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"We tortured these families, we took their children," said Carol Anne Donohoe, the managing attorney with Al Otro Lado, a group that has been working to reunite deported parents with their children. "Some parents and children haven't seen each other in over three years. It's an abomination, and we need immediate action ... and accountability to ensure this never happens again."

A critical step, advocates say, will be a full accounting of the scope of family separations, and recognition by the government of the enduring consequences.

## The cruelty and chaos of 'zero tolerance'

In April 2018, the Trump administration announced a "zero tolerance" policy to prosecute all unauthorized crossings at the border, making no exception for asylum seekers or people with children. As a result, US immigration officials forcibly separated children from their parents and guardians, filing thousands of criminal cases against migrants who had fled violence to seek asylum in America. The parents were detained while their children were taken and treated as "unaccompanied minors", placed in jails and shelters for migrant youth.

"It just felt like chaos," recalled Roberto Lopez, the community outreach coordinator with the Texas Civil Rights Project (TCRP), who was working in south Texas courtrooms where hundreds of separated parents faced criminal charges in an assembly line. "It was a mass prosecution ... There was just so much pain. Many times they were asking, 'Do you know where my kid is? When will I see them?' And we had to tell them again and again, 'We don't know.""



US border patrol agents prepare to take a group of Central American asylum seekers into custody on 12 June 2018 near McAllen, Texas. Photograph: John Moore/Getty Images

In Phoenix, Arizona, Vanessa Pineda, with the Young Center for Immigrant Children's Rights, all of the sudden encountered toddlers in migrant shelters for children, where she was typically working with teenagers who had come to the border without guardians. Some children thought their parents had abandoned them, she said, especially as parents in custody had no way to locate or contact their children.

"I was trying to figure out where the parents were, but the kids would have no information," said Pineda. "It was just so horrific."

After the reality of the policy became more public, including leaked audio of sobbing children in detention, backlash intensified, and in June 2018, Trump signed an order to end separations. It was a rare policy reversal during his presidency, and it came just before a federal judge in San Diego ordered the government to reunite families.

But the separations didn't stop. The US continued taking children at the border by making vague and unsubstantiated claims that their parents were a danger or citing old criminal records. The American Civil Liberties Union (ACLU) reported shocking examples in court, including a man deemed a bad father because his daughter's diaper wasn't changed; a man separated from three daughters because he had HIV; and a three-year-old girl separated because officials disputed her father's paternity (which was eventually confirmed by a DNA test).

Meanwhile, the ACLU's litigation and a number of investigations have slowly begun to uncover the scale of the policy, including revelations that the US was separating families as early as July 2017 under a secret "pilot" program. The government has admitted to having inadequate tracking systems and has resisted disclosing its information, but records suggest that more than 5,500 children were separated since 2017. Hundreds were under the age of five, including some who were infants and toddlers.

The ACLU and other groups have helped reunite thousands of families, but many are still separated. Many parents who were deported without their children were forced to make a devastating choice: have their children deported back to them, which could put them in harm's way, or remain apart indefinitely.

Some remain missing, with a court-appointed committee unable to locate the parents of 628 separated children.

The majority of missing parents who were deported were sent to Guatemala, with others sent to Honduras, El Salvador and Mexico. Designated not-forprofits use the limited records they have received from the government to first try to locate parents by phone - sometimes an impossible task when deported parents are in remote and rural areas.



Protesters denounce the Trump administration's policy of separating detained immigrant children from their parents, at a rally and march in Los Angeles, California, 14 June 2018. Photograph: Eugene García/EPA

When advocates reach parents, the phone calls are challenging. Some parents worry the US government is trying to deport their children or find a way to detain them once again: "People are really fearful and really distrustful, 100% rightfully so, and that's a huge barrier," said Leah Chavla, of the Women's Refugee Commission, one of the groups making calls.

For those unreachable by phone, groups such as Justice in Motion have defender networks on the ground who conduct painstaking searches in Central America. "These families are so devastated and feel so abandoned, so they're just floored when one of the defenders walks in the door and says we can help," said Cathleen Caron, the executive director.

But that work has been significantly impeded this year - first by Covid-19, which forced a major slowdown in searches, and then by devastating hurricanes in November.

## What Biden can do

Migrant groups hope Biden will act quickly to reunify families. The president-elect has pledged to reverse policies that separate families at the border and launch a taskforce to identify missing parents.

But advocates want Biden to go further and use his executive powers to provide legal status and protection for all families, ensuring they can reunite and remain in the US. Parents who have already suffered unfathomable harms should not have to face lengthy asylum trials or processes that could result in denials or detention, they argue.

"These families, regardless of what brought them to our border, were then subjected to a massive human rights violation," said Jennifer Nagda of the Young Center. "The right answer is to permit them to come back and live safely here, because of what we did."

Even if all 628 of the parents identified in the court case were located, there are many more who were found, but barred by the Trump administration from reuniting in the US since the parents were deported, said Donohoe, of Al Otro Lado. The federal litigation has not provided relief for most deported parents.

Donohoe represents roughly 30 separated families who have been denied reunification and whose best hope is an expansive Biden policy that allows separated families to live in the US. "I have no illusions that this is going to be easy. We will pursue any and all avenues to get them back."

Advocates have also continued to identify discrepancies in federal reports about the number of children separated. In just one Texas court, TCRP identified <u>939 children who were separated</u> after zero tolerance ended, and more than 500 of them had come to the US with adults who weren't considered parents, such as adult siblings and step-parents.



E Fernando Arredondo of Guatemala reunites with his daughters Andrea, Keyli, and Alison, at Los Angeles international airport, 22 January 2020. Photograph: Ringo HW Chiu/AP

Reunited families will also be grappling with lifelong psychological damage. The Physicians for Human Rights group earlier this year concluded that the policy constituted "torture" after evaluating families who were separated for 30 to 90 days. Victimized children suffer from severe PTSD, separation anxiety and other mental health conditions, and advocates say they need compensation and resources.

Conchita Cruz, the co-executive director at the Asylum Seeker Advocacy Project (Asap), said her group has connected more than 200 families to attorneys to pursue monetary damages. She hopes the new administration can settle these kinds of lawsuits in a way that provides protection and restitution for victims, as well as broader accountability: "There has to be a cost for this type of abuse."

The true toll of the policy, however, will never be known, said Nagda, noting that the government's disclosures have been incomplete: "We will always have to live with the fact that there will be kids and families we don't know about. And that's just unacceptable."

I hope you appreciated this article. Before you move on, I wanted to ask if you would consider supporting the Guardian's journalism as we enter one of the most consequential news cycles of our lifetimes in 2024.

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