

FAMILY SEPARATION ISSUE MEETING
March 19, 2018

Objectives:

- You and your staff will meet with principals from ICE and CBP to discuss the issue of separating families, including potential rapid DNA collection and fingerprinting for identification.
- While ICE and CBP both have equities in this issue, CBP initially apprehends the majority of family units at the Southwest Border.

Key Messages

While DHS has a well-established history of providing safe and humane care to family units unlawfully present in the United States, verifying bona fide familial relationships remains a persistent challenge.

Recent litigation has kept the issue of separating families, pending verification of claimed relationships, at the forefront, and has renewed scrutiny over how DHS manages the issue.

Key Issues:

DHS Priorities for Meeting

- DHS, including both ICE and CBP, face multiple challenges with regard to family units they encounter. These challenges include taking steps to confirm the identity of parents and children, and ensuring that children are not released with adults who either falsely claim to be parents or who have criminal backgrounds that would endanger the children in their care. DHS makes determinations to separate family units on a case-by-case basis after considering the relevant factors after apprehension.
- CBP has encountered fraudulent identification documents, fraudulent familial tie claims, and criminal aliens amenable to prosecution within these family groups.
- Smugglers are known to pair unrelated adults and minors, posing as family units, to exploit perceived easier treatment of family units.
- DHS is considering implementing improved methods to assist in verifying the validity of family relationships, including the possibility of rapid DNA testing in ICE or CBP facilities.
- ICE is currently analyzing options to expand its current DNA collection procedures for the purpose of establishing familial relationships and for regular DNA collection (submission to the FBI's Combined DNA Index System, CODIS). ICE's existing DNA policy is limited to collection on those aliens who are referred for prosecution for criminal violations.
- CBP continually examines existing processes and policies when encountering families at the border, including with respect to compliance with applicable court decisions and the President's Executive Orders.

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