

More than 900 children taken from their families in the last year

Trump administration continuing family separations at US-Mexico border despite court order

By Julian James
1 August 2019

Just over a year after a district court ordered the Trump administration to cease its policy of family separations at the US-Mexico border, the American Civil Liberties Union (ACLU) has filed with the U.S. District Court of Southern California to finally block the Customs and Border Protection agency (CBP) from continuing to implement the cruel practice.

In what amounts to ongoing mass kidnappings, the ACLU reports that over 900 children, including babies and toddlers, have been systematically separated from their parents and family since the initial ruling in June 2018, 20 percent of them under the age of 5, on highly dubious or fabricated grounds.

Though the 2018 ruling against the administration's punitive "zero tolerance" policy required the Federal Government to reunite all separated families and ensure there were no further separations, it contained an obvious loophole—CBP, the same agency responsible for the abhorrent practice in the first place, would be granted the power to continue separating families based on its own determination of whether a parent is "unfit or presents a danger to the child," with no meaningful oversight of that process.

The deceptive justifications for ongoing separations given by the CBP and cited in the ACLU filing make clear that the administration has no intention of ending its cruel policy, whose main purpose is to deter migrants from seeking asylum in the United States. The filing details the absurd pretexts used to tear children from their families.

In one case, a father had his sick 1-year-old daughter taken from him after allowing her to nap with a wet

diaper, which was classified by CBP as "neglectful." Another parent had their child taken from them for damaging property with an estimated value of \$5. Other reasons given include arbitrary accusations of gang membership, traffic violations, being HIV-positive, minor marijuana possession, and many other activities that would not result in an American citizen being separated from their children.

Adding to the gravity of the separations is the shoddy or in some cases non-existent record keeping about where children are placed after being taken from their parents. According to officials at the Department of Health and Human Services, tracking systems for children taken into custody were so inadequate and "informal," that the total number of children taken into custody and later released is "likely" thousands more than the 2,737 identified in the 2018 ruling, and may in fact never be known, indicating that untold numbers of children will be permanently separated from their families.

In a particularly egregious example, the computerized tracking system maintained by the Department of Homeland Security during the implementation of the "Zero Tolerance" policy was found to have been automatically deleting records that could have been used to connect separated parents and children because it had not been "updated."

After the 2018 district court ruling that mandated the Federal Government reunite children with their families, the Trump administration argued that doing so may not be "within the realm of the possible," and made the perverse claim that retrieving children from

their government-chosen sponsor homes to be reunited with their families would traumatize the children, as “Disrupting the family relationship is not a recommended child welfare practice...”

Any pretense of concern for child welfare by the US government is a fraud. It is belied by the recent assertions by Justice Department lawyer Sarah Fabian in front of a US Court of Appeals that the legal responsibility of the government to provide safe and sanitary conditions does not entitle children to soap, toothbrushes or beds, and the cancelling by the administration of all recreational and educational activities in the child detention centers.

The Trump Administration has predictably responded to every legal setback in the courts with further attacks on asylum seekers and refusal to abide by the rulings. Trump issued his “Remain in Mexico” policy in February 2018, officially known as the Migrant Protection Protocols (MPP) program, under which migrants are required to wait in Mexico while their cases wind through the courts, a process that takes an average of 2 years.

Then in April 2018, a policy of “metering” was implemented, under which only a handful of asylum seekers—if any—are allowed to apply for asylum at legal ports of entry. Previous policy allowed immigrants who arrived at three designated ports of entry to stay in the US to wait for their immigration court appearances.

Last week, on July 26, Trump signed a bilateral agreement with the government of Guatemala to confer to it “Safe Third Country” status, requiring those traveling through the small impoverished country, itself the source of hundreds of thousands of refugees, to seek asylum there before applying for asylum in the United State.

Highlighting the callous nature of this agreement is a recent statement by the State Department through its Overseas Security Advisory Council, which reported that Guatemala in 2019 “remains among the most dangerous countries in the world,” with an “alarmingly high murder rate.”

Also in the past week, the administration has implemented a scheme to strip minors of their ability to apply for asylum even *after* they are placed with sponsors. According to the new policy, a child will no longer be considered an unaccompanied minor once they are placed with a sponsor, stripping them of

special protection, such as an asylum interview with a US Citizenship and Immigration Services officer instead of arguing their case in immigration courts, which routinely dismiss the majority of appeals for asylum.

The horrific crime of mass family separations constitutes one of the most barbaric components of ongoing efforts by successive US administrations to roll back and eliminate the rights of global refugees to seek asylum from threats to their life in their home country. This war on immigrants has been and continues to be a thoroughly bipartisan affair.

One need only recall the pictures of caged children in warehouses sleeping under thin aluminum blankets that first garnered widespread condemnation in 2014 under President Obama, who infamously deported over 2.5 million immigrants—more than any previous American president—and oversaw the expansion of the physical infrastructure currently being used to house refugees in barbaric conditions that are best described as concentration camps.

Funding for the fascistic border agencies has only increased since then, made possible with votes cast by the entire political spectrum of both establishment parties, from arch-reactionary figures like Ted Cruz and Mitch McConnell to the nominally progressive members of the Democratic Party such as Alexandria Ocasio-Cortez and Ilhan Omar, who cast crucial votes to bring the recent massive \$4.6 billion funding bill for ICE and CBP to the floor, which was then passed in the House and Senate and signed by President Trump.

The fascistic police state methods used to attack immigrants, one of the most oppressed layers of the international working class, will be turned upon all sections of workers in the future. Workers of all ethnic, linguistic and national origins must stand together to resist state terror and fight for a future free of national boundaries, in which people are free to seek safety and employment wherever they please.

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