

The New Executive Order is No Solution: Three Facts on Family Separation and Detention

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After extensive public pressure—from elected officials, media, academics, the business community, world leaders, religious groups, and the broader public—the Trump Administration contradicted its argument that it had no power to end its zero-tolerance policy of separating families at the border. Trump has now signed an executive order, [Affording Congress an Opportunity to Address Family Separation](#), amending his policy of family separation to one that detains families together. However, it is likely that the new policy will lead to indefinite family detention as the Department of Justice has filed a request to modify the [Flores settlement agreement](#), which prohibits children from being detained for longer than twenty days. Jailing families is not a solution to family separation. This policy is divorced from empirical reality and it will have long-lasting consequences for immigrants, local communities, and the nation.

Here are three facts about migration, family separation, and the broader societal consequences of immigrant detention.

1. Undocumented immigration from Mexico is at historic lows, according to U.S. Border Patrol data, whereas migration from Central America is fueled by complex factors, attributed to a history of U.S. intervention in the region.

More Mexicans are leaving the U.S. than are arriving, net migration from Mexico has fallen to zero, and total apprehensions at the U.S.-Mexico border are at their lowest levels since 1971. Broader social, political, and economic processes between receiving and sending nations are what induce people to move. Migration flows from Central America's Northern Triangle (which includes the countries of El Salvador, Honduras, and Guatemala) have increased, and people are fleeing economic and political instability and gang violence caused by a long history of U.S. political, economic, and military intervention in the region. Contrary to Trump's claims that a border wall and draconian policies mandating familial separation and detention serve as mechanisms of prevention through deterrence, a long body of research demonstrates that prevention through deterrence policies do not stop people from migrating. Instead, these policies have resulted in unintended effects, such as caging people in to the U.S. and migrant deaths at the border.

2. Many families from Central America are seeking asylum from these and other conditions in accordance with U.S. and international law.

According to the American Immigration Council, "Asylum is a protection granted to foreign nationals already in the United States or at the border who meet the international law definition of a 'refugee'." U.S. and international law define a refugee as a person who is unable or unwilling to return to his or her home country, and cannot obtain protection in that country, due to past persecution or a well-founded fear of being persecuted in the future "on account of race, religion, nationality, membership in a particular social group, or political opinion." Asylum requests by migrants from the Northern Triangle increased by 25% in 2017, likely a result of unprecedented levels of violence in the region. The attorney general has taken steps to redefine who is eligible for asylum, and new administrative

actions eliminate domestic abuse and gang violence as a basis to claim asylum—which will make it more difficult for the most vulnerable, women and children who are fleeing violence in the Northern Triangle, to seek protections.

3. There are long-lasting detrimental effects to family separation, child and family detention, and immigration enforcement.

Forcibly separating children and parents comes with severe impacts on children's development and wellbeing and results in significant psychological and mental-health consequences. Family separation or indefinite family detention could result in toxic stress, which fundamentally alters children's brain architecture. Separated parents and minors are more likely to experience post-traumatic stress disorder, depression, and anxiety. Detention centers are ill-equipped for handling the mental health issues of children who have embarked on an often long and traumatic journey to the U.S., and for the additional issues that children encounter while in detention. Finally, adult detention centers are equally notorious for a lack of mental health care services.

Trump's border control and enforcement policies will continue to have numerous negative effects on immigrants already living in the U.S., their U.S. citizen family members, and the communities to which they are connected. Research from CSII and the Center for American Progress estimates that more than 5.9 million citizen children in the U.S. live with at least one undocumented family member. Negative effects stem from both enforcement and the fear of enforcement, which results in what sociologists Cecilia Menjivar and Leisy Abrego refer to as "legal violence". Research shows that children living in the U.S. with a parent in immigrant detention endure psychological trauma from the complexity of navigating the detention system, family and economic instability, and parental depression. Moreover, detention threatens a family's economic security, often resulting in the loss of a breadwinner and an additional financial burden due to the costs required to support a detained parent. Research also shows that undocumented immigrant families, regardless of whether a family member has been detained or deported, live in fear and may withdraw from public life, like attending schools and accessing healthcare, impeding integration. Fear of detention and deportation erodes community cohesiveness and affects public safety by reducing the likelihood that undocumented immigrants report crimes as they come to distrust U.S. institutions in a hostile anti-immigrant context. For instance, post-Trump election reports of domestic violence have decreased across major counties with Los Angeles falling by 3.5%, San Diego by 13.3% ,and San Francisco by 18%. Removing the fear

of detention and deportation and providing a pathway to citizenship can relieve these detrimental effects on children and have positive benefits for society at large by restoring trust and promoting integration.

What's Next?

This executive order, and increasing immigration enforcement, will have significant long-term human costs and broad societal impacts. The new executive order is silent about reuniting the more than 2000 children who have already been separated from their families and, like others, we are left with several questions: How will these children be reunited with their parents? Will the Flores agreement remain in effect? Children and families seeking asylum are in accordance with U.S. and international law so, as Christina Fialho asks, why are we jailing them at all when humane and cost-effective solutions exist? Will LGBTQ migrants targeted for their gender or sexuality still be able to seek asylum? Who is profiting from the expansion of private immigrant prisons and shelters? Ultimately, this new executive order and other recent administrative actions raises new challenges and concerns. Moving from detaining families in separate facilities to detaining families in the same facility is neither sustainable nor humane, nor is unraveling U.S. refugee and asylum policy.

See also <https://dornsife.usc.edu/csii/jodyavallejofactsimmigration/>