

Update: LASA statement on the separation of children from parent in the U.S.



LATIN AMERICAN  
STUDIES ASSOCIATION

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### **Replacing the cruelty of family separation with family detention is not a meaningful solution**

In response to the overwhelming public outcry against the policy of separating children from their parents at the border, President Trump has signed an executive order ending the policy of removing children from their parents when parents are imprisoned for the crossing the border when unauthorized, in many cases to seek asylum. The administration has not changed their “zero tolerance” policy, however. This will likely place large numbers of migrant parents and children who are seeking protection in U.S. detention facilities together. If children are left in detention for more than 20 days with their parents, this would be illegal according to an existing 1997 consent decree, known as the Flores settlement. Replacing the cruelty of family separation with family detention is not a meaningful solution. LASA calls on the U.S. administration to end zero tolerance, recognize the right of asylum seekers to a hearing, and to stop criminalizing refugees and immigrants.

Many of these families are from Central America, a region with a long history of poverty, violence, and U.S. intervention. As an international organization of scholars and practitioners engaged in the study of Latin America and concerned with human rights, the Latin American Studies Association (LASA) expresses its repudiation of the “zero tolerance” policy that is producing a humanitarian crisis at the U.S. - Mexico border.

According to the U.S. Department of Homeland Security, from early May to June 18<sup>th</sup>, 2,342 children have been separated from their parents at the U.S. - Mexico Border. This is the result of the April 6<sup>th</sup> announcement by U.S. Attorney General Jeff Session to prosecutors to immediately adopt a “zero tolerance” policy for undocumented border

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crossings. The executive order of June 20, 2018 that no longer calls for children to be separated from their families but to be incarcerated together does nothing to reunite children and parents who were separated at the border. The continuance of the “zero tolerance policy will continue to result in all who have crossed the border and are believed to have “committed any crime, including illegal entry” to be referred to the Justice Department for prosecution. If convicted they can be deported.

There are already thousands of children and parents who have suffered the consequences of separation. There has been ample documentation of the trauma children have suffered in being separated from their parents at very young ages. There is also a long history of studies in psychology showing that forcibly separating children from their parents produces long-lasting trauma and distress into adulthood.

We now have a system that detains everyone who enters the U.S. without documentation and attempts to deport them as quickly as possible without regard for their right to seek asylum and receive credible fear hearings. The U.S. government has abandoned any pretense of prioritizing the deportation of serious criminals and now has criminalized all refugees seeking protection.

By framing the immigrant discussion as a choice between secure borders and prosecution of all who cross them illegally and “open borders” that allows criminal elements to enter the United States, the Trump administration is creating a false narrative that stokes fear and criminalizes immigrants. The Trump administration is also omitting from the debate consideration of the conditions that propel people to leave their homes and communities in search of safe haven. Individuals and families from El Salvador, Guatemala and Honduras have fled to the United States because of rampant violence, gang activity, and government failure in their home countries. Child refugees and their parents seeking safety they are entitled to under international law continued to be used as political hostages to force funding of a broad anti-immigrant agenda in the United States.

LASA calls on President Trump and the U.S. Congress to act to end this situation immediately. We find it morally and legally unacceptable to subject these families to cruel treatment in detention together. They must receive access to legal assistance, and be offered the opportunity to a credible fear hearing and to petition for asylum, a right they have under international law. Using the vulnerability of suffering of mothers, fathers, and children who are fleeing violence as a bargaining chip for achieving a wider set of anti-immigrant laws is not acceptable.

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### **About LASA**

Founded in 1966, the Latin American Studies Association (LASA) is the largest professional Association in the world for individuals and institutions engaged in the study of Latin America. With over 12,000 members, over 65 percent of whom reside outside the United States, LASA brings together experts on Latin America from across the globe and from all disciplines and diverse occupational endeavors. LASA's mission is to foster intellectual discussion, research, and teaching on Latin America, the Caribbean, and its people throughout the Americas, promote the interests of its diverse membership, and encourage civic engagement through network building and public debate.