

Trump administration pursues inhumane policy of separating migrant children from parents

By Meenakshi Jagadeesan
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In an article published on February 20, the *Los Angeles Times* documented the spread of a new and virulent anti-immigrant policy adopted by the Trump administration. Parents who crossed the border into the US with their children—and without the necessary documents—were generally held in family detention centers or released with a court date, as the families awaited a decision on whether or not they would be deported. However, as part of their harsher and more aggressive anti-immigrant drive, immigration enforcement officials have started the process of systematically separating parents from their children.

The policy was signaled by the Trump administration a few months ago as an element of its broader approach to “discourage border crossings.” This came in the aftermath of the news that the so-called “Trump effect,” which had initially seen a drop in the influx of people crossing the Southern United States border, had worn off. By November 2017, the administration reported that the number of people who had been apprehended for illegally crossing the border had reached 29,086—the highest since the previous January. Of these, 7000 were counted as “family units” and 4000 were unaccompanied minors.

In response, the Trump administration convened a group of officials from the National Security Council, the Domestic Policy council, the Department of Homeland Security (DHS), the Department of Justice and the State Department to come up with new policy measures aimed at curtailing border crossings, particularly by children. In late December, the *Washington Post* first broke the story that the administration was seriously considering a “family separation policy” as part its proposed solutions.

Dismissing the earlier policy of letting families remain intact as they awaited a court date as “catch and release,” the Trump administration has started making good on its threat to prosecute some of the migrant parents on the grounds that entering the country illegally is a federal crime. The first time a migrant parent is caught and charged the

offense is a misdemeanor, with a maximum sentence of six months. Those caught a second time face a felony charge with a maximum sentence of up to 20 years, depending on their criminal record. Once a case becomes a criminal matter, parents and children are separated.

The administration has tried, as usual, to present this move as not just legal and necessary to protect national security, but also as a policy aimed at protecting the children themselves from the intrinsic dangers of illegal border crossings. In the words of Tyler Q. Houlton, a spokesman for DHS, “The dangerous illegal journey north is no place for young children and we need to explore all possible measures to protect them.” Charging migrant parents with criminal offenses, supporters of the measure argue, is in fact a good thing.

As Andrew Arthur, a former immigration attorney and current fellow at the ultra-right-wing Center for Immigration Studies, put it to the *Los Angeles Times*, “The reason the children are there to begin with is this belief [among immigrants] that a parent with a child will not be detained,” and in fact the actions of the parents who expose their children to the perils of such a journey “borders frankly on child abuse.”

The claims made by the Trump administration and its far-right supporters regarding the protection of children frankly borders on the ludicrous. In addition to the fact that the United States remains the only UN member state to have not even ratified the Convention on the Rights of the Child, there has been more than sufficient research laying out the harmful effects of such inhumane immigration policies on childhood development.

In March 2017, a similar proposal had been floated by John F. Kelly, then Secretary of DHS, who argued that splitting up families may not be a bad thing, since the children would be “well cared for as we deal with their parents.” In response, the American Academy of Pediatrics released a statement expressing serious concern over the

proposal, describing it as “harsh and counterproductive,” and calling on authorities to “exercise caution to ensure that the emotional and physical stress children experience as they seek refuge in the United States is not exacerbated by the additional trauma of being separated from their siblings, parents or other relatives and caregivers.”

In mid-January 2018, a group of over 70 national and 50 state and local immigrant advocacy groups published a letter addressed to Kierstjen Nielsen, the new Secretary of the Homeland Security Department, expressing their strong opposition to the family separation policy. The letter declared that separating migrant families was “fundamentally un-American, cruel, and breaches U.S. and international child welfare and refugee principles and laws.” Family unity was a “fundamental human right, enshrined in International Law.”

Furthermore, given the particularly traumatic circumstances that force families to embark on perilous border crossings, separating parents from their children would serve no purpose other than to willfully inflict more harm. They ended the letter by calling upon the administration to respect “the principles of family unity and liberty in our immigration and border enforcement policies.”

It is quite apparent that such calls have not been heeded. While exact figures are hard to come by, migrant advocacy groups are reporting steadily increasing numbers of those charged with criminal offenses and separated from their families. In a survey of attorneys representing 90 asylum seekers in the El Paso area between June and November 2017, the Hope Border Institute found that 94 percent had clients separated from their children.

The Women’s Refugee Commission and other organizations that filed a complaint with Homeland Security in December 2017 stated that they had documented over 150 such cases in a span of less than a year, and that it was part of an “alarming increase in family units being forcibly divided.” The complaint also declared: “It is cruel and unlawful to separate family members for the sole purpose of deterring migration; such separation deprives family members the ability, given their detention, to locate each other and be reunited.”

Last November, José Fuentes, an undocumented migrant from El Salvador presented himself to immigration officers, seeking asylum along with his one-year-old son, Mateo. According to his family, Fuentes was fleeing El Salvador along with a caravan of asylum seekers because of terrifying gang violence. After being held together for four days, Fuentes was transferred to a detention facility in San Diego, California, while Mateo was held in a special facility for children in Laredo, Texas.

For six days, neither Fuentes nor his wife, Olivia

Acevedo—who remained in Mexico along with the couple’s other son—had any idea where their child was being held. It was only after exhaustive efforts by their lawyer that they were able to locate their son, and Acevedo was able to see him on a five-minute video call. Seeing her son being held by strangers and crying the entire time, Acevedo told the *New York Times*, was “a form of torture.”

ICE spokeswoman Liz Johnson claimed that officers had carried out the separation “out of concern for the child’s safety and security” because Fuentes did not have sufficient documentation to prove that he was, in fact, Mateo’s father. As immigrant rights advocates have pointed out, this has now become a convenient excuse to further terrorize migrant families and deter them from seeking asylum.

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