



H. E. Nikki Haley  
Permanent Mission of the United States to the United Nations  
799 United Nations Plaza  
New York, NY 10017

June 26, 2018

Your Excellency,

The NGO Committee on Migration is an organization in consultative relationship with the United Nations Economic and Social Council. Our mission is to encourage the promotion and protection of migrants and their human rights, in accordance with the United Nations Charter.

These human rights of both children and adults have been severely compromised by President Trump's recent policy of separating migrant children from their families. Although he has now taken action to end this policy and has rescinded the separation order, the chaos that it has caused continues as thousands of children remain in government custody without any clear plan for restoring them to their families. It is apparent that no provisions are in place, and there are no coherent plans to reunite migrant families separated in the past few months. A dire situation is developing as mothers and fathers search for their children and are told that the process of restoring them, some only a few months old, to their families may take several months, if the children can be located at all. In some cases, parents have already been deported back to their countries of origin while the children remain in the United States without the possibility of communication with their parents and without a timely resolution of their situation.

All children are children first and foremost, regardless of their migration status, and they deserve to be cared for and protected. A large body of international law advocates acting in the best interests of the child, so that all children everywhere can grow up in freedom and dignity, nurtured by a society dedicated to the concept of human rights and the rule of law. As human beings we have the obligation to foster these goals and implement protections for the most vulnerable among us. Therefore, in the best interests of the child, who has been the prime victim of the erstwhile separation policy, of his/her parents, and indeed of the entire international community, it is essential that separated families be immediately reunited.

Once the families are reunited, however, the issue of whether they should all be detained together has been raised. Such a policy would be decidedly against the best interests of the child and is therefore not acceptable.

Immigration detention of children, accompanied or unaccompanied, is never in the best interest of the child and is always a child violation. In the words of the UN Special Rapporteur on Torture, "It constitutes a particular form of cruel, inhumane or degrading treatment of migrant children".<sup>1</sup> Studies have also shown that detaining children has profound and negative consequence for children's health and well-being.<sup>2</sup>

At the United Nations, States have been called upon to implement human rights-respecting alternatives to detention which fulfill the best interests of the child and protect each child's rights to liberty and family life. Joint General Comment no. 4 (2017) of the Convention on Migrant Workers (CMW) and no. 23 of the Convention on the Rights of the Child (CRC) state that children should always be cared for in a non-custodial, community-based context together with their parents, guardians and family members, in accordance with their best interests.<sup>3</sup> The detention of families or caregivers with their children is punitive and unacceptable. Children always need to be in a safe, facilitating environment where they can develop physically, psychologically, intellectually and socially and where their general well-being is protected and promoted. Protecting the right of all children to thrive is of long-term benefit to any hosting community. Children should never be used as leverage for political purposes.

We are not advocating for open borders, and we fully agree that lawful processes must govern migration. We are dedicated to the concept of safe, orderly and regular migration and are, in fact, actively striving to achieve these goals in the new Global Compact on Migration.

In the name of the human rights of all human beings, the articulation and defense of which has been the cornerstone of a proud American democracy, we strongly urge you to take a strong stand and take action for the immediate return of migrant children to their parents, to end the detention of families, and to put in place and immediately implement safe, humane and dignified alternatives.

Very sincerely yours,

Maria Pia Belloni Mignatti  
Chair, NGO Committee on Migration  
UN Representative, World Organization for Early Childhood Education

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<sup>1</sup>UN Special Rapporteur on Torture, Thematic Report on torture and ill-treatment of children deprived of their liberty, UN document A/HRC/28/68, 5 March 2015 para 80.

<sup>2</sup> Center of Developing Child, Harvard University, "Toxic stress", [www.developingchild.harvard.edu](http://www.developingchild.harvard.edu).

<sup>3</sup> Joint General Comment no.4 (2017) of the CMW and no.23 of the CRC on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, 16 November 2017, [www.http://tbinternet.ohchr.org](http://tbinternet.ohchr.org).