



Administration's Plan to Forcibly Separate Children from their Parents is Unconscionable: You Don't Use Children to Send a Message

March 7, 2017—The Secretary of the Department of Homeland Security, John Kelly, announced on March 6th that his agency is considering a plan to forcibly separate children from their mothers and fathers at the border. Parents would be sent to adult immigration detention facilities. Their children, regardless of age, would be taken away from their parents and transferred to children's facilities spread across the United States. Secretary Kelly's articulated purpose: to deter other families from making the journey to the United States.

“Tearing children away from their parents in this manner, and for this reason, is unconscionable and violates basic legal principles,” said Maria Woltjen, Young Center Executive Director. Under federal law and the law of every state, children have the right to remain in their parents' care unless that parent poses a specific threat to the child's safety. Although our laws vary state by state, the foundational principle is family unity: keeping children with their parents, where they are loved and feel safe, where they can grow and develop. Likewise, all parents have a fundamental right to care for their children unless they are determined by a judge to be unfit.

Here, Secretary Kelly is threatening to remove children from their parents solely to send a message to other families that they should not come to the United States even to seek protection from persecution—that plan would violate the child protection laws of all 50 states and would inflict life-long trauma on these children, children our laws are designed to *protect*.

Imagine a toddler, taken from her mother just after coming to the border to escape an abusive father. A five-year-old flown across the country to a federal children's shelter while his father, who fled political persecution, is detained in Texas. The separation could be months, or even years long.

Jennifer Nagda, Young Center Policy Director, said “to wreak such damage on children and families, in an attempt to deter future migration by others, is fundamentally unjust and would likely be struck down in the courts.” This is not the first time the federal government has sought to detain families in order to send a message. In February 2015, a federal court in Washington, DC ruled that DHS could not detain mothers and children seeking asylum in an attempt to deter others from coming to the United States—and shortly afterwards the government reversed course.

Children are children—deserving of special care—regardless of their country of origin, the color of their skin, or the religion they practice. [The courts know.](#) [Doctors know.](#) [Social workers know.](#) And every parent knows. You don't use children to send a message.

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