

Don't remove immigrant kids from their families



Dozens of migrants/immigrants families are seen arriving from Texas at the Port Authority Bus Terminal early Wednesday September 6, 2023. (Luiz C. Ribeiro for NY Daily News)

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Over the past two years, tens of thousands of asylum-seeking families have arrived in New York City seeking safety for themselves and their children. Lacking local support, they find temporary housing in [Humanitarian Centers Humanitarian Emergency Response and Relief Centers](#) (HERRCs) and begin to rebuild their lives.

Parents must familiarize themselves with city agencies, enroll their children in school, address their family's physical and mental injuries from their harrowing journey, and attend immigration appointments and court dates, mostly without attorneys.

Parent defenders at the [Center for Family Representation \(CFR\)](#), whose Manhattan office serves the Midtown neighborhoods where many of these HERRC shelters are located, have seen an alarming trend in Family Court neglect filings against non-citizen parents and subsequent removal of their children into the foster system.

In these cases, the child protective agency, the [Administration for Children's Services \(ACS\)](#) and Family Court judges make decisions about these families with little understanding either of their circumstances or of the compound harm that family separation causes to immigrant children.

In general, HERRC shelters are unaccommodating and have administrative rules that non-English speaking immigrants find difficult to understand. No child care is provided and cooking facilities are scant or non-existent. Some shelter staff speak only English. But ACS and Family Court judges are impervious to this disconnect and prosecute immigrant parents for their missteps, causing grievous harm to their children in the process.

CFR attorneys have represented non-citizen parents in cases we believe should never have been filed. Parents who left their children in their shelter room (or watched by a neighbor) to work, attend a medical appointment, or run an errand, have returned only to find that shelter staff had reported them to the police or ACS.

We have represented parents arrested on charges of neglect and child endangerment for arguing with one another after a long, hard day. In one case, our client grabbed her child roughly out of frustration, prompting a call to ACS and a removal based on “excessive corporal punishment.”

We’ve also seen shelter staff call police and ACS on parents who violated shelter rules by bringing outside food to their rooms to feed their children. Perhaps most alarmingly, CFR attorneys have seen ACS and Family Court judges weaponize the horrors of non-citizen migration journeys against them — deciding that those journeys were irresponsible and evidence of a parent’s harm to their children.

The [harms of family separation to immigrant families](#) former is well-documented. In 2018, when former President Donald Trump formalized the separations of parents and children at the Southern border, pediatricians and mental health clinicians warned about the short and long-term [consequences of family separation](#) on children’s health.

According to the Children’s Health Fund (CHF), children separated from their families are at an [increased](#) risk of developing post-traumatic stress disorder (PTSD), depression, anxiety, substance use disorders, and suicidality. One [study](#) found that symptoms persisted after children were reunited with their families. Some children who were reunited with their parents exhibited behaviors such as crying, loss of appetite, nightmares, difficulty sleeping, and recurring feelings of fear.

Recently, ACS removed one of our asylum seeker client’s children. Terrified, he ran away from his crowded congregate placement in a former school and hid all day in a closet at his school. Thankfully, their family is together again, but they are all still traumatized.

The Family Court Act directs that before a Family Court judge in NYC can order that a family be separated, the judge must determine whether removal is necessary to avoid imminent risk to the child and consider whether continuation in the child’s home would be contrary to the best interests of the child. Judges also have to weigh whether the child protective agency could have taken any measures to avoid removal. We urge all ACS workers and Family Court judges to recognize that the immigrant families they encounter have fled unsafe conditions in their countries of origin only to face inhospitable bureaucracies and punitive shelter rules. And finally, we call upon ACS and Family Court judges to consider the incontrovertible science that that family separation harms immigrant children.

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