

Separation of Families at The Border Lacks Legal and Moral Justification

June 15, 2018 – San Francisco, California – On May 7, U.S. Attorney General Jeff Sessions announced a new “zero tolerance” policy that not only imposes criminal penalties for unlawful entry at the border, but also separates parents and children arriving in the United States together. Under this new policy, upon the family’s arrival to the United States, children, no matter how young, will be separated from their parents and placed in the custody of Health and Human Services’ Office of Refugee Resettlement, while their parents are subject to criminal prosecution.

This policy shows a blatant disregard for international norms and the values of our nation. Ravina Shamdasani, a spokesperson for the Office of the United Nations High Commissioner for Human Rights has noted that the policy “amounts to arbitrary and unlawful interference in family life, and is a serious violation of the rights of the child.” Advocates of stricter immigration policies have also criticized the zero-tolerance policy as “unacceptable and inhumane,” “dreadful,” and “not the way of a moral people.”

The Justice & Diversity Center (JDC) of the Bar Association of San Francisco opposes this policy and urges Congress to act immediately to ensure that such policies are halted. Many families attempting to enter the U.S. are seeking asylum from gangs and criminal activities in their home countries, and as such are not breaking the law. Criminalizing parents seeking protection for themselves and their children is inhumane, violates the U.S. Constitution in ways amounting to cruel and unusual punishment, and interferes with the application of legal protections under our own laws. Such a policy is an insufferable affront to human decency and the rule of law.

JDC stands against policies that inflict irreparable harm on parents and children. It is important that we uphold our international obligations and moral standards in addressing the challenges surrounding immigration and affording protection to those fleeing persecution and violence. We call on this administration to end this inhumane practice and ensure family unity as a value and policy at the border.

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The Justice & Diversity Center (JDC) of the Bar Association of San Francisco advances fairness and equality by providing pro bono legal services to low-income people and educational programs that foster diversity in the legal profession. JDC is the largest legal services provider in San Francisco. JDC delivers free legal services through its Legal Services Programs division, which consists of the Pro Bono Legal Services Program, Homeless Advocacy Project, and the Immigration Program. JDC provides enrichment programs to diverse youth and young adults through its Diversity Educational Programs. JDC’s programs serve approximately 9,500 disadvantaged San Franciscans a year, with the overarching goal of assisting the community’s most vulnerable members with accessing the judicial system and strengthening their personal, professional, and economic security.