

# FAMILY SEPARATION: ONE YEAR LATER

**KiND**

**KIDS IN NEED OF DEFENSE**



# Family Separation: One Year Later

On May 7, 2018, the Trump Administration announced its “Zero Tolerance Policy,” a brutal and ineffective form of deterrence to families seeking safety, under which families arriving at the border would be separated. Parents would be held in adult detention facilities and prosecuted for illegal entry—despite exercising their lawful right to seek asylum—while children would be reclassified as unaccompanied and placed in the custody of the Office of Refugee Resettlement (ORR).

**From May to July 2018, at least 2,800 immigrant and refugee children were separated from their parents** after crossing into the U.S. seeking safety. The Administration implemented the policy with no plan in place to connect or reunite these children with their parents and ultimately deported hundreds of parents without their children. The remote and scattered locations of the parents and children, gaining access, collecting data, the moving target of where they were detained or released, and the challenge of expeditiously informing adults and children of their rights created enormous obstacles to helping families access the asylum system.





## KIND's Work in the U.S.

**Over the past year, KIND assisted 830 children, parents, and guardians affected by the Administration's "Zero Tolerance" policy.** In collaboration with private sector and non-profit partners, KIND's legal services, advocacy and communications, and regional teams leveraged a multi-dimensional response to the crisis, helping to address the immediate needs of families while also shaping the larger legal and policy landscape on this critical issue.

After responding rapidly to the need at the border during the summer of 2018—including accepting over 100 cases overnight from an ORR facility in New York that had received high numbers of young, separated children—KIND attorneys assessed each case for legal relief while continuing to receive referrals for released children and reunified families. KIND's newly created Family Separation Response Team, in coordination with attorneys throughout KIND's ten field offices, worked tirelessly to serve each separated and reunified family, as well as children that remained separated for several months past the court-ordered reunification deadline of July 2018, and children that, even today, remain separated from their parents.

# 2,814

children were separated  
during "Zero Tolerance"  
Policy

# 400

separated children  
were assisted by KIND

# 430

separated parents  
were assisted by KIND





**KIND is currently assisting nearly 300 separated children to pursue permanent immigration relief in the U.S.** Staff also assisted several dozen children whose cases are now closed; some children voluntarily departed the U.S. to reunify with their deported parents while others moved to jurisdictions not currently served by KIND. In addition, KIND is providing legal representation through mentoring and technical assistance to more than 80 parents who were separated and then reunified with their children. These “family unit” cases are particularly complex due to their unique procedural posture, a direct result of the government having rendered the children as unaccompanied, thus placing the child on a different legal track from the parent.

In addition to directly handling the legal cases of separated children and their families, the Family Separation Response Team provides expert mentorship and training to pro bono attorneys and other KIND staff, collaborates in ongoing coalition-building and litigation efforts, and works with partners across the U.S. to support families affected by the crisis. The team also provides remote mentoring to attorneys serving approximately 25 children who have settled outside of KIND’s areas of service in eight different states.

Most of the children have been exposed to multiple traumatic events, putting them at great risk for mental health disorders. KIND has strengthened its social services program and developed a trauma-informed care approach for this particularly sensitive population, as the legal process itself often triggers upsetting memories and experiences. With a dedicated Social Services Coordinator in each field office, supported by a Director and Deputy Director of Social Services, KIND is committed to addressing the children’s medical, mental health, and other critical needs so they can effectively pursue their legal cases.





**"As a new mom, I have a new, deeper understanding of the bond between parents and children. I can't imagine being separated from my son. It would be like someone cutting off a limb. It's important to me to help keep all families together, regardless of their status."**

**-Donor from Illinois**

**"I don't think [the family separation policy] is accomplishing anything other than terrorizing children and their parents. This is a legacy that is going to haunt us for a very long time."**

**- Wendy Young, KIND President**

**"Do you think that I will be home by the end of the month? It's my mom's birthday and I don't want to miss it. My little sister's birthday is in two weeks so I think I will miss hers, but I want to be home for my mom's."**

**- Separated 9-year-old girl from Guatemala**

**"My daughter, 6 years old, has a heart condition and needs surgery or she will die. In Honduras, that surgery was not available. I had to come so that she could get the surgery and live. What was I supposed to do, stay in Honduras and watch my daughter die? I came so that my daughter could live. What would you do?"**

**-Separated mother from Honduras**

**"Inside the detention center, I had no sense of time. Hours would go by as I met with parents separated from their children. We sat in a small visitor room, with large windows, surrounded by other parents meeting with lawyers. We could see the tears, the despair, the emptiness through those windows. After my last visit, I was spit back out into the hot Texas sun, still rocked by the stories I had heard, the tears I had shared, the visceral sadness of the separated parents. I want their stories to be told. I want everyone to hear and feel this sadness and frustration and helplessness and to respond, to raise their voices to reunify families and to stop separating families."**

**-KIND attorney from San Francisco**

**"As the son and grandson of immigrants, I value all lives, especially those of children who are carried over borders by parents or arrive by themselves in need of refuge...America is one of the most bountiful nations in the world and we should never shy away from sharing that bounty...by sharing, we continue to increase our own wealth and prosperity as a Nation."**

**-Donor from Pennsylvania**

**"You can't send us back! Make sure they know that. They will kill my dad if we go back. Can you make sure to tell them that?"**

**- Separated 8-year-old boy from Honduras**



## KIND's Work in Central America

Through our regional team, KIND also assisted separated children who were seeking reunification with a deported parent in their country of origin. The U.S. government, while arranging for travel, was not informing parents on a timely basis of the return of their children or helping with the costs of parents' travel to reception centers.

KIND took on coordinating these reunifications with its partner organizations in Central America. The partners contacted parents to inform them about their children's upcoming travel back to the country of origin, to explain how and where to reunify with their children, and to assist with the cost of transportation.

The regional team was instrumental in supporting the ACLU's *Ms. L v. Sessions* lawsuit that challenged the family separation policy. Together with local partners,

**KIND communicated with over 130 deported parents whose separated children remained in the U.S. and with the children's attorneys to determine parental and child preferences in these cases.** Through calls and in-person meetings in Guatemala, we identified 20 parents with potential protection claims that were overlooked while they were in the U.S., or for which there were significant due process concerns, and referred them to an NGO for representation in their efforts to return to the U.S. KIND advised the ACLU on the due process violations, gave feedback on the proposed settlement agreement, and offered guidance on sensitive cases with particularly young children.



# Your Response

KIND is overwhelmed by the show of support from community members, pro bono partners, and donors over the past year. **Over 20,000 donors raised more than \$6 million to support KIND's work.** This response enabled KIND to mobilize quickly and send our highly trained attorneys to work with parents and children in detention facilities. Highlights from the past year include:

The cast and crew of NBC's hit show, "The Good Place," raised over \$50,000 in an online fundraiser



Many of our youngest supporters raised money through bake sales and lemonade stands



"Full Frontal with Samantha Bee" dedicated their holiday special to KIND, ultimately raising over \$300,000 to support the Family Separation Response Team



Miley Cyrus launched a Facebook fundraiser for KIND in lieu of birthday gifts



From benefit concerts to shirt sales, over 60 grassroots fundraisers were hosted across the country

## The Road Ahead

Despite the rollback of family separation, the Administration continues to implement harsh new policies, further endangering the rights and protection of children alone.

In January 2019, the Administration announced its Remain in Mexico (RiM) policy, which requires Central American asylum seekers to wait in Mexico until their asylum claims are fully adjudicated by a U.S. immigration court -- a process that can take months or even years. While government officials have stated that the policies will not apply to unaccompanied children, KIND's fact-finding missions documented numerous children being turned back to Mexico and living in precarious and even life-threatening circumstances.

To address the root causes of children and families' flight for safety, KIND will continue to encourage Congress to fund effective programs that combat corruption, violence, impunity and extreme poverty in Central America and to press for cross-border coordination between governments, international organizations and non-profit partners. For children in deportation proceedings, KIND will continue to provide robust pro bono legal representation and strengthened social services. **KIND is committed to working on the many challenges posed by the ongoing family separation crisis—and implementing strategic, durable solutions for children and families— in 2019 and beyond.**





# THANK YOU

**Thank you for allowing us to give hope and stability to children and families who have been faced with unthinkable challenges.**



KIDS IN NEED OF DEFENSE

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