Toplines

● This administration’s constant attacks on innocent children and refugee families are deeply at odds with our shared values of family and freedom.
● Children will not be safe until these camps are closed.
  ○ Over the last few days we’ve seen reports of cruel and sadistic treatment of children. They are being detained for weeks without soap or toothbrushes, let alone adequate food and water.
  ○ Just last week, children in a Texas border station were found dirty and sick, caring for other children in overcrowded conditions. Lawyers arrived at another facility to find four toddlers under the age of 3 who were so ill they had to be hospitalized.
● People across this country will continue to fight this clear pattern of callous disregard for children and human life. We will not stop until this administration ends, and is held accountable for, its practice of tormenting and traumatizing vulnerable children and families.

The short list of this administration’s immigration failures over the past year:
1. Tore thousands of families apart
2. Responsible for the deaths of more than 6 children
3. Jailed children in detention camps under inhumane conditions
4. Tear gassed asylum seekers
5. Failed to reunite all families
6. Implemented countless anti-immigrant policies
7. Lied about what they're doing to families

FAMILY SEPARATION

● In April of 2018, the Trump administration announced a torturous, anti-immigrant “zero-tolerance” policy of criminally prosecuting all adults who cross the U.S.-Mexico border without papers, and tearing them from their children regardless of age, criminal record, or finding of unfitness.
● “Zero-tolerance” sent these adults into criminal custody while their children were falsely reclassified as “unaccompanied” minors and sent to the Health and Human Services Department (HHS) through the Office of Refugee Resettlement.
● As a result, thousands of children were separated from their families, including infants and toddlers.

SHAM EXECUTIVE ORDER TO ‘END’ FAMILY SEPARATION

● This new depth of cruelty set off nationwide outrage in the late spring of 2018 which forced President Trump to backtrack with a June 20 executive order supposedly ending the separation of families.
● Soon after, on June 26, 2018, Judge Dana Sabraw issued an order requiring the administration to also reunite all separated children.
● But it soon became clear that immigration officials executed this administration’s family separation policy without an official tracking system in place, making it nearly impossible to find all the impacted children—especially the additional thousands of kids separated before “zero tolerance” was officially announced or who were already released out of custody before Sabraw’s order came into effect.

● The Trump administration proceeded to fail to meet their reunification deadlines leaving separated children alone and traumatized in federal detention for months, including children under 5 years old.

● Babies became toddlers who no longer recognized their parents, and more reports surfaced of traumatized children rejecting their mothers at their reunification after months apart.

● After months of lies, the Trump administration finally admitted that thousands more families were ripped apart than they’d ever acknowledged. The total number is still unknown.

THIS CRUELTY PROVED TO BE SYSTEMIC

● The laundry list of incompetence and cruelty this administration used to target vulnerable children and families goes on and on.

● For instance, the Administration deported an unknown number of parents without their children—likely in the thousands—before a federal judge halted the practice. The government tricked many of these desperate parents into signing up for deportation with a false promise that they would get their child back.

● The Trump administration was happy to permanently orphan thousands of children they tore from their parents, claiming it was “too difficult” to reunite these families.

MORE THAN A YEAR LATER

● In the last eight months, six children have died after being taken into immigration custody, and countless others have suffered abuse that could last a lifetime.

● The Trump administration has continued to expand its inhumane immigration policies including repeated attempts to dismantle the longstanding U.S. asylum system and even continuing to separate children from their parents and families.

CHILD DETENTION: Flores, CBP, ORR, HHS, and For-Profit Homestead

● Once apprehended by border patrol agents and processed by Customs and Border Patrol (CBP), unaccompanied children are supposed to be sent to the Department of Health and Human Services (HHS).

● Under the Flores Settlement Agreement, children are not legally supposed to be held by border agents for more than 72 hours, barring emergency.

● HHS is then responsible for finding and vetting a sponsor (priority goes to the nearest relative) in the U.S. to care for the child while their immigration case is being processed.

● Under Flores, immigration agents are obligated to release unaccompanied children from immigration detention as quickly as possible and, while they’re being held, keep them in the least restrictive conditions possible.
• In reality, we know that these children are being held days and weeks longer than 72 hours in facilities not appropriate for children, some not even meant for adults, under the mandates of Flores.
• Traditionally, an unaccompanied minor refers to a child who arrives at the U.S. border without a parent or guardian. However, when children come to the U.S. with a relative other than their parent, they are separated from grandparents, aunts, uncles, or even older siblings. Often they are ripped from relatives who have long been their primary caregiver.
• The Homestead facility in Florida is currently the country’s only privately run, for-profit detention center for migrant children. It is the nation’s largest influx shelter and is able to house thousands of children.
• Homestead is classified as a temporary influx shelter, a loophole which allows it to operate without being governed by state child welfare regulations meant to protect minors from harm.
• Many children have been held in Homestead for months.

SECTION 1325 EXPLAINED
• Section 1325 of Title 8 of the United States Code makes it a criminal offense to enter the country without papers.
• The distinction between civil and criminal prosecution matters. Criminal prosecution is what gave the Trump administration the power to separate thousands of families in 2018. Bannered as a “zero tolerance” approach, parents were prosecuted as criminals and sent to criminal custody, thus separating them from their children.