

Separation of Families at the U.S. | Mexico Border: A Timeline in Progress

- November 2018: Despite the official ending of family separation at the border, media reports that Border Patrol is using a legal loophole to continue separating families at the border. <https://www.propublica.org/article/border-patrol-families-still-being-separated-at-border-after-zero-tolerance-immigration-policy-reversed>.
- November 2018: Yazmin Juárez sues the U.S. government after her child, who was detained by ICE, dies.
- November 8, 2018: The Trump administration announced new rules restricting people's ability to apply for asylum, and expanding the mandatory detention of all asylum seekers including children. <https://www.cnbc.com/2018/11/08/trump-unveils-hard-line-immigration-policy-that-limits-asylum.html>.
- October 2018: media reported that the Trump administration was planning a new family separation strategy. Under the plan, asylum seeking families would be detained together for up to 20 days. After that, parents would be given a "choice" (called the "binary choice" plan) between being detained with the children through the course of the parents' immigration proceedings (which could potentially take years) or sending their children to an ORR "shelter" where they could supposedly be released to a sponsor (if the person stepping forward to sponsor is not arrested) <https://www.politico.com/story/2018/10/12/trump-administration-family-separations-return-846971> ; <https://www.politico.com/story/2018/09/06/trump-immigration-detain-families-together-770834> ; <https://fas.org/sgp/crs/homesec/R45297.pdf>
- October 11, 2018: A report by Amnesty International found that US policies caused separation to many more families than previously disclosed. <https://www.amnesty.org/en/latest/news/2018/10/usa-treatment-of-asylum-seekers-southern-border/>
- September 27, 2018: A report from the Office of the Inspector General found that DHS was not adequately prepared to implement Zero-Tolerance; struggled to identify, track, and reunify separated parents and children; and provided inconsistent information to migrant parents. <https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-84-Sep18.pdf>.
- September 2018: Numbers of detained children swelled, including because they continued arriving and those stepping forward to sponsor them often risked criminalization and deportation

<https://www.cnn.com/2018/09/14/politics/immigrant-children-kept-detention/index.html>

- September 2018: In September, data showed that those who stepped forward to sponsor children found themselves investigated and, in many cases, detained and deported. <https://www.cnn.com/2018/09/20/politics/ice-arrested-immigrants-sponsor-children/index.html>
- A complaint filed against the government by the American Immigration Council and the American Immigration Lawyers Association shows that people were so traumatized by having their children taken, and not knowing if they'd ever see them again, that they were unable to meaningfully participate in credible fear interviews, which is the first step to establishing an asylum claim. https://americanimmigrationcouncil.org/sites/default/files/general_litigation/the_use_of_coercion_by_u.s._department_of_homeland_security_officials_against_parents_who_were_forcibly_separated_from_their_children_public_fin_o.pdf In September 12, 2018, a settlement was reached that allowed some 1,000 people affected by these policies to reopen their asylum cases: <https://www.cnn.com/2018/09/13/us-reaches-agreement-over-separated-immigrant-families.html>
- Data shows that parents and kids traveling together, rather than adults without kids, were deliberately targeted under the zero tolerance policy. <https://www.motherjones.com/politics/2018/07/new-data-shows-how-trump-administration-prosecuted-migrant-parents-with-children-instead-of-adults-traveling-alone/>; <http://trac.syr.edu/immigration/reports/520/>
- It became evident that (1) several hundreds of records that might have linked parents and children had been destroyed by CPB; (2) many existing records were very incomplete (e.g. listing a deported parent's address just as "Guatemala City"); (3) many parents had already been deported; (4) parents were coerced into signing away their rights to have their asylum cases heard, and to agree to deportation, in exchange for being reconnected with their children (which often didn't happen after they signed). <https://www.nytimes.com/2018/10/02/us/politics/immigration-family-separation-dhs.html> <https://psmag.com/news/a-new-report-reveals-how-family-separation-led-border-officials-to-break-the-law>
- For reunification to occur, parents or sponsors had to undergo a security screening and DNA testing. Anyone else living in the household had to undergo screening, with the results turned over to DHS. The government tried to insist the ACLU was responsible for reunifying parents and children; the Judge said no.
- June 26, 2018: A Federal Judge ordered the Trump administration to reunify children with parents. <https://www.politico.com/story/2018/06/26/judge-orders-trump-reunite-migrant-families-678809> and

<https://www.cnn.com/2018/06/26/politics/federal-court-order-family-separations/index.html>

- June 20: after national and global protests, President Trump announced he was ending family separation (but seeking new ways to lock up parents and kids)
- June 11, 2018: Attorney General Jeff Sessions issued a ruling making it virtually impossible to be considered for asylum based on domestic abuse or threats of gang violence. <https://www.justice.gov/eoir/page/file/1070866/download>.
- May, 2018, US announced it would end TPS for as many as 57,000 Hondurans who held Temporary Protected Status in the United States, giving them until January 2020 to leave or find a route to regularize their status. The likely impact on their US citizen children was not acknowledged. <https://www.vox.com/2018/5/4/17320352/tps-honduras-cancel-trump-temporary-protected-status>
- President Trump repeatedly and falsely claimed that “bad laws” made by Democrats required him to separate families and that he was powerless to stop family separations.
- Children would be placed in the “care” of (actually, incarcerated by) Health and Human Services. No provisions were made for kids and parents to remain in contact. Anyone who was caught would be referred the Department of Justice for criminal prosecution. Secretary of Homeland Security Kristjen Nielson insisted that parents who apply for asylum at recognized ports of entry (rather than crossing the border at other points) would not be separated from their children, but this was another half-truth. <https://moratoriumondeportations.org>; <https://www.naisa.org/about/documents-archive/previous-council-statements/>
- April 2018, zero tolerance went nation-wide. Any adult caught crossing the border without authorization would be referred for federal prosecution. Adults with children would be separated from the children and risked prosecution not only for unauthorized entry but also, potentially, child smuggling, including smuggling their own children. <https://www.pbs.org/newshour/politics/watch-sessions-says-zero-tolerance-policy-may-split-families-at-border>
- In February 2018, the ACLU sued the Trump administration for separating a Congolese woman from her 7 year old daughter for more than 3 months; other parent/child separations were revealed. <https://www.aclu.org/blog/immigrants-rights/deportation-and-due-process/mother-and-child-fled-congo-only-be-cruelly>
- In January, 2018, the United States ended Temporary Protected Status for some 200,000 Salvadorans living in their United States, giving them until September

2019 to either depart or find a route to legal status.

<https://www.nytimes.com/2018/01/08/us/salvadorans-tps-end.html>.

- In December, 2017, the American Immigration Council and others sued the Trump administration for forcibly separating children from parents at the border (Complaint against Cameron Quinn and John Kelly, December 11, 2017, concerning The Separation of Family Members Apprehended by or Found Inadmissible while in U.S. Customs and Border Protection (CPB) Custody at the U.S.-Mexico Border
https://www.americanimmigrationcouncil.org/sites/default/files/general_litigation/family_separation_complaint.pdf).
- In November, 2017, the Trump administration announced it would cancel the Central American Minors Program that allowed children fleeing violence in Guatemala, El Salvador and Honduras to apply for refugee status before leaving their countries. https://www.huffingtonpost.com/entry/central-american-minors_us_5ae1f199e4b055fd7fc9608a
- July-October 2017, the Trump administration ran a pilot “zero tolerance” program in El Paso (prosecuting all migrants who crossed without authorization including when seeking asylum).
- March 2017: John Kelly announced plans to separate parents from children, and to charge adults crossing the border with children with smuggling of the children (including their own children). After an outcry, he said there would be no separations (but there were); and adults did risk smuggling charges.
- The administration did not acknowledge that parents are generally trying to save their children’s lives by bringing them; that the United States has a significant role in creating conditions that necessitate flight; and that restrictive US immigration and asylum policies are why many parents have to bring their children clandestinely
- Under Trump, expanded deterrence measures included reduced or complete denial of opportunities to apply for asylum; more expedited removal; continued detention; and repeated claims that the migrants are unlawful criminals and security threats. In this context, new guidelines called for parents and guardians of unaccompanied children caught at the border to be prosecuted. Technically, parents would be prosecuted for smuggling, but many media outlets reported that they would be charged with trafficking or smuggling. [The Trump administration claimed to be “protecting” children, yet these policies foster trafficking; combined with the lack of routes to legal admission, it forces people into making dangerous journeys
- The Obama administration’s response primarily focused on “deterrence” and criminalization, including through family detention

- Since 2014, tens of thousands of parents and children from Central America—mainly Guatemala, El Salvador, and Honduras—have journeyed to the United States to seek asylum. People have the right to seek asylum.