

Youth Law Center (YLC) Statement on Separation and Detention of Immigrant Families

The federal government has separated over 2,000 children from their parents at the border under the “zero tolerance” policy of prosecuting and incarcerating asylum seekers and other refugees. The separation of immigrant children from their parents and the detention of children with their families is deeply harmful to children and contrary to established principles of federal law. While specifics on the federal government’s plans change daily, the basic legal, developmental and human rights principles and values that must guide our actions towards children remain consistent and clear. As a nation, we have a legal, moral and ethical obligation to respect and protect the rights of children and families.

- **Federal Law has long recognized that separating children from their parents harms children.** Over 50 years of research shows that to be healthy and thrive, children, especially very young children, need parents. Separating children from their parents and placing them in group shelters causes both immediate trauma and long term harm. Recognizing this, starting in 1980, the federal government has required states to make reasonable efforts to prevent removal of children from their parents and to make it possible for children to return home as quickly as possible even when they have been abused or neglected. Separation ignores years of bipartisan federal child welfare principles.
- **Family detention is not the solution.** The problem cannot be solved by locking children and families up together indefinitely. The negative effects of incarcerating children are well documented. The development, health and traumatic harms of detention and congregate care is not avoided by incarcerating children with their families. Federal law has barred jails and prisons from housing children with adults since 1974. Replacing family separation with family detention would merely replace one traumatic practice with another.
- **Children belong with families, not in congregate care.** Shelter care facilities such as those currently holding unaccompanied immigrant children, are harmful to all children, but particularly dangerous for young children. Years of research have shown the effects of group care to be failure to thrive, intellectual impairment, illness and death. Shelters and tent cities are not designed to provide the nurturing these children need.
- **Family separation is not required by law.** Nothing – not federal law, not a court decision – compels the destructive course the administration has embarked upon. In particular, the *Flores* settlement, which governs the treatment of immigrant minors in federal custody, does not require the government to separate children from their parents. The *Flores* settlement simply places limits on the harmful practice of family detention and requires that children in federal custody be guaranteed safe and healthy conditions.
- **Take action.** Contact your Senators and Members of Congress and urge them to oppose both the separation of children and families at the border and family detention. Share YLC’s statement on social media. Donate to organizations like the Youth Law Center who are working to protect the rights of children and families: <http://www.ylc.org/support-ylc/donate/>

For more information please contact: Selina Weiss, sweiss@ylc.org

Resources:

[The Adoption Assistance and Child Welfare Act of 1980](#)

[The Juvenile Justice and Delinquency Prevention Act of 1974](#)

[Consensus Statement on Group Care for Children and Adolescents](#)