

Family Separation and Detention at the Border—Impacts on Children

During the spring of 2018, the United States government implemented a new zero tolerance policy for people crossing the southern border without authorization. This policy led to the widespread separation of families, as parents faced criminal prosecution for illegally entering the country. Adults were taken into criminal custody separate from their children, who legally cannot be detained for longer than 20 days under the 1997 Flores Settlement Agreement. The children separated from their parents were designated as “unaccompanied” and referred to the custody and care of the Office of Refugee Resettlement. Though the exact number of children separated from a parent or guardian is unknown, the U.S. government estimates that 2,737 children were separated from their families during the implementation of the zero tolerance policy. The class action lawsuit, *Ms. L v. Immigration and Customs Enforcement (ICE)*, directed the U.S. government to reunify all separated families.

IMPACT OF SEPARATION ON THE HEALTH OF CHILDREN

During Christmas of 2018, approximately 9,800 children in the United States spent the holiday in large-scale institutions holding more than 100 children each. Separating or detaining families adds to the existing trauma and stress that they have already endured in their home country or en route to the United States. Families entering the United States are fleeing dangerous situations where children likely experienced violence (see “Caring for Unaccompanied Children” fact sheet). The American Academy of Pediatrics notes that children exposed to traumatic events, such as separation from a parent, disrupts the child’s development and can result in short- and long-term negative impacts on physical, mental, and behavioral health.¹ Some children experience changes in eating and sleeping, increased fear and anxiety, and/or withdrawal and anger.

IMPACT OF DETENTION ON THE HEALTH OF CHILDREN

Detaining children, even with their families, puts them at risk of being exploited and abused and restricts their access to proper health care. Detention centers often have a lack of beds, open toilets, no bathing facilities, insufficient food and water, and no access to legal counsel.² The detention system also hinders a parent’s ability to respond to their child’s needs, adding stress not only to the parents but also to their relationship with their children. Children in detention do not have access to adequate education, and, similarly, there is not an orientation process for those being detained that explains a timeline for their detention or case processing.

LEGAL IMPACTS

When children are separated from their parents, their asylum cases are separated from their parents’ and the cases are processed individually, adding to current backlogs in the courts. Oftentimes, children do not fully understand why their family fled to the United States because their parents might try to protect their children by withholding unsettling facts about their home. The separation complicates children’s asylum cases as they are unable to communicate with or locate their family members and get access to information and testimony needed for their case.



Bethany provides small-group care and transitional foster care for children who are seeking refuge in the United States without their families. The goal of these programs is to ensure that children who have fled for their lives are cared for, kept safe, and quickly and safely reunified with their families. Bethany provides essential services to the children in their care, such as a safe, temporary foster home, education, medical care, case management, mental health services, legal screening, and post-release services.

Transitional foster care was designed to provide care to truly unaccompanied children, not to enable the forced separation of families. While we are committed to providing unaccompanied children with the best care possible, we will also speak up on their behalf.

<https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/2.7.19%20E%26C%20Testimony%20Dona%20Abbott.pdf>