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The administration created a humanitarian crisis at our border, inflicting trauma on children by separating them from their families.

- In April 2018, the [Trump administration implemented a "zero tolerance policy"](#) resulting in the widespread separation of parents and children arriving together at the United States southern border between ports of entry. The "zero tolerance policy" mandated the prosecution for illegal entry of everyone apprehended between ports of entry, including asylum seekers.
- Under this directive, while parents in federal custody underwent prosecution, the administration took away their children without any plan for eventual reunification. This family separation policy inflicted [trauma](#) on separated family members, restricted [due process](#), and violated their right to family integrity.
- Although Attorney General Sessions paused the referral of families for criminal prosecution, other asylum seekers are still being prosecuted for unlawful entry with minimal opportunity to prepare their case with a lawyer. [The prosecution of asylum seekers contravenes U.S. treaty obligations](#) and international law.

The administration is attempting to sidestep the family separation crisis of its own making.

- On June 20, 2018, President Trump issued an [Executive Order](#) (EO) purporting to address the family separation crisis. In reality, the EO attempts to expand the use of family detention and reaffirms his commitment to a "zero tolerance" policy of border prosecutions, even for those who lawfully claim a fear of persecution and are entitled to seek asylum in the United States.

The administration's family separation plan caused trauma to the physical and mental health of parents and the children who were taken away from them.

- Parents reported that the process of being separated from their children was extremely traumatic, especially for younger children. Other parents reported having to lie to their children to convince them to go with Customs and Border Protection (CBP) officials.
- Parents also stated that CBP officials told them they would only be separated for a few days, but months later many have still not seen their children.
- The government has deprived parents adequate opportunities to [communicate](#) with their children and family members. Attorneys on the ground report that the vast majority of separated parents have only talked with their children one to three times despite months in detention. Detained parents must pay to make telephone calls to their children and many did not have the resources to do so.
- In June 2018, the American Psychological Association wrote a [letter](#) to President Trump warning of the lasting psychological harms of family separation and citing the decades of research showing that it can lead to anxiety, depression, and post-traumatic stress disorder, among other conditions.
- The American Academy of Pediatrics (AAP) has echoed the same [message](#): family separation causes irreparable harm to a child health, and detention is no place for a child. AAP's President called the family separation and detention "[child abuse](#)."

The administration's implementation of court orders requiring them to reunite families has been inadequate, disorganized, and coercive to parents seeking to reunite with their children.¹

- In a recent court filing, the DOJ admitted that [over 450 parents](#) may have been deported without their child, and that only 85 of those parents signed a form agreeing to relinquish their child to a relative, despite a June 27, 2018 court order requiring the administration to reunite parents and children.
- The administration has claimed that [roughly 130 parents](#) voluntarily agreed to leave their children in the United States and relinquish their right to reunification. However, [attorneys](#) who spoke to detained parents learned that they signed paperwork with little information, under extreme duress and [coercion](#). In addition, several of these parents were adamant that they had actually chosen reunification over separation.
- Faced with the prospect of prolonged detention in [stressful conditions](#) with often [inadequate medical care](#), and considering the lack of transparency surrounding plans to reunify families, some parents may have chosen to abandon their asylum claims and seek joint deportation solely to reunite with their children more quickly.

Family separation is an unconscionable and ineffective attempt to deter families from fleeing violence and persecution.

- The administration's zero tolerance policy was ostensibly meant to deter future migration from the Northern Triangle. However, many families from Honduras, El Salvador, and Guatemala are seeking protection from extreme levels of [uncontrolled violence](#) in their home countries.
- United Nations agencies have described domestic violence, high murder rates, and other life-threatening conditions in the Northern Triangle as a [humanitarian emergency](#).
- A [new analysis from political scientist Tom K. Wong](#) of UC San Diego published by the Center for American Progress shows that both family detention and family separation policies have not deterred families from coming to the U.S. in the past—and are unlikely to do so in the future. Earlier reports explain why many Central Americans are fleeing and how U.S. policies [fail to deter them](#).
- A 2015 [federal court held](#) that DHS cannot use detention for the purpose of [deterrence](#).

Incarceration of families is inhumane, unnecessary, and contrary to law.

- The government should immediately release parents and children from detention since the law requires release unless Immigration and Customs Enforcement presents evidence demonstrating the person presents a flight risk or a risk to public safety that cannot be mitigated by alternatives to detention (ATD).
- Immigration detention has been proven to traumatize vulnerable populations, jeopardize the basic health and safety of those detained, and undermine access to counsel in isolated, remote facilities.
- Immigration detention is driven by profit and politics, not public safety. It continues to be used despite the availability of effective, cost-efficient, community-based ATDs. ATDs are far [less expensive](#) than detention, costing around \$4.50 per day compared to the \$134 per day to hold an adult in immigrant detention and dramatically less expensive than the \$319 per day to hold an individual in a family detention center, according to DHS data. ATDs are also highly effective, with over 90% of individuals [appearing](#) at required hearings.

¹ Many of the facts in this section were independently verified by attorneys of the Immigration Justice Campaign, a joint project of AILA and American Immigration Council. For more information, contact AILA and the Council.

The Trump administration has erected barriers that dramatically erode due process for asylum seekers.

- The administration’s [highly controversial policies](#) include:
 - The increased “[turnbacks](#)” of asylum seekers at ports of entry;
 - [Restrictions on granting asylum](#) to survivors of domestic violence and gang-based violence;
 - The detention of asylum seekers;
 - [Distorting the initial credible fear screening](#) into an impossibly high standard that runs counter to the statute enacted by Congress;
 - The “[zero tolerance](#)” plan for prosecuting asylum seekers and other border entrants;
 - The continued failure of border personnel to follow required procedures for screening asylum seekers, resulting in their forcible return; and
 - The continued and extensive use of summary removal procedures, such as expedited removal, that bypass immigration courts and undermine due process.

Resources:

- [Government uses separated children as leverage to coerce parents into signing for deportation](#), American Immigration Council, July 19, 2018
- [Witnessing the destruction in the wake of administration border policies](#), American Immigration Lawyers Association, July 20, 2018
- [AILA Policy Brief: New Barriers at the Border Impede Due Process and Access to Asylum](#), American Immigration Lawyers Association June 1, 2018
- [AILA Policy Brief: USCIS Guidance on *Matter of A-B-* Blocks Protections for Vulnerable Asylum Seekers and Refugees](#), American Immigration Lawyers Association, July 23, 2018