Family Separation: What We Know About the 545 Children Who Have Not Yet Been Reunited with Their Parents

Who are the 545 children recently mentioned in the media?

On October 20, 2020, attorneys for the American Civil Liberties Union (ACLU), who are leading the court ordered effort to reunify the families separated by the Trump Administration’s zero-tolerance policy, reported that the parents of 545 children have yet to be located. They are the families who were likely separated during a 2017 pilot program of the zero-tolerance policy.

How do these still separated children relate to family separation?

In 2018, the Trump Administration began implementing a “zero-tolerance policy” for prosecution of individuals entering the U.S. without authorization. Under this policy, the Department of Justice (DOJ), with the cooperation of the Department of Homeland Security (DHS), referred all individuals over 18 who crossed the U.S. border without authorization for criminal prosecution, including adult members of family units. Family units were separated upon apprehension at the border when the adult family members were taken into government custody to await prosecution and their children were deemed “unaccompanied” and transferred to the custody of the Department of Health and Human Services Office of Refugee Resettlement (HHS/ORR). The zero-tolerance policy contributed to a steep increase in family separation that began several months in 2017 prior due to family separation in the El Paso border sector. In 2018, USCCB.MRS and the Lutheran Immigration and Refugee Services authored a report, Serving Separated and Reunited Families: Lessons Learned and the Way Forward to Promote Family Unity, detailing the family separation policy and some of its implications.

In June 2018, after extensive opposition, President Trump issued an Executive Order (EO) limiting family separation, but the EO did not address thousands of children who had already been separated. Days later, the U.S. District Court for the Southern District of California issued a preliminary injunction, or pause halting family separation and ordered the reunification of separated families.
If a federal court ordered family reunification, why are these children still separated?

Unfortunately, approximately 1,000 families who had been separated under the 2017 pilot program of the zero-tolerance policy were not initially covered by the court order and their reunification was not required until 2019.6 The passage of time and the incomplete data obtained from U.S. officials has made finding both parents and children extremely difficult.7 It is estimated that more than two-thirds of the separated parents have returned to their home countries.8 Efforts to locate parents in home countries have been further upended by the COVID-19 pandemic. Many of the separated children separated were transferred to HHS/ORR custody and reunified with approved sponsors in the U.S., often other family members.

How has USCCB/MRS helped in ending family separation?

In July 2018, HHS and DHS contacted the U.S. Conference of Catholic Bishops Migration and Refugee Services (USCCB/MRS) about assisting separated families that the government planned to reunite. USCCB/MRS worked with Lutheran Immigration and Refugee Services (LIRS) through their on-the-ground partners to provide direct services to reunified families across various reception sites throughout the country, including providing each family with immediate shelter, a hot meal, a change of clothes, a shower, and assistance with making travel arrangements to their intended destinations. Together, USCCB/MRS and LIRS served 1,112 families who were reunified and released in July 2018.9 Further, USCCB/MRS continued monitoring instances of family separation in its network and filed complaints to the Office of Civil Rights and Civil Liberties in instances of wrongful family separation.

What is the Church’s position on family separation?

The Catholic Church holds that absent child protection concerns, the U.S. government should refrain from separating children from their parents. Our branches of government must work to ensure that family unity and safety be the primary consideration in any future decisions impacting immigration and migrant families. Catholic social teaching encourages us to be welcoming and compassionate to those fleeing from harm in their home countries; we must ensure that our country’s laws are a reflection of those values.

Endnotes

2 Id.
4 Id.
5 Id.
6 Katkov, supra note 1.
8 Katkov, supra note 1.
9 Serving Separated and Reunited Families, supra note 2 at 3-4.