

SEPARATED: INSIDE AN AMERICAN TRAGEDY, by Jacob Soboroff
(published 2020, afterword added 2021)
A STUDY GUIDE
By Sally Jones

QUESTIONS FOR DISCUSSION:

SOBOROFF AS NARRATOR, EXPLICATOR:

what do you think of his choice to write the book as his own journey of discovery?
what does he accomplish by including scenes of his personal life and family?
do you find his information clear? persuasive?

Note the stand-alone documents that precede chapters in the book—what sorts of information do they convey? what does the order in which they appear accomplish?

ACTORS WITHIN GOVERNMENT:

President Obama:

based on the information here, how do you rate his administration's handling of migrants?
what degree of responsibility do you think he bears for the tragic effects of family separation?

President Trump:

how do you interpret his attitude toward migrants and toward family separation policy?
what do you think influences those attitudes—what people? what public imagery? what political calculations?
what degree of responsibility do you think he bears for the tragic effects of family separation?

Trump appointees:

Jeff Sessions, DOJ: what seems to be his role in formulating separation policy? (Bear in mind that “zero tolerance” continued even after Trump’s executive order aimed at ending family separations.) in enforcing separation policy? does his role seem consistent with his near invisibility in the story here? how do you account for the difference? what degree of responsibility do you think he bears for the tragic effects of family separation?

Kirstjen Nielsen, DHS: what role does she play in formulating separation policy? in enforcing it? what degree of responsibility do you think she bears?

lower-level officials (e.g. Matthew Albence of DHS ICE ERO [Enforcement and Removal Operations] and Scott Lloyd of HHS ORR [Office of Refugee Resettlement]): what role do they play in formulating and in enforcing separation policy? what degree of responsibility do you think they bear for the tragic effects of family separation?

Career Officials:

Customs and Border Protection agents: how do you suppose they regard their own actions as enforcers of separation policy? what degree of responsibility do you think they bear for the tragic effects of family separation?

Jonathan White, HHS Office of Refugee Resettlement: how do you view his work, first in resisting against/coping with ongoing separations, and later in leading the reunification effort?

other officials attempting to mitigate the harms of separation policy (e.g. Jim De La Cruz, HHS ORR; Claire Trickler-McNulty, ICE Office of Detention Policy and Planning; Thomas Fitzgerald—HHS data analyst): how do you view their efforts?

Judge Dana Sabraw:

does it seem noteworthy to you that he was appointed to the bench by G. W. Bush?

how do you view his requirement that the opposing sides work together? that they submit frequent progress updates?

ACTORS OUTSIDE GOVERNMENT:

Lawyers:

Lindsay Toczowski, Immigrant Defenders Law Center

Alfonso Maldonado Silva, Immigrant Defenders Law Center [now at UC Immigrant Legal Services Center]

Lee Gelernt—ACLU

National Immigrant Justice Center

how do you view the work of these individuals and organizations? what do you suppose to be the level of commitment they bring to their work? what do you think they find rewarding in that work?

how do you think others might express support for and appreciation of what they do?

Reporters:

Lomi Kriel, *The Houston Chronicle*

Julia Ainsley, *Reuters* [later *NBC News*]

Caitlin Dickerson, *New York Times*

ProPublica

how do you view the contributions of these individuals and outlets, and of news reporting in general, as affecting the formulation, implementation and rejection of family separation policy?

WHY DO MIGRANTS LEAVE HOME TO COME TO THE U.S.?

climate change

political and/or economic failures in the home country

personal danger

In the case of Juan and Jose, for example, their homeland, Guatemala, imposed on them all the above challenges. How might U. S. policy address these causes of migration as a way to relieve pressure on our borders?

WHAT DO THE EXPERIENCES OF JUAN AND JOSE SHOW US ABOUT OUR COUNTRY?

What do the details of this story tell us about the power of elected officials in American government? about the relative importance of unelected government workers? about the broad network of government agencies and how they do or do not interact with each other? about the impact individuals may have, either in advancing or in resisting specific policy?

FOR BOOK GROUP FACILITATORS: SELECTED NOTES by Sally Jones - Facilitators may find the following notes helpful in focusing discussion.

Taking “not part of the plan” as an organizing notion, I’ve made notes focusing on a variety of ideas which clearly were, or in other cases were not, part of somebody’s plan.

For me, recognizing who did what—to promote the separation policy, to carry it out, to expose it to the public despite administration dissembling, to mitigate its harm, to sue against it, to reunite families in its aftermath—makes clear not only what happened but why and how it happened, and where responsibility, blame and credit belong. Knowing roles/actions and names of those involved makes for a better understanding, I think, of how this “American tragedy” came about and what we might need to do to resist such policy in the future. So much of the information on that follows ties individuals to words and/or actions.

NOT PART OF THE PLAN

Significant Incident Report (SIR) (page 227):

DESCRIPTION OF INCIDENT: “...the minor [a 9-year-old El Salvadoran girl] was separated from her mother...due to “Zero Tolerance.”

“Why did you decide to travel to the U.S. at this time?”

[a local gang killed her uncle, pressured her father, threatened her mother; her father “advised” them to “flee to safety in the U.S.”]

“Did the arrangements change during the journey? If yes, how?”

The minor reported that it was not part of the plan for her to be separated from her mother upon apprehension.”

The SIR entry above seems to me to embody in miniature the entire issue set out in Separated. The SIR, itself a dry, standardized form, not only records a child’s traumatic experience but also represents the government’s part in addressing that trauma. It juxtaposes the fact of separations with both the heartlessness of officers who hatched the separations policy and the struggle of career government workers, whom the book shows us doing all they can to mitigate the effects of that policy.

For me, the girl's response here ("it was not part of the plan for her to be separated from her mother")—who can think anything other than, well of course not? —offers an ironic lens for viewing all the events of the book, in which different players have very different plans, or maybe no plans. Of course, migrating parents did not plan to have their children taken from them. Of course, conscientious onlookers felt shock and outrage upon finding that our government carried out such a plan. And, sadly of course, the Trump administration pushed forward separation policy with no plans for the record-keeping or the housing it would require, no plans for the ultimate reunification of the migrant families it victimized.

SO THEN, WHAT WAS—AND WHAT WAS NOT—PART OF THE PLAN UNDER WHICH U. S. OFFICIALS SEPARATED MIGRANT CHILDREN FROM THEIR PARENTS?

WHAT WAS PART OF THE PLAN:

The excerpts below focus on two ideas—#1 that, in theory, family separation policy was intended to reduce the flow of migrants seeking entry to the US, and #2 that, in practice, Trump officials made no effort to protect children and parents from even the worst effects of separation policy; instead, they seem to have embraced the harshness.

#1: family separations as a deterrent to migration:

Both the Obama administration and the Trump administration sought to reduce the flow of migrants to US borders. These notes begin with Jeh Johnson and Cecilia Munoz saying that the Obama administration gave passing thought to family separation as a deterrence policy, but quickly dismissed the idea. [But NB: The book does make clear that deportations happened in unprecedented numbers on Obama's watch and that unaccompanied minors did find themselves in prison-like facilities, even cages. See p. 120] Later excerpts show John Kelly, Matthew Albence, Jeff Sessions and Katie Waldman—all of them Trump officials—articulating separation policy, including false promises ("they will be well cared for" by Kelly) and callous reasoning ("designed to play so shockingly in the media" by Waldman). In the final excerpt, an unnamed Trump official sees an even harsher purpose ("as a means of punishing [migrants]").

JEH JOHNSON (HHS Secretary, Obama administration): "Indefinite detention wasn't the only deterrence policy the Obama administration considered. Another, more extreme idea was floated: charging parents who traveled with children with the federal crime of illegally entering the country, necessitating the separation of families, resulting in children going into the care of HHS and adults into the custody of the Department of Justice.

'I just couldn't do that,' Secretary Johnson told me." (pp. 21-22)

CECILIA MUNOZ (director of the Domestic Policy Council, Obama administration): “When family separations were raised [as a policy option] a spirited discussion ensued but ‘after five minutes,’ she recalled, the idea died. If it ever made it all the way to President Obama, Munoz said, it would have been in a memo to let him know why the idea was deemed to be a bad one.” (p. 22)

JOHN KELLY: Wolf Blitzer interview of DHS Secretary Kelly “Yes, I am considering, in order to deter more movement along this terribly dangerous network, I am considering exactly that. They will be well cared for as we deal with their parents.” (p. 39)

MATTHEW ALBENCE (executive associate director for ERO, Enforcement and Removal Operations, ICE): Albence was present at Valentine’s Day 2017 meeting: “The thought was that word of the separation happening would deter other migrants from coming at all.” (p. 31) “...the ‘clear and unambiguous’ idea of family separations, as one attendee present put it to me, was first aired as a way to deter migration to the United States. According to the attendees, Albence indicated he supported separations.” (p. 275)

JEFF SESSIONS: announces separation policy in CA “If you are smuggling a child, then we will prosecute you, and that child may be separated from you as required by law” (p 176) and then in AZ “If you don’t want your child to be separated then don’t bring them across the border illegally.” (p 177)

KATIE WALDMAN: “the Homeland Security spokeswoman, told me on multiple occasions that the policy was designed to play so shockingly in the media that it would force Congress to end it by passing harsh immigration laws, such as permitting indefinite detention of migrant families and the immediate/deportation of unaccompanied Central American minors in its place.” (pp. 308-309)

UNNAMED SOURCE (cited in the 2021 Afterword): “For all the talk of prosecuting law breakers and the indignation about the illegality of crossing the border, charging migrants with a crime was not the goal, the source said. Rather the Trump administration saw family separations as a means of punishing them.” (p. 371)

#2: carelessness about the welfare of children and parents:

In carrying out the policy of family separations, Trump officials displayed carelessness—to the point of obliviousness—about the effects of those separations. Comments below, by or about Sarah Fabian, Katie Waldman, Matthew Albence, Alexia Rodriguez, and Brian Marriott, reveal an appalling degree of indifference to the conditions in which they have placed children. On the other hand, comments by lawyer Lindsay Toczylowski, writer Jacob Soboroff and Judge Dana Sabraw show critical reactions from various viewpoints outside the Trump administration. And two excerpts about facilities involved in separation acknowledge both physical and programmatic deficiencies: Ursula BP Station’s “cages” and Adelanto’s “violation of several Homeland Security policies,” plus Ursula’s sometimes hasty removal of children into custody before freed parents can return to claim them.

SARAH FABIAN: "...the government lawyer...later became famous for arguing migrant kids don't need blankets or toothbrushes" (p. xxii)

KATIE WALDMAN (DHS spokeswoman): "Some in the Border Patrol and CBP felt her messaging was uninformed, and further that the way she spoke about migrants who were coming to the United States lacked compassion." (pp. 330-331). When visiting the border, according to Ray Ortiz, deputy chief patrol agent in the Rio Grands Valley, "she would not get off her cell phone to see what was actually going on around her." (p. 341)

MATTHEW ALBENCE (ICE, executive associate director for Enforcement and Removal Operations) "...described his agency's family detention facilities as 'more like a summer camp...' " (p. 316)

LINDSAY TOCZYLOWSKI (executive director of Immigrant Defenders Law Center): "In an article in *The Texas Tribune*, she described the extraordinary and heartbreaking experience of standing before an immigration court with her client, a toddler separated from parents...'And the child—in the middle of the hearing—started climbing up on the table.' " (p. 288) later, to Soboroff, LT described the child as "hysterical and hungry." (p. 289)

ALEXIA RODRIGUEZ (legal counsel for Southwest Key, operator of Casa Padre facility): "she told me and another reporter standing near her to smile at the kids because 'they feel like animals in a cage being looked at.' " (p. 207)

BRIAN MARRIOTT (former Trump campaign aide, now senior director of communications and media relations for Administration for Children and Families): Seeing Casa Padre for the first time, " 'Pretty nice,' he quipped. Not what I [Soboroff] was thinking." (p. 208)

SOBOROFF: "...as our Southwest Key tour guides attempted to show off the extracurricular activities the children detained here [Casa Padre] received, all I could think about was that we felt like we were in a jail or prison. I had been in both... No amount of recreation would make me feel otherwise." (p. 210)

JUDGE DANA SABRAW (federal court of the Southern District of California, San Diego): "Quoting case law, Judge Sabraw, a George W. Bush appointee, declared that a 'practice of this sort implemented in this way is likely to be 'so egregious, so outrageous, that it may fairly be said to shock the contemporary conscience,' interferes with rights 'implicit in the concept of ordered liberty,' and is so 'brutal' and 'offensive' that it [does] not comport with traditional ideas of fair play and decency.'" (p. 287)

URSULA BORDER PATROL CENTRAL PROCESSING STATION, McAllen TX: "This, we were told, was where we would see children separated from their parents in two of four 'pods,' in Border Patrol lingo. To anyone else, they'd be called cages." (p. 242) "Another mother told us that even if a parent was charged and sentenced to 'time served,' meaning they were free to come back to pick up their

children, there was the possibility that children would have already been moved out to an ORR shelter and were now in the custody of the federal government for the foreseeable future.” (p. 243)

ADELANTO DETENTION CENTER, ICE, (operated by a for-profit prison company): “An ICE public affairs official took me [Soboroff] on a tour of the prison facility that the inspector general had deemed—though it had not yet reported publicly—to be in violation of several Homeland Security policies governing the treatment of inmates.” (p. 336)

WHAT WAS NOT PART OF THE PLAN:

This section, too, focuses on two ideas—#1 that the Trump administration tried hard not to acknowledge that it had instituted the separation policy, and #2 that Trump officials (as distinct from career government officials) did not set up a process for identifying separated families, tracking individual members, and providing for eventual reunifications.

#1: public acknowledgement of the separation policy:

As early as November of 2017, evidence of separations appeared in Lomi Kriel’s reporting, as the first entry notes. But the later entries show that as DHS nominee, Kirstjen Nielsen promised to share separation plans [which she never did] and as secretary, she denied instituting the policy; that Sarah Fabian denied in court both policy and practice; and that Donald Trump tried to dissociate himself from the policy.

LOMI KRIEL/HOUSTON CHRONICLE, November 25, 2017: “The *Chronicle* had the evidence in hand, but the government was denying its own policy. Kriel reported a Customs and Border Protection lawyer as claiming the ‘Border Patrol does not have a blanket policy requiring the separation of family units.’

Of course, that is exactly what was happening, and the evidence was now published by the *Houston Chronicle* for the world to read.” (p. 78)

KIRSTJEN NIELSEN, during the confirmation process, said to Senator Kamala Harris, in answer to a question whether DHS was drafting or considering separations, “I commit to sharing additional policy guidance and appropriate information with Congress.” But she never did. (pp. 156-157)

SARAH FABIAN, representing administration in Ms. L. class action case, May 4, 2018— “I would say, your honor, there is no—there is not such a policy....Whether there is a practice of separation, there is not.” (p. 174)

DONALD TRUMP: Asked by a reporter if he agrees with separations: “That’s the Democrats’ law” (p. 233)

KIRSTJEN NIELSEN, June 18 tweeted “We do not have a policy of separating families at the border. Period.” (p. 249) Also on June 18 “...Nielsen kicked off a combative and disastrous press conference

by insisting, ‘this administration did not create a policy of separating families at the border.’ The problem with that argument was that she herself had signed the policy into existence.” (p. 255)

#2: preparing a process—or lack of process—for reunification of parents and children:

These entries show how career officials anticipated, from early on, the potentially terrible consequences of separation and sought to minimize them, and how Trump officials disregarded those consequences, while pretending to have no responsibility for them. Jonathan White, Claire Trickler McNulty, and Andrew Lorenzen-Strait, all raise concerns about the system’s inadequacy for eventually reuniting separated families, and Caitlin Dickerson’s reporting demonstrates that inadequacy. Scott Lloyd, embarrassed by reporting based on a list of separated children, in one entry here tries to wish the list away, but in the later entry claims credit for its existence. Chris Meekins’ argument against streamlining the reunification process provokes Judge Sabraw to denounce “the lack of foresight and infrastructure necessary to remedy the harms.” Matthew Albence, after receiving a data analyst’s request for identifying information, responds with “feigned shock” and a “disingenuous” claim that “this information should already be” in the system.

COMMANDER JONATHAN WHITE (deputy director, Unaccompanied Alien Children Program, Office of Refugee Resettlement, HHS Administration for Children and Families), in November 2017 presented data showing that “starting in July 2017, shelters and advocates for the children in them started to see an unusual slowdown in the time it took for unaccompanied minors to be discharged from ORR custody. The percentage of separated kids as a proportion of the total referred to HHS also was ballooning....This was a big deal—separations for reasons other than safety and security of the child were surging, either a highly unlikely coincidence or evidence of something coordinated afoot....whoever had decided to start separating these children, and wherever it was happening along the border, a lack of planning for its repercussions was breaking the system used by the federal government to safely care for children.” (pp. 67-69)

JIM DE LA CRUZ (senior field specialist, Department of Health and Human Services, Office of Refugee Resettlement) emailed procedures for release, reunification— “...not a fan of the policy. ‘Please consider these items a work in progress with changes to come,’ he wrote as a disclaimer. ‘The best that could happen is for the OFO to stop the practice of family separation.’ “ (p. 22) “The ORR ‘data set,’ or informal list of separated minors in the custody of the department, was being kept by JIM DE LA CRUZ, the senior field specialist who had first noticed a similar practice during the Obama administration in 2016.... The numbers they were now seeing were far beyond anything during the Obama administration.” (p. 152)

CLAIRE TRICKLER McNULTY (deputy assistant director of the Office of Detention Policy and Planning, ICE): “But nobody could seem to easily figure out if families were, in fact, separated. That was because the IT systems used by the different component agencies that had actively been separating kids, CBP, ICE, and the Border Patrol, all used different programs to keep track of people in their custody, and those systems did not talk to each other.” (p. 130)

CAITLIN DICKERSON, reporting for the NYT, April, 2018, sets off an information scramble in ORR and ACF: “The explanation was that the DHS information technology infrastructure didn’t share the key detail of whether a child had been separated between relevant agencies, including ORR, resulting in confusion about the number of family separations, making reunification difficult if not impossible. This described the exact scenario that had been raised previously by officials including ICE’s Claire Trickler McNulty, who was actively trying to fix it. But separations proceeded nevertheless.” (p. 155)

ANDREW LORENZEN-STRAIT (deputy assistant director for custody management, ICE): “‘We are going to have to put these families back together,’ Lorenzen-Strait realized at the time. But no solutions were put in place to mitigate what would clearly be a spectacular mess if separations ever were carried out on a wide scale. And indeed, it was.” (p 278)

SCOTT LLOYD (Trump-appointed director of ORR): Embarrassed by NYT/Dickerson article April 2018 re: 700+ separated children: “...queried staff. *Why are we keeping the list? [ie the list compiled by Jim De La Cruz] Can’t we just email with DHS on a case-by-case basis? You see the problem this created, how can we prevent another leak?*” (p. 158)

“The answer he would receive, of course, was that the list was the only way separated children would be reunited with their parents. The document, Lloyd was reminded, was kept by ORR’s senior federal field specialist Jim De La Cruz for explicitly that reason. The ‘problem’ wasn’t the existence of the list, but the separations themselves.” (pp. 158-159)

SCOTT LLOYD email: “CBP chiefs started separations before the announcement of the zero-tolerance policy and we noticed it and started tracking,” he continued, neglecting to mention that if it were up to him, that list might be long gone by now.” (p. 273)

CHRIS MEEKINS (chief of staff to HHS Assistant Secretary for Preparedness and Response), in a status report to JUDGE DANA SABRAW, argued against streamlining the unification process. Judge Sabraw’s follow-up order: “At a minimum, it appears he [Meekins] is attempting to provide cover to Defendants for their own conduct in the practice of family separation, and the lack of foresight and infrastructure necessary to remedy the harms caused by that practice.” (p. 294)

THOMAS FITZGERALD (data analyst at HHS), June 23, 2018, emailed to MATTHEW ALBENCE (executive associate director for Enforcement and Removal Operations, ICE) two spreadsheets with request for information [Fitzgerald asks Albence/ICE to provide parent “alien numbers” to link with children “alien numbers” already known to HHS] to enable “Parent/Legal Guardian Link” (p. 276) “Albence’s feigned shock that HHS didn’t have information on separated parents was disingenuous, as was his insistence on the fact that ‘this information should already be in the UAC [Unaccompanied Alien Children] portal’ (the computer system HHS used to track children). Indeed, it was an open secret that the information was not there.

As far back as 2016, when Jim De La Cruz began tracking separations for HHS, and certainly in the summer of 2017, during the separation pilot program in the El Paso sector, Border Patrol agents had

not been including detailed information—if any information at all—about the parents of separated children.” (p. 277)

SEPARATIONS, NEWS COVERAGE, AND RESISTANCE—WHAT HAPPENED?

These excerpts offer a timeline of events. The entries in Italics show actions by Trump and his officials, instituting and supporting the separation policy, and finally a 2021 report assigning major responsibility for it to the DOJ. Entries in regular type show actions aimed at challenging and undoing the policy—by reporters, a lawyer, a judge, and agencies, even a Trump appointee not associated with it (Azar).

MARCH 3, 2017: JULIA AINSLEY/REUTERS, reported that the Trump administration was revisiting the family separation proposal rejected by Obama administration (p. 37)

NOVEMBER 25, 2017: LOMI KRIEL/HOUSTON CHRONICLE, reported that the Trump administration was following through on policy Julia Ainsley reported in March that they were considering—systematic separation. “Testimonials from child advocates and attorneys cited by Kriel were the first public documentation that separations were happening.” Kriel identified 22 cases, with dozens more according to attorneys.” (pp 76-77) “Her reporting not only uncovered what was happening, but it revealed how after separations occurred and parents were charged with crimes, reunifications with children were complicated and in some cases not happening at all.” (p.78) “Kriel reported a Customs and Border Protection lawyer as claiming the “Border Patrol does not have a blanket policy requiring the separation of family units.” (p 78) “government denying its own policy”

FEBRUARY 26, 2018A; LEE GELERNT, ACLU Immigrants’ Rights Project, sues Trump officials and agencies on behalf of Ms. L. and S.S., a Congolese mother and daughter: “This is an immigration case involving the United States government’s forcible separation of plaintiff from her seven (7) year-old-daughter S.S.” (pp. 126-127)

MARCH 9, 2018: LEE GELERNT expands Ms. L.’s case to class-action: “Whether or not the Trump administration wants to call this a ‘policy,’ it certainly is engaged in a widespread practice of tearing children away from their parents....A national class-action lawsuit is appropriate because this is a national practice.” (p. 135)

APRIL 6, 2018: *PRESIDENT TRUMP issues a memorandum to the secretaries of Defense, Health and Human Services, and Homeland Security, and the Attorney General, titled “Ending ‘Catch and Release’ at the Border of the United States and Directing Other Enhancements to Immigration Enforcement” (p. 141)*

APRIL, 2018: CAITLIN DICKERSON/NEW YORK TIMES, contacts the administration asking for confirmation before publication, (p. 149-150) “We are preparing to publish a story based on ORR data provided to us by Homeland Security officials on background that shows more than 700 children have been separated from their parents since last October.” NYT published CD’s article April 20, 2018: “Hundreds of Immigrant Children Have Been Taken from Parents at U.S. Border.” p. (156)

MAY 3, 2018 [noted in 2021 Afterword]: AG Sessions, DHS Secretary Nielsen, HHS Secretary Azar, SOS Pompeo, National Security Advisor Bolton and others discussed this proposal: “DHS should consider—separately—whether the requirements of the Flores consent decree and the general inability to detain entire family units for the duration of immigration court proceedings justifies administrative separation of family units.” Adoption “would have separated every parent and child without charging anyone with a crime.” (p. 372)

MAY 5, 2018: KIRSTJEN NIELSEN, DHS Secretary, considering a “secretarial decision memo” including three options [Option 1=scalable—gradually increase prosecutions over time “until asylum officers could increase their capacity”; Option 2=refer all amenable single adults (p. 163)], finally (p. 174) chooses and signs “Option 3—Refer All Amenable Adults, including those presenting as part of a FMUA [family unit]....to achieve 100% immigration violation prosecution referral for all amenable adults, including those initially arriving or apprehended with minors.” (p. 164)

MAY 9, 2018: Asked by Soboroff about separation policy, DHS SECRETARY NIELSEN responds, “What the strategy is, is just like we do every day in the United States, we prosecute adults who commit crimes, whether they’re single, whether they’re part of a family....it’s not different.’ In fact, it was different. Crossing the border is a civil crime, adjudicated in immigration court, and only if prosecutors decide to press charges do families get placed into criminal proceedings.” (p. 184) “Only five days into the policy’s implementation, shelters were at nearly 90 percent capacity. And now they were regularly receiving children who had been taken from their parents.” (p. 185)

MAY 2018A; DR. COLLEEN KRAFT, head of American Academy of Pediatrics: Responds to announcement of the zero-tolerance policy with an op-ed column in the Los Angeles Times: “The government’s practice of separating children from their parents at the border counteracts every science-based recommendation I have ever made to families who seek to build, and not harm, their children’s intellectual and emotional development.” (p. 245)

JUNE 18, 2018: “...ProPublica published the wailing sounds of separated children crying in a Border Patrol facility. The audio was nearly impossible to listen to, but it spread like wildfire. The cries of ‘Mami’ and ‘Papa’ were so visceral and real, whatever language you spoke.” (p. 255)

JUNE 20, 2018: PRESIDENT TRUMP signs an executive order ending family separations

JUNE 23, 2018: DHS “release[s] “a ‘fact sheet’ meant to calm the ...still building protests around the country. The first paragraph alone contained multiple lies: ‘Minors come into HHS custody with information provided by DHS regarding how they illegally entered the country and whether or not they were with a parent or adult and, to the extent possible, the parent(s) or guardian(s) information and location. There is a central database which HHS and DHS can access and update when a parent(s) or minor(s) location information changes.’ As was by now clear to everyone working on reunifications, not only did most separated children get sent to HHS custody without information indicating ‘whether or not they were with a parent or adult,’ there was in no way, shape or form ‘a central database which HHS and DHS can access and update.’ “ (p. 279)

JUNE 21, 2018: HHS SECRETARY ALEX AZAR removes Scott Lloyd from control of reunification, installs Dr. Robert Kadlec, Assistant Secretary for Preparedness and Response; Kadlec on June 22 names JONATHAN WHITE to lead reunification

JUNE 26, 2018: JUDGE DANA SABRAW, (a G.W. Bush appointee to federal court of the Southern District of California, in San Diego) trying Gelernt/ACLU’s case against the family separation policy: grants a preliminary injunction “mandating reunifications of separated families, on the grounds that the separations violated their due process rights under the U.S. Constitution” (p. 286) “The judge ordered the Trump administration to stop systematic separations...to reunite all currently separated children under the age of five within fourteen days, and all others within thirty days. He ordered Immigration and Customs Enforcement, Customs and Border Protection, the Bureau of Prisons and the Office of Refugee Resettlement—all of the agencies involved in this man-made disaster—to work together to undo it, ordered a stop to deportation of parents without separated children.” (pp. 287-288)

JULY 15, 2018: 37 separated children leave BCFS Health and Human Services shelter in Harlingen, TX, for Port Isabel detention center, ICE, for reunification with parents, not completed for 39 hours! (pp. 296-302) “It was White who had given the go-ahead for the BCFS vans to make their way to Port Isabel, knowing that the facility was likely not ready to reunite at the time but that children waiting outside would force the issue.” (p. 301)

AUGUST 23, 2018: NATIONAL IMMIGRANT JUSTICE CENTER to CRCLCompliance [Civil Rights and Civil Liberties Compliance Branch, DHS]: “Please find attached a complaint lifting up thirteen individual cases of parents who describe in detail the explicit coercion they endured at the hands of DHS officials, in addition to the horrific trauma of the separation on the parents and their ability to meaningfully access the asylum process. You will find that in many cases, the parents were coerced into signing documents they simply did not understand, which resulted in the parents ostensibly relinquishing their right to be reunited with their children. We maintain that the government’s actions are in direct violation of the U. S. Constitution, federal statute, and regulations.” (p. 319)

SEPTEMBER 6, 2018: “... the Trump administration and the ACLU announced a settlement: any separated parent and child would be able to redo their asylum interview in order to prove credible fear, and any mental distress a parent was under at the time would be considered if their were inconsistencies in the accounts.” (P. 342)

APRIL 9, 2019: *“...Trump fired [DHS Secretary] Nielsen....my colleagues Julia Ainsley and Geoff Bennett reported their falling out was due in part to Nielsen’s reluctance to restart family separations, something Trump had ‘for months urged his administration to reinstate...’ ” (p. 353)*

DECEMBER 2019: *DHS inspector general reported that “CBP, which officially separated 2,814 during zero tolerance, then later admitted it separated 1,556 more before the policy officially started, told the Office of Management and Budget: ‘it [had planned to] separate more than 26,000 children between May and September 2018.’ ” (p. 356)*

FEBRUARY 2020: PHYSICIANS FOR HUMAN RIGHTS issued a report on family separation policy: “government’s forcible separation of asylum-seeking families constitutes cruel, inhuman, or degrading treatment and, in all cases PHR evaluated, meets criteria for torture.” (p. 367)

JANUARY 14, 2021: *DEPARTMENT OF JUSTICE inspector general report calls DOJ the “driving force” behind Trump-administration family separations. (p. 377, 2021 afterword)*

ONE FAMILY’S BITTER EXPERIENCE UNDER THE FAMILY SEPARATION PLAN:

The following notes give a timeline of the specific experiences of Juan and Jose, whose story illuminates the policy narrative with a view of the human impact of separations.

JUAN AND JOSE/REASONS FOR SEEKING ASYLUM:

“...if you want to understand why a record number of Central Americans are migrating to the United States, the country of Greenland, of all places, is a great place to start.” (p. 139)

Climate change. Sea level rise. The Dry Corridor: “Cutting through Honduras, El Salvador, and Guatemala, it’s [the Dry Corridor is] a massive stretch of land in which its residents are suffering from severe malnutrition and poverty, exacerbated by a years-long drought due to the climate variability of El Nino. Rising temperatures are also fueling a rapidly spreading fungus affecting coffee leaves, the region’s cash crop and livelihood for tens of thousands, at higher-than-ever altitudes, and in so doing, destroying lives.

People in Central America were starving to death, in part because of warming here in the Arctic, and it was driving hundreds of thousands to flee to the United States...” (pp. 140-141)

“Aeropuertos clandestinos” near Peten: “...far more airports and runways ... than any official map or navigational chart would show, a symptom of the region’s critical location for transnational criminal organizations—cartels—moving drugs through the country, into Mexico and into the bodies of

American consumers. Because of this, Peten had become home to some of Guatemala's highest homicide rates." (p. 3)

JUAN AND JOSE/SET OUT:

MAY 15, 2018: Juan and Jose leave Peten, Guatemala (p. 4), heading north, toward the U.S.

JUNE 4, 2018: Late at night, Juan and Jose and 35 others board a bus in San Luis Rio Colorado, the Mexican border city directly across from San Luis, Arizona (a port of legal entry). They cross a short, dark-painted wall, which is the international border between the U.S. and Mexico. (pp. 193-194)

JUAN AND JOSE/EXPERIENCE IN CUSTODY:

JUNE 4, 2018: 11:10 p.m., Border Patrol vehicle pulls up; agent conducts "field interview," concludes Juan is "illegally" in the U.S. and they are "apprehended," transported to the Yuma Border Patrol Station. "As if it were routine, the father and son were led in different directions to two of the Border Patrols notoriously cold jail cells, known to Juan as "hieleras," or ice boxes. They could see each other across a hallway, through the windows in the metal doors of the concrete room they were now locked in." (pp.196-198) Juan is charged with 3 crimes: "8 U.S.C. ~1325, entry of alien at improper time or place misrep/concealment of facts;" "8 U.S.C. ~1182, alien inadmissibility under section 212;" "212a7Ail, immigrant without an immigrant visa. That meant, under zero tolerance, he would soon be remanded to the custody of the U.S. marshals in order to face a type of justice—a criminal charge instead of a civil one—that was different from the norm. It was a charge that would legally necessitate the separation of him and Jose. (p. 198)

"That first night, a Border Patrol agent told him, 'Only your child can stay in the United States.' ...a Border Patrol agent told him to sign documents admitting he entered the country illegally, with no mention of asylum. So he did." (p. 198)

JUNE 6, 2018: Guard takes Juan out of his cell, refuses to let him see Jose. BP transfers Juan to Florence [AZ] Detention Center, supervised by ICE Health Service Corps.

JUNE 9, 2018: Without warning, Juan is cuffed by hands and feet, locked in place, bused seven hours, to federal prison in Victorville, CA, housing murderers, rapists, gang members, and under new policy, about 1000 migrants—no information about Jose, no opportunity for telephone call. (pp. 199-200) "By common consensus, it [prison] was a hellhole. No sign of attorneys. No access to phones. Horrendous food. Dirty conditions. And, worst of all, not a word from his son, Jose, who by now was in Texas..." (p. 229)

"There was no information about Jose in Juan's case file, meaning they couldn't be connected even if he wanted to be." (p. 229)

JUNE (maybe 9, 10, 11?), 2018: Jose, along with other children detained at Yuma BP Station, is taken from cell, told very little, escorted by non-BP social worker, put on airplane to Harlingen TX shelter

operated by BCFS Health and Human Services, a non-profit, part of ORR's network of care providers. Has no news of his father, tries every time he's allowed a call but can't reach his mother, doesn't even know what the outside of the shelter looks like. "All Jose knew was that he was inside 'Beh-Ceh-Eff-Ess' and that he was alone." (p. 213)

mid-JUNE?: "Inside the Harlingen shelter where Jose was in custody, it took days to finally reach his father by phone. [A social worker eventually locates Juan in Adelanto] "Instead of catching up after so many days apart, the phone call was a conduit for raw emotion. Father and son spent most of the time on the line only crying." (p. 265)

mid-JUNE?: Jose is transferred from Victorville to Adelanto

JUNE 22, 2018: Los Angeles field office of ICE serves Juan with a "warning for failure to depart," a step toward deportation, without Jose (p. 273)

JULY 9, 2018: At Adelanto, Juan is given two form/options, in English "neither of which...said anything about a right to pursue an asylum claim." (p. 294) He can sign a request "to reunite with my child(ren)" and be deported, or he can "affirmatively, knowingly, and voluntarily [request] to return to my country of citizenship without my minor child(ren) who I understand will remain in the United States to pursue available claims of relief." (pp. 294-295) He signs the second option in English; on July 13 he signs it in Spanish "told by an official...he had to because he had signed it already in English." (p. 295)

AUGUST 10, 2018: "Juan first formally requested a 'credible fear' interview, with the help of Maldonado Silva [a Dreamer with temporary legal status, who became a lawyer to help others facing challenges worse than his own, p. 322], the first step in seeking asylum. (He should have been afforded this right three months earlier, in Arizona)." (p. 323)

AUGUST 15, 2018: Juan meets with lawyers but not with Soboroff; hands over a letter for Soboroff: "The separation of father and child hurts in my heart....I cannot imagine the pain that my son is going through..."

AUGUST 28, 2018: Juan's credible fear interview, over telephone, with interpreter. Tells his story, over one hour and fifty-two minutes. He wins approval. (pp. 328-330)

AUGUST 31, 2018: Still detained at Adelanto, Juan meets Soboroff and does recorded interview. "Why did they deceive me with this paperwork? They didn't explain exactly what it was....How long is it going to take for us to heal from all of the wounds and trauma we've suffered?" (pp. 333-336)

SEPTEMBER 26, 2018: Juan appears before an immigration judge, who approves his release on \$2500 bond (paid by volunteers).

OCTOBER 2, 2018: Juan is released from detention

OCTOBER 7, 2018: Juan and Jose reunite in Washington, D.C.