

## Trauma at the border: on US policy of separating children from undocumented migrants

As part of its “zero-tolerance” approach to [dealing with undocumented migrants](#), the Donald Trump administration in the U.S. has been separating parents and children within migrating families, leading to outrage over the burgeoning number of minors lodged in foster care. Reports suggest that between October 2017 and May 2018 at least 1,995 children were separated from their parents, with a significant majority of the instances between April 18 and May 31. In recent weeks, disturbing images and videos have emerged of screaming toddlers in the custody of Customs and Border Protection personnel, or in what appear to be chain-link cages in facilities holding older children, as well as one disturbing audio allegedly of wailing children at one such unit. Democrats and Republicans alike have expressed deep concern about the ethics of using children, facing trauma from separation from their parents, to discourage further undocumented border crossings. Mr. Trump, however, has refused to accept sole responsibility for the family separations. Instead, he took to Twitter to blame his Democratic opponents for not working with Republicans to pass new immigration legislation to mitigate the border crisis.

Many Indians detained in U.S. crackdown on illegal immigrants

His response begs two questions. First, why, when both Houses of the U.S. Congress are under Republican control, is Mr. Trump unable to garner the numbers to pass legislation to end family separations? [The answer is that poignantly tragic](#) though the fate of these broken families may be, the issue as such has failed to garner even as much bipartisan momentum on Capitol Hill as Mr. Trump’s rescinding of the Obama-era immigration order on Deferred Actions for Childhood Arrivals. The second question is whether the policy of separating migrant families is new, or if there was indeed “bad legislation passed by the Democrats” that supports this action, as Mr. Trump claims. The answer is that both are true. Mr. Trump’s critics are correct in that there is no single U.S. law requiring families to be separated. Rather, what the White House referred to as “loopholes” in legislation are two legal provisions: a law against “improper entry by aliens” at the border, and a decree known as the Flores settlement. The first is a federal law that makes it impossible to summarily deport certain vulnerable categories of migrants, such as families, asylum-seekers and unaccompanied minors. To get around this the administrations of George W. Bush and Barack Obama adopted the policy of “catch and release” — whereby these migrants would be released from custody pending their deportation case adjudication. Family separation was unnecessary at that time, but under the Trump administration’s zero-tolerance approach, all undocumented migrants are charged in criminal courts. Here the Flores settlement applies, because it limits to 20 days the length of time migrant children may be held in immigration detention. While their parents face charges, the children are transferred to a different location, often with devastating consequences for their families. This is unspeakable cruelty.

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