

Family Separation Policy Timeline

March 2017: Reuters Reported Trump Administration Was Considering Family Separation Policy At Border. "Women and children crossing together illegally into the United States could be separated by U.S. authorities under a proposal being considered by the Department of Homeland Security, according to three government officials... The policy shift would allow the government to keep parents in custody while they contest deportation or wait for asylum hearings. Children would be put into protective custody with the Department of Health and Human Services, in the 'least restrictive setting' until they can be taken into the care of a U.S. relative or state-sponsored guardian." [Reuters, [3/3/17](#)]

- **Under Previous Policy, Families Were "Generally Released From Detention Quickly," Allowed To Remain In U.S. Until Cases Were Resolved.** "Currently, families contesting deportation or applying for asylum are generally released from detention quickly and allowed to remain in the United States until their cases are resolved. A federal appeals court ruling bars prolonged child detention. President Donald Trump has called for ending 'catch and release,' in which migrants who cross illegally are freed to live in the United States while awaiting legal proceedings." [Reuters, [3/3/17](#)]
- **Then-Secretary Of Homeland Security John Kelly Initially Confirmed Reports.** "Secretary of Homeland Security John Kelly confirmed that the department is considering separating children from their parents at the border. 'We have tremendous experience of dealing with unaccompanied minors,' he told CNN's Wolf Blitzer on 'The Situation Room.' 'We turn them over to (Health and Human Services) and they do a very, very good job of putting them in foster care or linking them up with parents or family members in the United States.' He continued: 'Yes I'm considering (that), 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. ... It's more important to me, Wolf, to try to keep people off of this awful network.'" [CNN, [3/7/17](#)]
- **Kelly Later Walked Back Comments.** "US Secretary of Homeland Security John Kelly on Wednesday assured Senate Democrats he doesn't intend to separate mothers and children at the border -- apparently walking back an earlier statement he made that such a policy could deter people from entering the country illegally... In response to a question from California Sen. Dianne Feinstein, Kelly said that DHS wouldn't be separating mothers and children at the border unless there was an extenuating reason, such as illness, according to several Democrats who attended the meeting. Kelly later told CNN that characterization was fair, 'unless there is some other consideration.' He denied that he had been considering a policy to separate families." [CNN, [3/29/17](#)]

April 2017: Kelly Said Children Would Only Be Separated From Families "If The Child's Life" Was In Danger Or If Mother Was An Addict. "Kelly, testifying before the Senate Committee on Homeland Security and Governmental Affairs... was also pressed on separating mothers from their children at the border, but said that they would only be separated 'if the child's life is in danger' or if the mother is an addict. Sen. Kamala Harris, D-Calif., asked Kelly whether he would put the policy in writing, but he responded saying a 'verbal directive' is enough." [Fox News, [4/5/17](#)]

August 2017: Child Separation Policy Discussed By DHS Officials, Including Former Jeff Sessions Aide Gene Hamilton. According to a May 2018 New Yorker report, “[I]n August, 2017, a group of officials at the Department of Homeland Security gathered to brainstorm new ways to toughen immigration enforcement. Among those leading the discussion was an official named Gene Hamilton, a former aide to Jeff Sessions, the Attorney General, and a close ally of Stephen Miller, the President’s chief immigration adviser. ‘Hamilton told us that over the next few days we’d need to generate paperwork laying out everything we could do to deter immigrants from coming to the U.S. illegally,’ a person who attended the meeting told me. Memos were drafted outlining a range of possible policies; one of them was separating parents from their kids at the border. ‘All the memos sucked,’ the person said. ‘The outcome was predetermined. We didn’t have time to work out any of the policy differences. Some of the ideas didn’t make sense. Some were illegal, and some, like separating kids, were just immoral.’ Many of the proposals, including the one involving family separation, ‘got bogged down in the clearance process, because of how difficult and controversial it was,’ the person said. And yet every few months the idea would resurface in discussions. ‘It would rear its head again.’” [New Yorker, [5/30/18](#)]

Data Reviewed By New York Times Showed Separations Back To October 2017. “[N]ew data reviewed by The New York Times shows that more than 700 children have been taken from adults claiming to be their parents since October, including more than 100 children under the age of 4. The data was prepared by the Office of Refugee Resettlement, a division of the Department of Health and Human Services that takes custody of children who have been removed from migrant parents. Senior officials at the Department of Homeland Security, which processes migrants at the border, initially denied that the numbers were so high. But after they were confirmed to The Times by three federal officials who work closely with these cases, a spokesman for the health and human services department on Friday acknowledged in a statement that there were ‘approximately 700.’” [New York Times, [4/20/18](#)]

November 2017: Houston Chronicle Identified 22 Cases Since June 2017 In Which Parents With “No History Of Immigration Violations” Were Separated From Children. “The White House threatened earlier this year to separate parents and children at the border, but backed off amid outrage. Then, in April, Attorney General Jeff Sessions ordered federal prosecutors to ramp up criminal charges for immigration offenses such as crossing the border without authorization. The effect, advocates say, was tantamount to a de-facto policy of family separation. The Houston Chronicle has identified 22 cases since June in which parents like Mejia with no history of immigration violations were prosecuted for the misdemeanor crime of improper entry and had their children removed. Minors cannot be kept in federal prison. Defense attorneys cite dozens more such cases. Groups who care for unaccompanied children report hundreds of recent separations, in which parents often lose touch with children in an opaque federal system involving a litany of agencies. The government declined to release its own statistics.” [Houston Chronicle, [11/25/17](#)]

December 2017: New York Times Reports Officials Had Been Briefed On Plans To Separate Children From Parents Caught Entering Country Illegally. “The Trump administration is considering a plan to separate parents from their children when families are caught entering the country illegally, according to officials who have been briefed on the plans. The forceful move is meant to discourage border crossings, but immigrant groups have denounced it as draconian and inhumane. Under current policy, families are kept intact while awaiting a decision on whether they will be deported; they are either held in special family detention centers or released with a court date. The policy under discussion would send parents to adult detention facilities, while their children would be placed in shelters

designed for juveniles or with a 'sponsor,' who could be a relative in the United States, though the administration may also tighten rules on sponsors." [New York Times, [12/21/17](#)]

April 2018: Attorney General Jeff Sessions Announced "Zero Tolerance Policy For Criminal Illegal Entry."

In April 2018, the Department of Justice announced that "Attorney General Jeff Sessions today notified all U.S. Attorney's Offices along the Southwest Border of a new 'zero-tolerance policy' for offenses under 8 U.S.C. § 1325(a), which prohibits both attempted illegal entry and illegal entry into the United States by an alien... Today's zero-tolerance policy further directs each U.S. Attorney's Office along the Southwest Border (i.e., Southern District of California, District of Arizona, District of New Mexico, Western District of Texas, and the Southern District of Texas) to adopt a policy to prosecute all Department of Homeland Security referrals of section 1325(a) violations, to the extent practicable." [US Department of Justice Release, [4/6/18](#)]

- **Sessions' Memo To Federal Prosecutors "Supersede[d] Any Existing Policies."** In his "Memorandum for Federal Prosecutors Along the Southwest Border," Sessions wrote, "I direct each United States Attorney's Office along the Southwest Border to the extent practicable, and in consultation with DHS- to adopt immediately a zero-tolerance policy for all offenses referred for prosecution under section 1325(a). This zero-tolerance policy shall supersede any existing policies. If adopting such a policy requires additional resources, each office shall identify and request such additional resources." [Sessions Memo, [4/6/18](#)]
- **Homeland Security Secretary Kirstjen Nielsen Testified Children Were Only Separated In Dangerous Scenarios.** "Homeland Security Secretary Kirstjen Nielsen said Wednesday at a hearing of the House Homeland Security Appropriations Subcommittee that there is no policy that encourages the separation of parents from their children as a punitive or deterrence measure -- and it happens only when there is doubt about whether an adult may really be a parent or legal guardian of the child they're with or when the child might be in danger. 'The standard is to -- in every case -- is to keep that family together as long as operationally possible,' Nielsen said. 'When we separate, we separate because the law tells us to, and that is in the interest of the child. ... Unfortunately, we have seen instances where traffickers have used children to cross the border and gain access illegally.'" [CNN, [4/11/18](#)]

May 2018: Sessions "Promised To Prosecute And Separate Parents Who Smuggle Their Children Illegal Into The United States."

"U.S. Attorney General Jeff Sessions promised to prosecute and separate parents who smuggle their children illegally into the United States as he revealed more details about his 'zero-tolerance' approach to border enforcement. 'If you cross this border unlawfully, then we will prosecute you,' he said. 'It's that simple.' Sessions made the announcement Monday during speeches in Scottsdale, before the Association of State Criminal Investigative Agencies, and in Calexico, where he toured the U.S.-Mexico border... 'If you are smuggling a child, then we will prosecute you and that child will be separated from you as required by law,' Sessions said. 'If you don't like that, then don't smuggle children over our border.'" [Arizona Republic, [5/8/18](#)]

- **John Kelly Defended Child Separation Policy.** "President Trump's chief of staff John Kelly defended the technique of separating undocumented immigrants from their children as a necessary evil in the administration's effort to increase border security during an interview with National Public Radio Thursday. Kelly told NPR that 'the vast majority' of the immigrants 'are not bad people.' 'They're not criminals. They're not MS-13,' Kelly said. 'But they're also not people that would easily assimilate into the United States into our modern society. They're overwhelmingly

rural people.' He said they are poorly educated, don't speak English — 'obviously that's a big thing' — and don't have skills, so they 'don't integrate well.'" [USA Today, [5/11/18](#)]

June 2018: Government Reported Nearly 2,000 Child Separations From April-May 2018. "The government said on Friday that 1,995 children were separated from 1,940 adults at the U.S.-Mexico border between April 19 and May 31, as the Trump administration implements stricter border enforcement policies. The number represents a dramatic uptick from the nearly 1,800 family separations that Reuters reported had happened from October 2016 through February of this year. The official tally of separations is now nearly 4,000 children, not including March and the beginning of April 2018." [Reuters, [6/15/18](#)]

- **Nielsen: "We Will Not Apologize For Doing Our Job."** "Homeland Security Secretary Kirstjen Nielsen on Monday defended her department's policies amid increasingly intense scrutiny over separating children from adults accused of illegally crossing the border. Nielsen, in a speech to the National Sheriffs' Association in New Orleans, said the children are provided food, medical attention, education and anything else they might need. 'We have to do our job. We will not apologize for doing our job,' she said. 'This administration has a simple message — If you cross the border illegally, we will prosecute you.'" [USA Today, [6/18/18](#)]
- **"Child Cages" Reports Began As Border Patrol Allowed Reporters To Visit Detention Facilities.** "Inside an old warehouse in South Texas, hundreds of immigrant children wait in a series of cages created by metal fencing. One cage had 20 children inside. Scattered about are bottles of water, bags of chips and large foil sheets intended to serve as blankets. One teenager told an advocate who visited that she was helping care for a young child she didn't know because the child's aunt was somewhere else in the facility. She said she had to show others in her cell how to change the girl's diaper. The U.S. Border Patrol on Sunday allowed reporters to briefly visit the facility where it holds families arrested at the southern U.S. border, responding to new criticism and protests over the Trump administration's 'zero tolerance' policy and resulting separation of families." [Associated Press, [6/18/18](#)]
- **Associated Press Reported Trump Administration Had Set Up At Least Three "Tender Age" Shelters To "Detain Babies And Other Young Children."** "The Trump administration has set up at least three 'tender age' shelters to detain babies and other young children who have been forcibly separated from their parents at the U.S.-Mexico border, The Associated Press has learned. Doctors and lawyers who have visited the shelters in South Texas' Rio Grande Valley said the facilities were fine, clean and safe, but the children — who have no idea where their parents are — were hysterical, crying and acting out. Many of them are under age 5, and some are so young they have not yet learned to talk." [Associated Press, [6/20/18](#)]
- **Trump Signed Executive Order To Keep Undocumented Immigrant Families Together, Reversing "Debunked Argument" He Had No Authority To Stop Separations.** "President Donald Trump on Wednesday reversed his debunked argument that he had no authority to stop separations of undocumented immigrant families at the border, signing an executive order to keep parents and kids together." [CNN, [6/20/18](#)]
- **Federal Judge Ordered Halt To Separations, Reunification Of Families.** "A federal judge in California late Tuesday ordered a halt to most family separations at the US border and the reunification of all families that have been separated in the

first major rebuke to the Trump administration during ongoing furor over family separations at the border. The court order specifically requires federal officials to stop detaining parents apart from their minor children, absent a determination the parent is unfit or the parent declines reunification; reunify all parents with their minor children who are under the age of 5 within 14 days and reunify all parents with their minor children age 5 and older within 30 days." [CNN, [6/27/18](#)]

July 2018: "Parents Desperate As Government Misses Migrant Family Reunification Deadline." "As an initial deadline for the Trump administration to reunify separated migrant families arrived Tuesday, desperate parents said they still had no idea when they would see their kids again. The federal government on Tuesday said that only four — out of 102 — migrant children under 5 years old had been reunited with their parents before the July 10 deadline, according to a court filing from government lawyers. Another 34 could potentially be back with at least one parent by the end of the day, according to federal officials." [NBC News, [7/10/18](#)]

New York Times: Beyond Family Separations, "Detention Of Migrant Children Has Skyrocketed To Highest Levels Ever," Most Unaccompanied Minors. "Even though hundreds of children separated from their families after crossing the border have been released under court order, the overall number of detained migrant children has exploded to the highest ever recorded — a significant counternarrative to the Trump administration's efforts to reduce the number of undocumented families coming to the United States. Population levels at federally contracted shelters for migrant children have quietly shot up more than fivefold since last summer, according to data obtained by The New York Times, reaching a total of 12,800 this month. There were 2,400 such children in custody in May 2017... Most of the children crossed the border alone, without their parents. Many are teenagers from Central America, and they are housed in a system of more than 100 shelters across the United States, with the highest concentration near the southwest border." [New York Times, [9/12/18](#)]

- **New York Times Headline: "Migrant Children Moved Under Cover Of Darkness To A Texas Tent City."** "In shelters from Kansas to New York, hundreds of migrant children have been roused in the middle of the night in recent weeks and loaded onto buses with backpacks and snacks for a cross-country journey to their new home: a barren tent city on a sprawling patch of desert in West Texas. Until now, most undocumented children being held by federal immigration authorities had been housed in private foster homes or shelters, sleeping two or three to a room. They received formal schooling and regular visits with legal representatives assigned to their immigration cases. But in the rows of sand-colored tents in Tornillo, Tex., children in groups of 20, separated by gender, sleep lined up in bunks. There is no school: The children are given workbooks that they have no obligation to complete. Access to legal services is limited." [New York Times, [9/30/18](#)]
- **Detained Migrant Children Figures Had Risen To "More Than 13,000," Average Length OF Time In Custody Nearly Doubled To 59 Days.** "These midnight voyages are playing out across the country, as the federal government struggles to find room for more than 13,000 detained migrant children — the largest population ever — whose numbers have increased more than fivefold since last year. The average length of time that migrant children spend in custody has nearly doubled over the same period, from 34 days to 59, according to the Department of Health and Human Services, which oversees their care. To deal with the surging shelter populations, which have hovered near 90 percent of capacity since May, a mass reshuffling is underway and shows no signs of slowing. Hundreds of children

are being shipped from shelters to West Texas each week, totaling more than 1,600 so far.” [New York Times, [9/30/18](#)]

October 2018: Government Accountability Office Report Found Trump Administration “Took Virtually No Steps To Prepare For The Consequences Of Separating Immigrant Parents From Their Children.” “Impacted officials at the departments of Homeland Security and Health and Human Services did not learn of the April “zero tolerance” policy—which required DHS to immediately transfer immigrants entering the United States without legal authority to the Justice Department for prosecution, even if they were traveling with children—until Attorney General Jeff Sessions made the implementing memorandum public, according to a Government Accountability Office report. The departments had no interagency process in place for handling the large increase in separated families, nor did they plan for how they would eventually reunite them. Officials were subsequently left to develop such processes on the fly when a federal court in June ended the separations and ordered children be reunited with their parents.” [Government Executive, [10/24/18](#)]

- **“Unaccompanied Children: Agency Efforts To Reunify Children Separated from Parents at the Border,”** [[GAO-19-163](#), October 2018]

November 2018: ProPublica Reported “Families Are Still Being Separated At The Border, Months After ‘Zero Tolerance’ Was Reversed.” “The Trump administration has quietly resumed separating immigrant families at the border, in some cases using vague or unsubstantiated allegations of wrongdoing or minor violations against the parents, including charges of illegally re-entering the country, as justification. Over the last three months, lawyers at Catholic Charities, which provides legal services to immigrant children in government custody in New York, have discovered at least 16 new separation cases. They say they have come across such instances by chance and via their own sleuthing after children were put into temporary foster care and shelters with little or no indication that they arrived at the border with their parents. ProPublica stumbled upon one more case late last month after receiving a call from a distraught Salvadoran father who had been detained in South Texas, and whose 4-year-old son, Brayan, had literally been yanked from his grasp by a Customs and Border Protection agent after they crossed the border and asked for asylum. Julio, the father, asked to be identified only by his first name because he was fleeing gang violence and worried about the safety of relatives back home.” [ProPublica, [11/27/18](#)]

January 2019: Inspector General Report Revealed “Thousands” More Children Were Taken From Parents At Border Than Previously Reported. “The Trump administration separated thousands more migrant kids at the border than it previously acknowledged, and the separations began months before the policy was announced, according to a federal audit released Thursday morning. ‘More children over a longer period of time’ were separated at the border than commonly known, an investigator with the Department of Health and Human Services inspector general's office told reporters Thursday morning. ‘How many more children were separated is unknown, by us and HHS’ because of failures to track families as they were being separated, she said.” [POLITICO, [1/17/19](#)]

- **“Separated Children Places in Office of Refugee Resettlement Care,”** [[OEI-BL-18-00511](#), January 2019]

February 2019: Trump Administration Admitted Reunifying Thousands Of Children Separated From Parents May Not Be Possible. “The Trump administration said in a court filing that reuniting thousands of migrant children separated from their parents or

guardians at the U.S.-Mexico border may not be 'within the realm of the possible.' The filing late Friday from Jallyn Sualog, deputy director of the department of Health and Human Services' Office of Refugee Resettlement, was an ordered response in an ACLU lawsuit challenging the government's separation of thousands of children at the border since the summer of 2017. The estimate of 'thousands' comes from the HHS Office of Inspector General's January report and pertains to children separated before the Trump administration's 'zero tolerance' policy came into effect in 2018. Sualog said her office doesn't have the resources to track down the children, whose numbers could be thousands more than the official estimate." [NBC News, [2/2/19](#)]

- **HHS Official Jonathan White Testified He Had Warned "Three Trump Appointees About The Potential Health Risks Of Separating Migrant Children From Their Parents More Than A Year Before" Administration Announced Policy.** "A federal health official testified Thursday he warned three Trump appointees about the potential health risks of separating migrant children from their parents more than a year before the administration announced the controversial policy. Jonathan White, a career civil servant who helped lead efforts to reunify thousands of separated families, told a congressional oversight panel he first learned in February 2017 the administration was considering separating migrant families. He said he quickly encouraged the Department of Health and Human Services officials to intervene to stop the policy, but he said they told him the administration would not implement the policy — though it would later be formally announced in May 2018 before being scrapped amid public uproar about six weeks later." [POLITICO, [2/7/19](#)]
- **White Said He Voiced Concerns To Then-HHS Refugee Office Director Scott Lloyd, Then-Acting Assistant Secretary Steven Wagner, And Counselor Maggie Wynne.** "HHS Secretary Alex Azar declined committee requests to testify at the hearing. Azar, who joined the administration in January 2018, didn't know about the policy as it was being devised, an individual with knowledge told POLITICO. White, the career HHS official, said he had raised concerns to Scott Lloyd, then-director of the HHS refugee office; Steven Wagner, then-acting assistant secretary for children and families; and counselor Maggie Wynne." [POLITICO, [2/7/19](#)]