

SUPPORT THE HELP SEPARATED CHILDREN ACT

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SUPPORT PARENTS' RIGHTS TO MAKE DECISIONS FOR THEIR CHILDREN

More than **an estimated 6 million children**—the majority of whom are United States citizens—have an undocumented parent and face a constant risk of separation from them due to detention or deportation. **New research** from CLASP affirms that immigration enforcement actions are creating unprecedented levels of toxic stress that is deeply harmful to a child's development. Another **analysis** found that at least 11,000 U.S. citizen children lost a parent to the Trump Administration's deportation machine in the first seven months of his second term alone. Children separated from their parents due to deportation or who are deported with their parents suffer the most detrimental impacts.

For over a decade, ICE's parental interest directive has served as an important tool to ensure that parents impacted by ICE enforcement actions are able to make decisions about their children's care. First implemented following significant advocacy from racial justice, children, and immigrant rights groups in 2013, the policy is intended to ensure that ICE's enforcement actions do not unnecessarily infringe upon the legal parental or guardianship rights of individuals facing detention and deportation. In July 2025, Trump's ICE issued a new "detained parent directive," replacing the policy with similar but ultimately weaker protections for families.

There have been several reports this year of Trump's ICE deporting U.S. citizen children, not providing meaningful opportunities for parents to make decisions about their children's care prior to deportation, and using increasingly aggressive enforcement tactics in front of children. **A report** by the Women's Refugee Commission found that ICE is consistently failing to abide by its own policy to ask about parental concerns at the time of arrest or allow parents to make decisions about whether to bring their kids with them or leave them in the United States with a designated caregiver.

In response to Trump's weakening of parental protections, Congress must act to protect children and mitigate the harms of interior enforcement.

THE HUMANE ENFORCEMENT AND LEGAL PROTECTIONS (HELP) FOR SEPARATED CHILDREN ACT

This legislation establishes clear standards for ICE to ensure that parents can make decisions regarding the care of their minor children at the time of apprehension and throughout detention and deportation. The HELP Separated Children Act would require DHS to:

- Determine as soon as possible after apprehension, and to regularly inquire while an individual is in custody, whether the individual is a parent or caregiver of a child in the United States.

- Allow detained parents and caregivers to make as many phone calls as needed at the time of apprehension to arrange for the care of a child and access to contact information for child welfare agencies, family courts, consulates, attorneys, and other relevant entities.
- Minimize trauma to children present during enforcement actions by limiting use of force, prohibiting the use of children as interpreters, prohibiting the deception of children in order to arrest their parents or other household members, and allowing parents to communicate with their children.
- Allow detained parents and guardians regular contact with their children and the opportunity to fully participate in proceedings impacting custody of their children.
- Designate points of contact at ICE facilities and field offices and appoint a national coordinator to oversee parental rights protections, conduct data collection with respect to the parental status of individuals in custody, facilitate parent-child reunification before and after removal, and coordinate with child welfare systems.
- Limit referrals to child welfare agencies to situations where a parent wants the child to remain in the United States but is unable to make care arrangements, or where the child faces an imminent risk of serious harm.
- Collect and maintain apprehension and detention data relevant to parental detention and rights, in coordination with HHS, and regularly report this data to Congress and make it publicly available.
- Prohibit transferring the apprehended individual to another geographical area until child care arrangements have been made, absent extraordinary circumstances, and placed in a facility near their child to the extent practicable.
- Provide authority for DHS to grant parole on a case-by-case basis for deported parents to return to the United States to attend a family court hearing, respond to a child's medical emergency, or attend a child's funeral.
- Ensure that all relevant DHS employees are provided HHS-developed training on parental protections and minimizing trauma to children.
- Consider "the best interests of the child" in any decisions involving parental detention, including whether to prosecute, transfer, or release the individual.

ENDORISING ORGANIZATIONS

Center for Law and Social Policy (CLASP), Acacia Center for Justice, American Academy of Pediatrics, Center for the Study of Social Policy, Child Welfare League of America, First Focus Campaign for Children, Immigrant Legal Resource Center (ILRC), Justice in Motion, Kids in Need of Defense (KIND), MomsRising, National Association of Social Workers, National Immigration Project, Together and Free, Women's Refugee Commission, the Young Center for Immigrant Children's Rights