



Hawley misconstrues McCaskill's support for "Keep Families Together Act"

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Missouri Attorney General Josh Hawley and outside groups supporting his campaign have criticized Sen. Claire McCaskill for her views on immigration during their Senate race.

A recent salvo in this subtext of their contest comes from Hawley in the form of an op-ed for FoxNews.com.

"...now she (McCaskill) is sponsoring the most radical open-border bill ever introduced in Congress," Hawley wrote. "Her bill was written by California liberal Democratic Sen. Dianne Feinstein, and it would give a free pass to any illegal immigrant who brings a child to the border."

Hawley is referring to the Keep Families Together Act, which would bar family separations except if the child is at risk of trafficking and abuse by parents or guardians.

Kelli Ford, the Hawley campaign's press secretary, said that Hawley's "free pass" comments meant that if you are an immigrant coming here illegally with a child, this bill would let you enter into the United States.

With immigration becoming a wedge issue between McCaskill and Hawley, we spoke to experts and consulted the text of the bill to determine the accuracy of Hawley's assertion.

Hawley's explanation

Ford pointed to the language of the bill from Section 2(a), which, in her words, "tells agents/officers that they can't remove a child from a parent/legal guardian within the 100-mile limit" of the United States.

That's true — with exceptions. Border officials could separate if the child is a victim of trafficking or at significant risk of it; if there's a strong likelihood that the adult is not the parent; or if the child is in danger of abuse or neglect. State courts and state or county child welfare agencies can also separate families if it's in the child's best interest.

Finally, Ford pointed to an excerpt from the bill that says children can't be removed from guardians "solely for the policy goal of deterring individuals from migrating to the United States or for the policy goal of promoting compliance with civil immigration laws."

Expert consensus

Hawley's depiction of the Keeping Families Together Act is incorrect, experts said.

"The bill would not grant illegal immigrants a 'pass' — free or otherwise — to enter or live legally or illegally in the United States," David Bier, an immigration policy analyst at the libertarian Cato Institute think tank wrote in an email. "It would only prohibit the separation of children from their parents who come to the border unless the child is a victim of trafficking or abuse."

Bier went on to write that the bill does not forbid the removal of parents who are undocumented immigrants from the U.S., meaning it does not change existing immigration law, nor does it seek to make it easier for such parents or guardians to stay in the U.S.

Leon Fresco, an immigration attorney based in Washington, D.C., put his objections to Hawley's claim simply: "Nothing in this bill prevents the removal of a family unit in its entirety."

The bill does not block families from being detained together, said Fresco, a former deputy assistant attorney general who drafted the Senate's comprehensive immigration reform bill in 2013.

While Fresco understands the reasoning behind thinking it's wrong to "prevent the government from prosecuting an adult for crossing the border illegally if they bring their child," that is not what this proposed law would do.

"It only prevents the separation of the adult and the child," Fresco wrote.

The bill does not put forth safeguards for immigrants without documentation; adults can still be prosecuted.

Matt Barreto, UCLA professor of political science and Chicana/o studies, was adamant in his disagreement with Hawley's conclusion about the bill: "It absolutely does not do that."

"It just blocks DHS/CBP from taking children away from their parents," Barreto wrote in an email. "People still have to go through all the normal procedures for asylum, refugee or immigration."

The Hawley campaign pointed out that Barreto's firm Latino Decisions did polling work for the Hillary Clinton campaign.

Our ruling

Hawley said McCaskill backed a bill that "would give a free pass to any illegal immigrant who brings a child to the border."

The bill in question takes no such measure. Undocumented immigrants are not afforded any new protections from prosecution under the bill; it seeks to stop the separation of immigrant children from their families or guardians. The thinking behind Hawley's charge against McCaskill has been echoed by Republican officials throughout the country. That doesn't make it more right.

We rate the statement False.