Ending Separation of Immigrant Families - US

Why in news?

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Trump has signed an executive order to end separation of immigrant families on the US-Mexico border.

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What was the separation policy?

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- This was part of Trump administration's “zero-tolerance” approach to dealing with undocumented migrants.
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- It involves separating children from undocumented migrant parents.
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What is the legal backing for this?

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- There is no single U.S. law requiring families to be separated.
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- But there are loopholes in legislations leaving way for two legal provisions:
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i. a law against “improper entry by aliens” at the border
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ii. a decree known as the Flores settlement
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- The first law makes it impossible to suddenly deport certain vulnerable

categories of migrants.
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- These include families, asylum-seekers and unaccompanied minors.
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- To overcome this, Bush and Obama administrations adopted the policy of "catch and release".
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- Under this, migrants would be released from custody pending their deportation case adjudication.
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- Family separation was unnecessary at that time.
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- But under the zero-tolerance approach, all undocumented migrants are charged in criminal courts.
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- Here, the Flores settlement applies.
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- This is because it limits to 20 days the length of time migrant children may be held in immigration detention.
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Why is the policy reversed now?

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- While their parents face charges, the children are transferred to a different location.
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- Separation leads to devastating consequences for the families.
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- They remain in the custody of Customs and Border Protection personnel.
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- Recently, disturbing images and videos of struggling children have emerged.
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- In particular, there was a disturbing audio allegedly of crying children at one such unit.
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- There was widespread protest about the ethics of using children to discourage further undocumented border crossings.
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What is the present order?

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- The order does not end the “zero tolerance” policy.
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- It still calls for criminal prosecution of immigrants crossing the border illegally.
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- However, now the illegal immigrant families would be detained together.
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- It also moves parents with children to the front of the line for immigration proceedings.
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What are the concerns?

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- There are mixed reactions to the executive order, with significant concerns being highlighted.
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- The President’s Executive Order seeks to replace one form of child abuse with another.
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- It may pave the way for the long-term incarceration of families in prison-like conditions.
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- Instead of protecting traumatised children, it may place them in more disturbing conditions.
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- It may indeed be a continuation of violation of children’s human rights.
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Source: The Hindu

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