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USA

Trump is still holding migrant children hostage

- IV Online magazine - 2018 - IV523 - August 2018 -

Publication date: Monday 20 August 2018

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Christopher Baum reports on the government's ongoing and criminal negligence in violation of court orders that is keeping over 700 children separated from their families.

The Trump administration has failed to meet a federal court's deadline for reuniting immigrant children in its custody with the families that they were torn from under the government's policy of family separation.

On June 26, U.S. District Court Judge Dana Sabraw granted an injunction in a class-action lawsuit filed by the American Civil Liberties Union (ACLU) on behalf of migrant parents affected by family separation. [1]

Under Sabraw's order, the administration was required to reunite all of the parents already affected by this policy with the children the authorities had taken from them. He gave two deadlines: children under the age of 5 were to be reunited with their parents by July 10, the remainder by July 26.

As of July 10, the government had reunited only about half of the children under age 5 affected by the order. Two days later, when the government announced its completion of this initial phase of reunifications, it claimed to have reunited only 57 children out of a total of 103. [2]

As for the July 26 deadline, a CBS/Associated Press report reveals that as of that date, the government had reunited only 1,820 out of a total of 2,531 children between the ages of 5 and 17 — still less than three-quarters. [3]

In short, the government came nowhere near meeting either deadline, and hundreds of children remain separated from their families.

What do we know about the children who still haven't been reunited?

To begin with, it must be emphasized that we are dependent, for now, on the figures provided by the government itself. Whether these numbers are accurate, and whether they tell the full story, remains to be seen.

Different media outlets have reported these numbers slightly differently. For instance, the total number of separated children under age 5 has been given in some sources as 98, in others as 101, 102 or 103.

Bearing these limitations in mind, it appears that some 756 children remain separated from their families: 45 children under age 5, and 711 between ages 5 and 17.

The government has offered a number of reasons for not having reunited these children with their parents.

First, as has widely been reported, 463 parents from whom children were taken have apparently already been deported — without their kids. These cases are "under review," according to the administration's court filings, but the ACLU claims that "the government isn't even trying to reunite" these parents with their children. [4] [5]

In other instances, as CNN reports, "families weren't reunited because red flags such as criminal convictions came up in the parents' backgrounds." But the government has yet to produce any details to support these cases. [6]

Trump is still holding migrant children hostage

As Wendy Young, president of the Kids in Need of Defense (KIND), a nonprofit providing legal representation to unaccompanied minors, observed to CNN: “The government should be held accountable for the mess it’s made and offer detailed rationales for why they deemed [each] parent inappropriate to release to. I do not trust this government to make that decision correctly.”

Young’s skepticism is widely shared. “While we agree that some crimes may make a parent unfit to be reunited with his or her child,” writes Stacy Sullivan of the ACLU, “clearly not all crimes do, so we need the details.” [\[7\]](#)

This is especially true considering the many ways in which U.S. laws and policies make migration itself a crime. [\[8\]](#)

A third category consists of 40 children for whom the government claims it has no parental information at all. As Sullivan notes, this situation is “profoundly disturbing,” and the ACLU has called on the government to “explain in detail what efforts are being undertaken to locate and make contact with the parents the government can’t find.”

The government has also cited well over 100 cases where parents have “it is alleged” voluntarily given up their right to be reunited with their children. This claim obviously requires closer scrutiny as well.

In a motion filed with Judge Sabraw on July 25, the ACLU described the “coercive and misleading manner” in which the government has been dealing with the parents of separated children. Of particular concern were situations where parents appeared to have been duped into signing away their right to be reunited with their children: [\[9\]](#)

[T]he evidence is overwhelming that parents have signed forms they did not understand. Some forms were distributed in English to parents who did not speak that language. Some parents with limited or no literacy were not told what they were signing. Still others thought they had signed papers stating that they wanted reunification. Parents who speak an indigenous language were at a particular disadvantage.

Given all this, the ACLU says, “it should come as no surprise” that many of the people listed by the Trump administration as having waived their right to reunification do, in fact, want their kids back.

This wasn’t the first time the government has been caught trying to deceive and coerce the parents of separated children.

On July 3, NBC News reported that the Trump administration had begun using a new Separated Parent’s Removal Form that gave parents only two choices: be deported without your child, or be reunited with your child and then we’ll deport all of you together. [\[10\]](#) [\[11\]](#)

Although the form indicates that it is intended for parents with “administratively final orders of removal,” Lee Gelernt, the ACLU attorney who is leading the class action lawsuit, told NBC: “We are seeing cases where people who have passed credible fear interviews and have pending asylum claims are being given this form.”

In other words, the government was trying to hoodwink people with pending asylum cases into abandoning their claims and agreeing to be deported instead “possibly without even being reunited with their children.

The ACLU brought this to Sabraw’s attention, and effective July 10, the government was required to post the following notice in ICE detention facilities: “You do NOT need to agree to removal from the United States in order to be reunified with your child. You may continue to fight your case. You should NOT be pressured to agree to removal

Trump is still holding migrant children hostage

in order to be reunified with your child.”

Nonetheless, as the July 25 filing shows, the government continues to argue that many of these parents did indeed voluntarily give up the right to be reunited with their children.

Even for those families who have been reunited, the ordeal may be far from over.

As NBC News reported on July 27, as many as 1,000 of the newly reunited families are now facing immediate deportation. [12] The report indicated that Sabraw will consider the ACLU’s request for a seven-day stay of deportation to ensure parents are “given proper time to decide whether to be deported with their children or leave their children in the U.S. while the children pursue asylum.”

The choice is, of course, distressingly like that offered by the government on its “removal form.”

Worse still is the harm, some of it possibly irreparable, that the administration’s cruel policies have done to the families they’ve torn apart.

Sabraw’s original order of June 26 quoted from briefs filed in the case indicating that “separating children from parents is a highly destabilizing, traumatic experience that has long term consequences on child well-being, safety and development”: [13]

Separation from family leaves children more vulnerable to exploitation and abuse, no matter what the care setting. In addition, traumatic separation from parents creates toxic stress in children and adolescents that can profoundly impact their development.

Strong scientific evidence shows that toxic stress disrupts the development of brain architecture and other organ systems, and increases the risk for stress-related disease and cognitive impairment well into adult years.

Studies have shown that children who experience such traumatic events can suffer from symptoms of anxiety and post-traumatic stress disorder, have poorer behavioral and educational outcomes, and experience higher rates of poverty and food insecurity.

As another brief cited in the order summarized, “The psychological distress, anxiety and depression associated with separation from a parent would follow the children well after the immediate period of separation” even after eventual reunification with a parent or other family.”

It is too early to even begin to guess at the extent of the trauma that Trump has caused with his cruel and hateful policies. But we are already beginning to see tragic real-world confirmation of the predictions.

The Wall Street Journal described the testimony of Dr. Jennifer Havens, director and chief of service for child and adolescent psychiatry at New York’s Bellevue Hospital, talking about the approximately 300 separated children under the care of various social services organizations in the city:

Most of the children are resilient, Dr. Havens said, but there is a subset who have a significant disorder associated with the trauma of separation. Some show signs of major depression, which can lead to suicidal ideation or attempts.

Trump is still holding migrant children hostage

One 6-year-old who had been separated from his family was so deeply traumatized that he might have appeared psychotic to a less-experienced mental health professional, Dr. Havens said. "But really what he was having was a flashback," she said.

Some very young children appear confused or don't recognize a parent upon reunifying, Dr. Havens said. Some of them had to attach to another caregiver.

The situation undeniably remains very grim. But we can and should draw inspiration from the many ordinary people who have chosen to stand up and fight against these horrors.

It was mass public outcry that drove Trump to issue his executive order on June 20, suspending the family separation policy. [14] The nationwide "Families Belong Together" demonstrations on June 30 showed even more forcefully the level of public outrage at the administration's immigration policies.

Grassroots organizing and action has also temporarily shut down ICE facilities, pressed various businesses and institutions to sever their relations with the DHS, called attention to local governments' lucrative facilities contracts with ICE and created crowdfunding organizations to provide support to migrants dealing with family separation. [15] [16] [17]

In an important victory, on July 29, the city of Philadelphia responded to mass protests by announcing it would terminate its information-sharing contract with ICE. [18]

Protests can even have an impact in the courtroom itself.

Hints of this can be seen Judge Sabraw's court order, issued a few days prior to the June 30 demonstrations: "Public outrage remained at a fever pitch," he noted in his introductory remarks, describing the response to Trump's executive order. [19]

Later, in Sabraw's description of the state of affairs as he was writing, he said, "This situation has reached a crisis level. The news media is saturated with stories of immigrant families being separated at the border. People are protesting."

It would appear that Sabraw "appointed to the bench by George W. Bush" has, at the very least, taken note of which way the wind was blowing.

Even more striking were the remarks of U.S. District Court Judge Paul Crotty, another Bush appointee, in his ruling that freed Pablo Villavicencio, the Long Island resident who was handed over to ICE while delivering a pizza to the military base at Fort Hamilton in Brooklyn.

As Lea Ramirez and Lucy Herschel reported for Socialist Worker:

In ordering Villavicencio freed, federal Judge Paul Crotty questioned the "justice" of his being detained in the first place "and wondered out loud in court about how "the powerful are doing what they want, and the poor are suffering what they must."... [20]

That he would express the concerns he did is a sign of both how outrageous the Trump administration is behaving,

Trump is still holding migrant children hostage

but also the impact of protests, mobilizations and statements of solidarity by defenders of immigrant rights who stand up to ICE's terror.

It is clear that protests and mobilizations are having an effect. It's also clear that we are going to need even more of them.

July 31, 2018

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[1] <https://assets.documentcloud.org/documents/4561268/SDCA-L-v-ICE-injunction.pdf>

[2] <https://choice.npr.org/index.html?origin=https://www.npr.org/2018/07/10/627821359/government-misses-migrant-family-reunification-deadline>

[3] <https://www.cbsnews.com/news/immigrant-family-reunification-today-judge-dana-sabraw-comments-2018-07-27/>

[4] <https://www.reuters.com/article/us-usa-immigration/us-says-463-migrant-parents-may-have-been-deported-without-kids-idUSKBN1KE029>

[5] <https://www.aclu.org/blog/immigrants-rights/immigrants-rights-and-detention/no-government-did-not-make-deadline-reunify>

[6] <https://edition.cnn.com/2018/07/28/politics/separated-kids-what-next/index.html>

[7] <https://www.aclu.org/blog/immigrants-rights/immigrants-rights-and-detention/no-government-did-not-make-deadline-reunify>

[8] <http://socialistworker.org/2018/06/07/turning-families-into-felons>

[9] <https://www.aclu.org/legal-document/ms-l-v-ice-plaintiffs-reply-support-motion-stay-removal>

[10] <https://www.nbcnews.com/politics/immigration/new-trump-admin-order-separated-parents-leave-u-s-kids-n888631>

[11] http://media1.s-nbcnews.com/i/today/z_creative/iceform.jpg

[12] <https://www.nbcnews.com/politics/immigration/after-reunification-deadline-some-separated-children-missing-parents-remain-n895391>

[13] <https://assets.documentcloud.org/documents/4561268/SDCA-L-v-ICE-injunction.pdf>

[14] <http://socialistworker.org/2018/06/29/we-march-because-all-immigrants-must-be-free>

[15] <http://socialistworker.org/2018/06/26/breaking-the-ice-machine>

[16] <https://www.nytimes.com/2018/06/19/technology/tech-companies-immigration-border.html>

Trump is still holding migrant children hostage

[17] <http://socialistworker.org/2018/07/18/these-new-jersey-counties-make-millions-off-ice>

[18] <http://www.foxnews.com/politics/2018/07/29/philadelphia-terminates-ice-contract-after-activists-storm-city-hall-dhs-rips-misguided-move.html>

[19] <https://assets.documentcloud.org/documents/4561268/SDCA-L-v-ICE-injunction.pdf>

[20] <http://socialistworker.org/2018/07/27/pablos-release-is-a-victory-for-justice>