

## Senator Franken Introduces “HELP Separated Children Act”

Written by  
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### *Legislation addresses problems exposed by 2006 Worthington raid and increased ICE arrests*

The Immigrant Law Center of Minnesota is proud to announce its support for the Humane Enforcement and Legal Protections (HELP) for Separated Children Act introduced last week by U.S. Senator Al Franken (D-MN) and others. The bill will help ensure that children remain safe, informed, and their interests accounted for during Immigrations and Customs Enforcement (ICE) raids and all enforcement actions.

The legislation directly addresses problems exposed in the aftermath of the 2006 raid at Swift & Company meatpacking plant in Worthington, MN, after which numerous children were without their parents and had no way to find them.

ILCM and its partners worked to provide emergency legal services to many of the families, whose husbands, wives, fathers, mothers or other relatives never returned home from work on December 12, 2006 – less than two weeks before Christmas. “This is critical legislation that finally begins to address the humanitarian crisis that we witnessed first-hand, family after family, during the days, weeks, and even years following the Worthington raid,” said John Keller, Executive Director of Immigrant Law Center of Minnesota. “Too many children were left behind and unaccounted for; loved ones or babysitters had no idea where a child’s mom or dad was and when or if they were ever coming back,” continued Keller. “While so much more remains to be done to fix the U.S. immigration system, Senator Franken, with this bill, has taken a crucial first-step for the most vulnerable.”

ILCM’s response to the raid was immediate and continues today with a full-time attorney living and working in Worthington. To the children and family members left behind, it was as though detained Swift workers disappeared; the ICE phone system was unreliable and offered conflicting responses about a detainee’s whereabouts. Additionally, because ICE transferred almost everyone out of Worthington within hours, detainees and their families in Worthington felt isolated, and many quickly lost hope. Even persons who had protections under federal law gave up and agreed to be deported rather than face months or even years fighting their cases from such distant detention locations as North Carolina. “Senator Franken’s leadership on this bill builds on the late Senator Kennedy’s efforts to require important protection for the most vulnerable,” said Keller. “It is long overdue, and greatly needed since the U.S. and ICE deport more and more people every year and Washington politicians continue to fail to reform our broken immigration system.”

According to ICE, nearly 400,000 people were deported last year, once again breaking the record set by ICE the previous year. The U.S. is likely to break that record again in 2010. “Four million U.S. citizen children in our country have at least one undocumented immigrant parent,” said Franken. “Forty-thousand of those children live in Minnesota. They should not have to live in fear that one day their parents will simply not come home. They deserve much better than being abandoned without explanation.”

“Under no circumstances should children have to fend for themselves,” Sen. Herb Kohl (D-WI), stated. “Child welfare is one of my highest priorities and it is essential that children are protected and cared for when their parents are detained.” Kohl, a co-sponsor of the bill, continued: “This

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legislation offers safeguards for children whose parents are placed in federal custody so they are not left on their own.”

The HELP Separated Children Act strengthens humanitarian protections enacted by the Bush and Obama administrations and extends them to any enforcement action. Specifically, it:

- Requires ICE to consider the best interests of children during the detention, release, and transfer of their parents;**
- Effectively identifies at-risk children;**
- Keeps state and local authorities informed before or soon after enforcement actions occur;**
- Allows parents to arrange for appropriate care of their children; and**
- Protects children during interrogations by preventing them from being forced to translate for ICE agents.**

The HELP Separated Children Act is supported by over 60 national organizations and 60 Minnesota organizations including ILCM, the Children's Law Center of Minnesota, the Chamber of Commerce, and Catholic Charities of St. Paul & Minneapolis.

The bill is co-sponsored by Sens. Robert Menendez (D-NJ), Amy Klobuchar (D-MN), Russ Feingold (D-WI), Dick Durbin (D-IL), and Diane Feinstein (D-CA). Related legislation was introduced in the House by Lynn Woolsey (D-CA).