

Wrong and inhumane: Separating children from their parents at the U.S. border



Why is this an urgent problem now?

On May 7, 2018, Attorney General Jeff Sessions announced a “zero tolerance” policy for attempted entry.

No law requires people crossing the border to be prosecuted criminally, or to forcibly separate children from their families. It’s the Trump administration’s decision to criminally prosecute migrants at the border, including adults traveling with children, leading to this new wave of broken families. In the past, unauthorized immigration has been dealt with as a civil offense. Parents with children were given a court date and released or were held in family detention centers.

Under the new policy, parents are subject to criminal prosecution and detained. Children are treated as unaccompanied minors; the Department of Health and Human Services locates someone, such as a foster family or a relative, to care for them. **Some children have been placed thousands of miles away from the border and their parents, including in Michigan and New York.**

There is no policy for reuniting families.

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What is happening at the border?

Federal courtrooms in states along the southern border with Mexico are flooded with parents who have been charged with misdemeanor illegal entry into the U.S., and their children have been separated from them. **In McAllen, TX alone, 415 children were stripped from their parents between May 21 and June 5, 2018. Total border arrests for May 2018 were more than 50,000 - almost three times the number detained in May 2017.**

- 1,768 immigrant families were separated at the border at some point between October 2016 through February 2018, according to a Trump administration official.
- Approximately 700 children were separated from their families from October 2017 to April 2018.
- The Department of Homeland Security stated 1,995 children were separated from 1,940 adults from April 19 to May 31.
- Between May 5 and June 9, 2,342 children were separated from their parents.

This means approximately 4,300 families have been separated since October 2016, 3,000 of those in the last nine months alone. Since the zero tolerance policy was announced, an average of 67 kids have been separated from their families every day.

There are several reports of Border Patrol

agents lying to families about the nature of their separation. Federal public defender Azalea Aleman-Bendiks told the Boston Globe that several of her clients told her their **children were taken away by Border Patrol agents who said they were going to give them a bath, only to never come back.** Additionally, University of Texas at Austin professor Elissa Steglich who, after visiting McAllen on a fact-finding mission, related that “Federal agents told two female immigrants they were taking their daughters away for a bath, then never returned with them.”

This can’t keep happening.

- A migrant woman from Honduras recounted the story of federal authorities taking away her daughter as she was breastfeeding her in a detention center. She was then handcuffed for resisting.
- A man from Honduras, who had been seeking asylum, died by suicide after agents separated him from his wife and his 3-year-old son.
- A foster family in Michigan cares for four children who were separated from their parents at the border. Only one of the children knew the location of his detained parent.

These accounts all make clear that the current zero tolerance policy is tearing families apart. Its implementation is wrong and inhumane.

What is the impact of these separations?

The American Academy of Pediatrics said **taking a child from a parent can do “irreparable harm to lifelong development by disrupting a child’s brain architecture...Separating children from their parents contradicts everything we stand for - protecting and promoting children’s health.”**

UCSF professor Alicia Lieberman explained studies have shown the trauma children experience when separated from their caregivers: “Their fear triggers a flood of stress hormones that disrupt neural circuits in the brain, create high levels of anxiety, make them more susceptible to physical and emotional illness, and damage their capacity to manage their emotions, trust people, and focus their attention on age-appropriate activities.” A UN human rights spokesperson stated detention “is never in the best interests of the child and always constitutes a child rights violation.”

Detention centers are dangerous places for children. The ACLU and MALDEF have reported separately on past horrendous abuses children suffered while detained, even with their parents. Separated children are left with the memories of being ripped from their parents and the ongoing trauma of not knowing when they will see them again. Their foster parents report that they repeatedly ask for their parents.

A report on children’s experiences after their parents’ arrests by Immigration and Customs Enforcement discovered younger children tend to struggle with eating, sleeping, and crying after their parents’ arrests, while older children’s behavior tends to become more aggressive or withdrawn.

Multiple sources report the children who are separated from their parents due to the new policy are confused, frightened, and inconsolable.

This policy, despite the claims of those enacting

it, does not serve as an effective deterrent. As Katie Annand, an attorney for Kids in Need of Defense (KIND), outlines, **these are families “coming to save their children’s lives from terrible conditions back at home - a new policy will not stop a parent from making that attempt.”**

What’s being done on the issue right now?

The ACLU has filed a lawsuit challenging this policy, and George W. Bush appointee Judge Dana M. Sabraw of the U.S. District Court for the Southern District of California denied the Government’s motion to dismiss on due process grounds, saying that:

“For Plaintiffs, the government actors responsible for the ‘care and custody’ of migrant children have, in fact, become their persecutors. This is even more problematic given Plaintiffs’ allegations and assertions that there is a government practice, and possibly a forthcoming policy, to separate parents from their minor children in an effort to deter others from coming to the United States. ...Such conduct, if true...is brutal, offensive, and fails to comport with traditional notions of fair play and decency. At a minimum, the facts alleged are sufficient to show the government conduct at issue ‘shocks the conscience’ and violates Plaintiffs’ constitutional right to family integrity. Accordingly, Defendants’ motion to dismiss Plaintiffs’ due process claim is denied.”

On June 20, 2018, President Trump signed an executive order that continues the practice of criminally prosecuting every non-citizen migrant at the border, but directs executive agencies to keep families together in detention during this process. The order also directs the Attorney General to seek to modify the the legal provision known as the “Flores settlement” that currently prevents the federal government from keeping

children in immigration detention, even if they are with their parents, for more than 20 days.

Multiple bills have been introduced in the House and the Senate and are rapidly being voted on. Many of these bills, though, would continue to hurt immigrant families by imprisoning them in mass camps and making it even more difficult for them to access asylum.

What can you do right now to take action?

Call your legislators.

Because Congress is currently considering legislation that would address this issue, it is important to call on your federal legislators and **let them know that you do not want to see the child separation policy continue. In addition, children should not be used as a political tool in legislation that allows for mass family detention and subverts due process and the Constitution.**

District office phone numbers for Kansas U.S. Representatives and Senators:

- Rep. Roger Marshall: (620) 793-2560
- Rep. Kevin Yoder: (913) 621-0832
- Rep. Lynn Jenkins: (785) 234-5966
- Rep. Ron Estes: (316) 262-8992
- Rep. Roger Marshall: (620) 793-2560
- Sen. Pat Roberts: (785) 295-2745
- Sen. Jerry Moran: (913) 393-0711

Kansas organizations to contact:

ACLU-Kansas

Advocates for Immigrant Rights & Reconciliation (AIRR)

Brown Voices. Brown Pulse.

Cosecha KC

Deportation Defense Legal Network - Kansas City Region (DDLNKC)

EI Centro

Kansas Appleseed

Kansas Interfaith Action

Kansas / Missouri DREAM Alliance

Kansas Poor People’s Campaign

LULAC State of Kansas

Mariel Ferreira

Sunflower Community Action

SURJ KC

Tonantzin Society

YWCA of NE Kansas



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