***Access to counsel:*** Parents should be provided an opportunity for a legal screening to evaluate their eligibility for legal relief and the options available to them. Parents should never be pressured or encouraged to abandon claims for humanitarian protection as a condition of release or reunification with their children.

#### **For deported parents**

- ***Opportunity for humanitarian parole:*** Parents who were deported from the U.S. prior to being reunified with their children should be provided an opportunity to reenter the United States through humanitarian parole and be given an opportunity to meaningfully apply for protection, including through potential coordination with their children's cases. Advocates have documented several instances in which parents were instructed, encouraged, or coerced to drop their cases for asylum and other humanitarian protection in order to be reunited with their children or released from detention.
- ***Communication and Access to Counsel:*** The government should work with community service providers in home countries as well as consulates to locate deported parents of separated children still in the United States. The government should facilitate regular communication between deported parents and their children. Contact information for deported parents should be provided to the child, the child's legal counsel, and child advocates to assist children and families in decision-making about the child's legal case and to ensure the best interests of the child regarding reunification.

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