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Debbie Seguin
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Dear Ms Seguin,

Thank you for the opportunity to comment on the Department of Homeland Security (DHS) and Department of Health and Human Services' proposed rule, "Apprehension Processing, Care and Custody of Alien Minors and Unaccompanied Children" (83 FR 45486). On behalf of Children's HealthWatch, a network of pediatricians, public health researchers, and child health and policy experts, please accept these comments and our strong opposition to this rule change that threatens the health and well-being of children.

Decades of research from Children's HealthWatch and others show children thrive when their families have the ability to keep them safe, healthy, well-fed and stably housed. Our research over the past 20 years has documented that the harmful effects that economic hardships, violence, discrimination, and other adverse childhood experiences have on the health, development, and well-being of young children, which extend to adulthood and even into the next generation.^{1,2,3,4}

Scientific evidence indicates this rule will negatively affect the short and long-term health of children by placing them in unsafe conditions and exposing them to traumas associated with detention. The *Flores* Settlement Agreement (FSA) provides necessary protections for children regardless of their immigration status by requiring the government to treat children with "dignity, respect and special concern for their particular vulnerability as minors", release children from immigration detention without unnecessary delay, place children in the "least restrictive" setting appropriate for their age and needs, and implement standards of care and treatment of children in immigration detention. Termination of the FSA, which is the stated purposed of this notice of proposed rulemaking (NPRM), would expose children to trauma and disruption during this critical window of growth and development. The effects of this change will have grave impacts on children's long-term physical, emotional, cognitive and mental health.^{5,6}

Indefinite detention of children and families is abusive and damaging to child health. Detaining children for any period of time has been associated with negative health outcomes.⁷ Immediate public health considerations associated with detaining families in overcrowded, confined quarters where they are closely monitored include: spread of respiratory and gastroenterological infections, psychological distress including symptoms of major depression

with suicidal ideation and post-traumatic stress disorder (PTSD) for school-age children, and developmental delays and mood disturbance for young children.^{8,9}

Indefinitely detaining children with or without their families will exacerbate the psychological distress of children and place them at greater risk of poor physical and mental health in the short and long term.¹⁰ Research shows that the indefinite nature of immigration detention is often accompanied with a profound sense of powerlessness and loss of control among children and adults, which contributes to severe, chronic emotional distress.¹¹ Further, detention undermines critical family relations necessary for healthy child development and, particularly for very young children, the formation of attachment.^{12,13,14,15} Adults in family detention centers lose authority among their children, parents are stripped of their ability to protect their children, and children may harbor a great deal of anger for their conditions.¹⁶ All of these factors impede positive family dynamics necessary for healthy bonding between parents and children, a crucial building block, particularly during early childhood, for long term mental and cognitive health.¹⁷

Further, many children and families crossing the United States' Southern border are seeking asylum.¹⁸ This means they have already suffered from domestic violence, sexual assault, human trafficking, or other forms of violence before arriving in the United States. The United States detains more migrants seeking protections than any nation in the world.¹² Pre-existing trauma attributed to any condition for which someone is seeking asylum is further compounded by detention.^{19,20} For families with trauma histories seeking asylum, experts have previously advised the Department of Homeland Security to refrain from detaining families or from using expedited removal processes; instead they recommend families be released with provisions to mitigate flight risk while their cases are processed.²¹ A comprehensive review of court data over 15 years shows more than 90% of asylum seekers who are released from detention show up to their court date.²² Therefore, indefinite detention is unnecessary in addition to being a severe health risk.

We are also concerned that the current NPRM also seeks to expand the authority of the federal administration to certify that its own jails are safe for children. The FSA stipulated that children should be held in the least restrictive manner possible. If this agreement is terminated and the federal government is given authority to certify detention centers, we are gravely concerned that the conditions of detention centers may become even more damaging to child health than their current harmful state.²³ Children and their families should have access to medical care, mental health services, trauma-informed case management, adequate food, clean water, and safe living conditions.¹¹ Any attempt to reduce quality standards and eliminate accountability for upholding standards directly contradicts both domestic and international standards, as well as standards upheld by the American Academy of Pediatrics, for humane treatment.¹⁰

International standards in the United Nations Convention on the Rights of the Child dictate “no child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be only as a measure of last resort and for the shortest appropriate period of time.” The proposed changes detailed in

“Apprehension Processing, Care and Custody of Alien Minors and Unaccompanied Children” are in direct violation of this convention.

Given the robust body of scientific evidence about the harms of detaining children, we vehemently urge the Departments of Homeland Security and Health and Human Services to withdraw this regulatory proposal immediately. We further call on the departments in the strongest possible terms to cease all efforts to detain children for any period of time and refrain from instituting policies that place families fleeing violence or persecution in their own country in expedited deportation proceedings. Instead, the administration should utilize international rights-based standards for the care and treatment of children, who need special protections given their vulnerability.¹⁰ As pediatric clinicians and public health researchers, we are certain that this policy will cause irreversible harm to children and their families and should therefore be fully rejected.

Sincerely,



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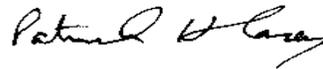
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