

FOR IMMEDIATE RELEASE

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AG Balderas Leads 21 Attorneys General Demanding Sessions End Illegal and Cruel Immigration Tactics Harming Children & Obstructing Crime Fighting

The deliberate separation of children and their parents as a scheme to deter victims of violence from seeking lawful asylum in America is wrong

Las Cruces, NM – Today, New Mexico Attorney General Hector Balderas called on United States Attorney General Jeff Sessions and Homeland Security Secretary Kirstjen Nielsen to end the cruel and illegal attacks on children and families lawfully seeking asylum in the United States as they seek protection from domestic, sexual and gang violence. In recent weeks, the federal government has separated thousands of asylum-seeking children from their parents, and reclassified the protective status of international domestic violence survivors. Attorney General Balderas and 20 attorneys general demand that United States Attorney General Jeff Sessions immediately stop putting children in danger by separating them from their families.

“The Justice Department is ignoring its legal and moral obligations for the sake of a political agenda at the expense of children and the efforts of state law enforcement officials combating crimes like human trafficking, drug trafficking and gang violence which operate across international borders,” said Attorney General Hector Balderas. “The latest move to unnecessarily separate families is cruel and another example of this administration putting politics ahead of people. Because of these concerns and the overwhelming views of Americans that we must protect the best interests and safety of all children and domestic violence victims, we demand that the Department of Justice immediately cease these draconian practices.”

“Put simply, the deliberate separation of children and their parents who seek lawful asylum in America is wrong. This practice is contrary to American values and must be stopped. We demand that you immediately reverse these harmful policies in the best interests of the children and families affected,” the attorneys general write in the letter to Sessions.

Attorney General Balderas and the coalition of attorneys general argue that in addition to being cruel and dangerous, these policies are, at their core violations of international, federal and state law, as well as of judicial precedent. Almost universally, those laws and precedents state that children’s best interests are in remaining with their parents, absent a rigorous judicial inquiry. The Department of Justice is ignoring those best interests, putting politics ahead of children.

The letter also reads, “These practices directly interfere with the efforts of our offices and other law enforcement officials---locally, nationally, and internationally---to prevent and prosecute crime. In most states, Attorneys General are responsible for enforcing laws that include human trafficking, drug trafficking, and gang violence offenses. As you are keenly aware, these issues are rarely local in context, rather they require the efforts and collaboration of law enforcement

officials across both state and international borders to prevent the widespread and syndicated perpetration of these crimes.”

Attorney General Hector Balderas is joined by the attorneys general of California, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington in demanding an immediate change in policy.

Please see attached for the letter that was delivered today.

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STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

June 19, 2018

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

The Honorable Kirstjen Nielsen
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, N.W.
Washington, D.C. 20528

Dear Attorney General Sessions and Secretary Nielsen:

The undersigned Attorneys General write to express our strong opposition to the Department of Justice's new "zero tolerance" policy of forcibly separating all families that cross the border illegally, including those seeking asylum. The policy is not only inhumane, but it also raises serious concerns regarding the violation of children's rights, constitutional principles of due process and equal protection, and the efforts of state law enforcement officials to stop crime. Because of these concerns, we demand that the Department of Justice immediately cease these draconian practices.

On April 6, 2018, the Attorney General announced a new "zero tolerance" policy, calling for the immediate criminal prosecution of all individuals who illegally enter the United States, including those seeking asylum. Under this policy, adults who enter the United States are brought to federal prisons, instead of immigrant detention centers, and their children are treated as "unaccompanied minors" and forcibly placed into the care of the Department of Health and Human Services' Office of Refugee Resettlement.

As you are aware, the fundamental rights of children are expressed in international, federal, and state bodies of law. Each of these laws is, at its core, designed to protect the best interests of children. These laws are representative of the views of millions of Americans that the government, in any process, should first and foremost seek to protect those interests. Almost universally, the statutory mandates and the litany of cases interpreting them overwhelmingly express that a child's best interests are served by remaining with his or her family, absent a rigorous judicial inquiry resulting in a finding that a parent is unfit or proof beyond a reasonable doubt that a crime has been committed. Policies that separate a child from his or her parent absent that level of inquiry, would not only be illegal under most state laws, but also may be contrary to the policy views of state legislatures and their constituents across this country.

These views are complemented by numerous laws and judicial precedent that mandate and hold that parents have a fundamental right to raise their children. This principle is affirmed in both state and federal law, by both statute and judicial precedent. The notion that the government should intrude into the rights of a parent to be with their child has historically been met with extremely high levels of scrutiny. Thus, the deliberate separation of families for the express purpose of furthering an immigration policy is contrary to our laws.

Not only is it highly concerning that current Department of Justice policies may be in contravention of the express purpose of these legal mandates, but these practices directly interfere with the efforts of our offices and other enforcement officials—locally, nationally, and internationally—to prevent and prosecute crime. In most states, Attorneys General are responsible for enforcing laws that include human trafficking, drug trafficking, and gang violence offenses. As you are keenly aware, these issues are rarely local in context; rather, they require the efforts and collaboration of law enforcement officials across both state and international borders to prevent the widespread and syndicated perpetration of these crimes. These efforts rely on reporting and cooperation from survivors of these crimes and victims of criminal organizations. The practice of mandatory family separation is both inhumane and contrary to the efforts of the law enforcement and others who dedicate their tireless efforts to stopping violent criminals.

Put simply, the deliberate separation of children and their parents who seek lawful asylum in America is wrong. This practice is contrary to American values and must be stopped. We demand that you immediately reverse these harmful policies, as it is in the best interests of the children and families affected.

Sincerely,



Hector Balderas
Attorney General of New Mexico



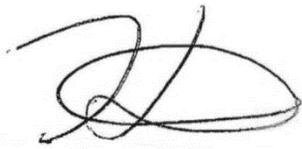
Xavier Becerra
Attorney General of California



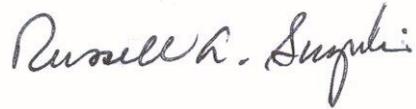
George Jepsen
Attorney General of Connecticut



Matthew P. Denn
Attorney General of Delaware



Karl Racine
Attorney General for the District of Columbia



Russell Suzuki
Attorney General of Hawaii



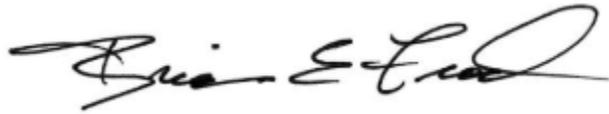
Lisa Madigan
Attorney General of Illinois



Thomas J. Miller
Attorney General of Iowa



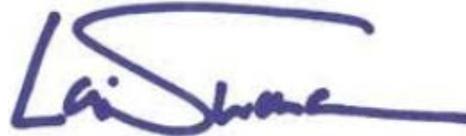
Janet Mills
Attorney General of Maine



Brian Frosh
Attorney General of Maryland



Maura Healy
Attorney General of Massachusetts



Lori Swanson
Attorney General of Minnesota



Gurbir Grewal
Attorney General of New Jersey



Barbara D. Underwood
Attorney General of New York



Josh Stein
Attorney General of North Carolina



Ellen Rosenblum
Attorney General of Oregon



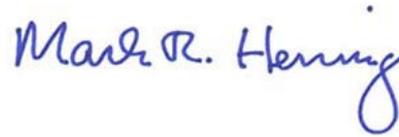
Josh Shapiro
Attorney General of Pennsylvania



Peter F. Kilmartin
Attorney General of Rhode Island



Thomas J. Donovan, Jr.
Attorney General of Vermont



Mark R. Herring
Attorney General of Virginia



Bob Ferguson
Attorney General of Washington

cc: Honorable Mitch McConnell
Majority Leader, United States Senate

Honorable Paul Ryan
Speaker of the United States House of Representatives