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Source: Cate Martel, "The Hill's 12:30 Report — Sponsored by Delta Air Lines — Trump to Meet House GOP as Backlash to 'Zero Tolerance' Policy Grows," [thehill.com](http://thehill.com), June 19, 2018

On Apr. 6, 2018, Attorney General Jeff Sessions implemented a new "zero-tolerance" policy for illegal immigration that involved prosecuting all adults crossing the southwest border illegally, noting a 203% increase in illegal border crossings from 2017 to 2018. [1] The change resulted in about 3,000 children being forcibly separated from their parents because the children couldn't be held in a federal jail alongside their parents. [2][3] The separated migrant children were detained at government-run facilities, including a new "tent city" built to handle the influx of kids needing housing, while their parents were held in federal jail. [4][5] Previously, families who were contesting deportation or applying for asylum remained in the United States out of detention until their cases were resolved. [6]

The families separated at the border included a mix of legal asylum seekers and illegal border crossers from throughout Central America, many fleeing gang violence in their home nations. [7][8] DHS states that families attempting to enter the country through legal means are not prosecuted, and that asylum seekers at ports of entry were not turned away. [9] Media reports and an ACLU lawsuit disagree, saying that some asylum seekers at ports of entry in Texas and California were separated from their children or denied entry by armed Customs and Border Protection agents. [10][11]

In a June 2018 national survey of 1,000 likely voters, Rasmussen Reports found that 54% of likely voters and 82% of Republicans believed that parents who attempted to enter the United States illegally were more to blame for the separation than the government. [12] A Quinnipiac University poll found that 66% of Americans opposed the policy, compared to 27% who supported it; that support rose to 55% among Republicans. [13]

Following an international outcry and planned nationwide protests, President Donald Trump signed an executive order on June 20 to keep families detained together. [14] One week later, a federal judge ordered the government to reunite children with their parents within a month. [15]

Proponents of the family separation at the US-Mexico border say the policy was intended as a deterrent to people making the long and dangerous journey to cross the US-Mexico border illegally. They also contend that the US government is trying to curb abuse of its asylum process and that people who knowingly violate US laws have to face the consequences.

Opponents of family separation at the border say that the separating children from their parents has a damaging psychological, emotional, and physical impact. They also contend that the policy violates international law and basic human rights, and that separating children from their parents because of immigration status is immoral.

## Pro 1

Family separation was intended as a deterrent to people making the long and dangerous journey to cross the US-Mexico border illegally.

Former DHS Secretary John Kelly (now White House Chief of Staff) stated his desire to deter illegal crossings over a year before the policy went into effect: "I am considering [family separations at the border] in order to deter more movement along this terribly dangerous network. I would do almost anything to deter people from Central America to getting on this very, very dangerous network that brings them up to Mexico and into the United States." [16]

Retired immigration officer Dan Cadman stated, "On one hand is the heart-rendering temporary separation of children and parents... the other option is much more deeply troubling: not instituting effective deterrent measure, with the results that we as a nation will continue being complicit in the active use of children as pawns in a giant smuggling and trafficking enterprise." [17]

Steven Wagner, acting assistant secretary of the US Department of HHS Administration for Children and Families, told reporters in a conference call, "We expect that the new policy will result in a deterrence effect, we certainly hope that parents stop bringing their kids on this dangerous journey and entering the country illegally." [18]

## Con 1

Separating children from their parents has a damaging psychological, emotional, and physical impact.

Dylan Gee, Assistant Professor of Psychology at Yale University, stated that "Forcible separation places these children at elevated risk for mental health disorders, including post-traumatic stress disorder, anxiety, depression, attention deficit hyperactivity disorder, and conduct problems." [19]

Dr. Colleen Kraft, President of the American Academy of Pediatrics, called separating children from their parents "a form of child abuse," adding, "This type of trauma can be long-lasting, and it's difficult to recover from this. We know very young children go on to not develop their speech, not develop their language, not develop their gross and fine motor skills and wind up with developmental delays." [20]

The American Academy of Pediatrics, the American College of Physicians, and the American Psychiatric Association all spoke out against the "zero tolerance" policy. [21] The New England Journal of Medicine wrote that children who are separated from their parents suffer both short- and long-term effects, including anxiety, depression, neurological damage, and increased risk of early death, as well as a higher likelihood of committing crimes and substance abuse as adults. [21][22]

## Pro 2

The US government is trying to stop people from abusing its asylum process. Attorney General Jeff Sessions stated that "As this [US Asylum] system becomes overloaded with fake claims, it cannot deal effectively with just claims... The surge in trials, hearings, appeals, bond proceedings has been overwhelming." [23] Sessions added, "We also have dirty immigration lawyers who are encouraging their otherwise unlawfully present clients to make false claims of asylum, providing them with the magic words needed to trigger the credible-fear process." [23]

Homeland Security Secretary Kirstjen Nielsen stated that "From October 2017 to this February, we have seen a staggering 315% increase in illegal aliens fraudulently using children to pose as family units to gain entry into the country." [24]

Caitlin Dickerson, a national immigration reporter for the New York Times, wrote, "Some migrants have admitted they brought their children... because they believe it would cause the authorities to release them from custody sooner." [25]

## Con 2

Separating migrant children from their parents violates international human rights law. Ravina Shamdasani, a spokeswoman for the Office of the United Nations High Commissioner for Human Rights, said that the practice of separating migrant children from their parents "amounts to arbitrary and unlawful interference in family life, and is a serious violation of the rights of the child." [26] Photos from Customs and Border Protection short-term child detention facilities showed chain-link cages and kids sleeping on floors with foil blankets. [46]

Erwin Chemerinsky, Dean of Berkeley Law at UC Berkeley, said, "There is no doubt that the [child separation] policy is illegal under international law. The UN Refugee Convention, to which the United States is a party, clearly states that asylum-seekers should not be penalized for entering a country illegally." [27]

Jeffrey Davis, Chair of the University of Maryland's political science department, stated that the United States is also violating the International Covenant on Civil and Political Rights (ICCPR). [28]

## Pro 3

The United States has the right to decide who can enter its borders, and people who break the rules have to face the consequences.

President Trump stated in a July 29, 2018 tweet, "Please understand, there are consequences when people cross our Border illegally, whether they have children or not - and many are just using children for their own sinister purposes." [29]

According to a July 9 press release from the US Customs and Border Protection Agency, "Individuals who attempt to illegally circumvent the inspection process at the ports of entry are subject to prosecution, which requires separation of the adult. This long-standing practice maintains the integrity of the legal process to enter the United States." [30]

US Civil Rights Commissioner Peter Kirsanow wrote in a letter to AG Sessions and HSS Secretary Nielsen that, "People who cross the border illegally have committed a crime, and one of the consequences of being arrested and detained is, unfortunately, that their children cannot stay with them... the Department of Justice should continue enforcing existing law and prosecute every case of illegal entry." [31]

## Con 3

Separating children from their parents because of immigration status is immoral.

President of the US Conference of Catholic Bishops Daniel DiNardo stated, "Families are the foundational element of our society and they must be able to stay together. While protecting our borders is important, we can and must do better as a government, and as a society, to find other ways to ensure that safety. Separating babies from their mothers is not the answer and is immoral." [32] In an interview with Reuters, Pope Francis supported the statements by the US Catholic Bishops, saying that family separation is "contrary to our Catholic values" and "immoral." [33]

Former First Lady of the United States Laura Bush wrote in an op/ed, "I appreciate the need to enforce and protect our international boundaries, but this zero-tolerance policy is cruel. It is immoral. And it breaks my heart." [34]

A letter to the US government signed by 25 US Jewish organizations and the Anti-Defamation League said that the policy "undermines the values of our nation," adding, "Separating families is a cruel punishment for children and families simply seeking a better life and exacerbates existing challenges in our immigration system." [35]

Since 2014, the United States has witnessed a migration crisis from the 'Northern Triangle' region of Central America. [36] This region, which includes Honduras, El Salvador, and Guatemala, is characterized by high levels of violence. Per capita intentional homicide rates display this violence where Honduras ranks second, El Salvador third, and Guatemala sixth in the world. Notably, in 2014 and 2015, over 90% of all unaccompanied immigrant children came from these three countries. [37]

The Obama administration created guidelines that prioritized deporting individuals who posed a national security risk or committed felonies; the Trump administration enacted Executive Order 13768 to deport all immigrants charged with a crime. [38][39] It also enacted a zero-tolerance policy, which stated that following the sentencing phase of cases, prosecutors should seek judicial orders of removal (deportation). [40]

The Trump administration cited previous legislation and court decrees to justify its actions. First, the Immigration and Nationality Act of 1952 stated that any individual who crosses the border illegally is charged with a misdemeanor. [41] This act lays the foundation to charge an immigrant in the country illegally with a misdemeanor, allowing the deportation process to begin per Executive Order 13768. Second, citing the 1997 consent decree in *Flores v. Reno* and the 2016 decision by the US Court of Appeals, Jeff Sessions stated that "ICE can only keep families detained together for a very short period of time." [38][42]

On June 27, 2018, a federal judge appointed under President George W. Bush ordered the Trump Administration to reunite parents and children separated at the border within 30 days, and children under 5 within 14 days. [15][43] As of Aug. 10, 1,569 minors have been reunited with their parents, while 559 still remain separated. [44] Of those who have not been reunited, 386 could not be

9/10/2019 reunited d... West... Parents... already... being... reported... [44]... Additionally, USC... child... could... be... reunited... because their parents did not want them to be reunited as they would rather have their child stay in the US than return to their home country. [44][45] ProCon.org

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