

FAMILY SEPARATION AS POLICY: THE HUMAN COST FOR CHILDREN

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A child who is separated from their parent or caregiver does not experience a policy decision; rather, they experience fear, confusion, and a complete collapse of the world they trust.

Globally, family separation—particularly the forced or involuntary separation of parents and children—is a profound human rupture. It is measured in the enduring trauma of sudden absence. For a child, forced separation from their family can shatter the basic promise of safety and belonging.

Family separation occurs in many contexts including armed conflict, displacement, immigration, and state care systems. However, its growing use as an accepted policy tool for governments around the world is alarming. All States are required to respect and protect the rights of children and aim to avoid [family separation](#). Yet an increasing number of displaced and migrating children, as well as children in immigrant families, are being separated from their parents through government-enacted laws, enforcement practices, and administrative decisions. What is framed as regulation or control in policy language is, for children, an abrupt and traumatic severing of family bonds, imposed not by circumstance alone but by design.

This policy brief derives from a simple truth: **protecting children requires keeping families together when safely possible**. Recognizing family unity as a fundamental human right is not just a moral imperative; it is a practical one. Evidence consistently shows that family separation undermines child welfare, destabilizes communities, and erodes public confidence in institutions. This brief explores the varied ways U.S. policies are separating children from their parents and caregivers and examines the human and social costs of these separations. The choices made by policymakers today will determine whether systems are designed to manage movement, safeguard dignity, build resilience, and protect the well-being of the next generation.

Family Unity as a Child Protection Imperative

"The family is the natural and fundamental group unit of society and is entitled to protection by society and the State."

Article 16 (3), [Universal Declaration of Human Rights](#)

Article 23 (1), [International Covenant on Civil and Political Rights](#)

International [child rights](#) standards affirm that the best interests of the child must guide all decisions affecting them. Yet, across migration and displacement settings, children's voices and needs are too often overshadowed by enforcement, deterrence, or administrative convenience. Article 9 of the UN [Convention on the Rights of the Child](#) (CRC) outlines the duty of States Parties to ensure children

are not separated from their parents against their will unless it is necessary for the child's best interests. If such separation occurs, States must ensure children have assistance, alternative care arrangements, and provide children with protection and access to family reunification procedures. [Customary international law](#)—legal rules that arise from the consistent practice of States carried out with a sense of legal obligation, even in the absence of a written treaty—also upholds respect for family life. [Rule 105](#) of customary International Humanitarian Law (IHL) interprets respect for family life to require “to the degree possible, the maintenance of family unity, contact between family members and the provision of information on the whereabouts of family members.” International human rights bodies have consistently [affirmed](#) that family separation in migration contexts must be an exceptional measure of last resort, subject to individualized determinations of procedural safeguards, and ongoing review.

Despite the clarity of these obligations, the implementation of child-centered protections in migration governance remains inconsistent. In practice, State policies frequently prioritize border control and immigration enforcement over holistic assessments of children's best interests, resulting in systemic gaps between both international and national legal commitments and lived realities. These failures are most visible where separation is treated as an incidental or strategic outcome of migration management, rather than as a measure of last resort requiring strict safeguards, individualized review, and ongoing support for affected children and families. When in the best interest of the child, the goal should be prompt family reunification.

Unfortunately, family separation has been particularly prevalent in the United States. Administrations have implemented policies that result in family separation, whether through mass deportation, detention, or other measures. The result has been severe emotional and psychological harm to children who lose their primary caregivers, stability, and support systems. The consequences of these policies are often neither accidental nor unavoidable.

A Legacy of State-Sanctioned Family Separation

Today, nearly [50 million children](#) are displaced worldwide. Driven from their homes by conflict, persecution, climate shocks and natural disasters, and deepening inequality, children, whether independently or alongside parents and other family members, are increasingly forced to migrate in search of safety. In this global context, the risk of family separation is heightened, and U.S. history offers repeated examples of how such separation becomes embedded into policy design.

The long and harmful [history of family separation](#) in the United States is deeply rooted in systemic practices that have caused irreparable harm to individuals and communities. The country has long employed practices that intentionally sought to sever familial bonds, particularly within black and brown communities.

This includes the [enslavement](#) of African Americans, during which families were torn apart for profit or punishment; the [forced removal](#) of Indigenous children to government-run American Indian Boarding Schools, where they were subjected to assimilation tactics and abuse; and the forced

separation of immigrant families through detention and deportation. Separation can last days to years, or even be permanent, but all forms can have long-lasting psychological impacts on children.

From 2017 to 2018, the U.S. Government forcibly separated [over 4,600](#) children from their parents at the southern border, often with no plan or measures for reunification. These separations took place under what was officially known as the "[Zero-Tolerance Policy](#)." The policy sought to expand and expedite criminal prosecution of individuals who entered the United States without authorization. Reports [emerged](#) that the Government was deliberately targeting parents traveling with children, using criminal charges as reason to transfer responsibility for protective care of their children, thus separating them from their children.

Parents were detained and children were classified as [unaccompanied](#) and placed under the care of the U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR). But these children were not unaccompanied at all. They were officially [separated](#) from their parents or guardians who in turn were not told where their children were being taken. These children, some under the age of five, were held in detention centers and then sent to various ORR care arrangements around the country. Parents were left without a way to track them down. Many parents were deported back to their countries of origin, forced to leave their children behind in the United States.

Forced family separation is a clear violation of IHL, as detailed above. It also violates U.S. constitutional rights, as affirmed in the [Ms. L v ICE](#) lawsuit, filed in February 2018 by the American Civil Liberties Union (ACLU) on behalf of a woman who was forcibly separated from her seven-year-old daughter when seeking asylum at the U.S.-Mexico border. The [Ms. L](#) Settlement included a June 2018 [injunction](#) ordering a halt to separations and subsequent orders to locate and reunify separated children with their families. The [settlement](#), approved in December 2023, placed limits on family separation by the U.S. Government through October 2031.

In 2020, Physicians for Human Rights (PHR) [reported](#) on the psychological effects of family separation on asylum-seeking parents and children who were separated by the U.S. Government in 2018. The investigation found symptoms of "post-traumatic stress disorder, major depressive disorder, or generalized anxiety disorder consistent with, and likely linked to, the trauma of family separation."

Parents that PHR spoke with detailed how "immigration authorities forcibly removed children from their parents' arms, removed parents while their children slept, or simply 'disappeared' the children while their parents were in court rooms or receiving medical care." Almost all of the parents said they were not provided explanation as to why the separation was happening, where family members were sent, or how or when reunification would take place.

Building on PHR's 2020 report, a 2021 medical study analyzing mental health impacts of family separation on asylum-seeking children and parents [found](#) them to experience "severe psychological trauma even years after reunification." This was especially true when compounded with pre-migration trauma experienced in home countries.

Despite [countless studies](#) and [academic research](#) on the harms of family separation, the practice continues to persist in the United States today, inflicting lasting harm on children.

An Ongoing Policy Choice

Under the current Administration, [family separation](#) in the United States has reemerged in new iterations. Narrowed asylum access, [stripping immigrants of lawful status](#), the [restart](#) and expansion of [family detention](#), keeping [unaccompanied children](#) in [government custody](#) for longer periods of time, rapid deportations without adequate safeguards for parental unity, the [weakening](#) of U.S. Immigration and Customs Enforcement's (ICE) [Detained Parents Directive](#), and [increased enforcement initiatives](#) have all heightened the risk that children will be separated from their parents and guardians, often without warning or meaningful safeguards. This includes the possible separation of U.S. citizen children in immigrant or mixed status families.

In some cases, separation occurs physically through detention and removal; in others, it is imposed functionally, as parents are forced to make impossible decisions, such as detention with their children or leaving them behind in the United States. In December 2025, PHR and the Women's Refugee Commission (WRC) [detailed](#) their conversations with parents who had been deported from the United States to Honduras, dozens of whom were separated from their children. The organizations [reported](#), "of the parents we spoke to, more than half had been deported without being given an opportunity to bring their children with them" and were unable to obtain information about their children's location and well-being.

Across the country, there have been documented cases of children arriving home from school to empty homes, their [parents detained](#) while they were gone. Detained and deported parents are in distress, terrified, and unable to locate their children. Families are hiding and making [emergency plans](#) for what will happen to their children if their parents are detained and deported. Children have been detained themselves, sent out of state to [detention facilities](#) alongside their parents and held in [unhealthy](#) and [unsafe conditions](#). Once [safe spaces](#) such as schools, churches, and hospitals have [become sites of immigration enforcement](#), often [traumatizing](#) children as they witness masked agents take the people who hold their entire worlds.

Stories are emerging in the headlines: five-year-old [Liam](#) Conejo Ramos [detained](#) from his driveway with his dad, [three other children](#) detained from the same Minnesota school district in a single month, and five-year-old Génesis Ester Gutiérrez Castellanos [deported](#) alongside her mother to Honduras despite being a U.S. citizen. These and the lived experiences of [thousands](#) of immigrant children across the United States reflect a policy environment, and a society, in which enforcement outweighs child protection, and where family unity is treated as expendable rather than fundamental.

On January 23, 2026, the UN High Commissioner for Human Rights, Volker Türk, [called](#) on the Administration "to end practices that are tearing apart families" as he decried "the dehumanizing portrayal and harmful treatment of migrants and refugees" in the United States. The Commissioner "highlighted that many arrests, detentions, and expulsions occur without effort to assess and

maintain family unity, exposing children in particular to risks of severe and long-term harm." In addition, on January 27, 2026, three UN experts [expressed alarm](#) over the United States' treatment of unaccompanied children, including efforts to terminate federal funding for their legal services, the concerning conditions in which they are being held, and efforts to unlawfully deport them. The press release [detailed](#), "Reports indicate children are being held in windowless cells, denied adequate medical care and separated from parents or caregivers for long periods. Between January and August 2025, average custody time rose from about one month to six months, while releases to family caregivers dropped from approximately 95 percent to 45 percent."

As international bodies sound the alarm, the United States continues to permit policies that fracture families and expose children to profound harm, revealing a system that prioritizes enforcement over its most basic obligation to protect children.

"There can be no keener revelation of a society's soul than the way in which it treats its children."

Nelson Mandela

Family separation in the United States is not a historical relic or an unintended consequence. It is an ongoing policy choice with [well-documented consequences](#) for children and families. Across immigration enforcement, detention, and deportation practices, children are experiencing irreparable trauma, while parents are left powerless to protect or reunite with their children. Advocates and international bodies have repeatedly highlighted the harm caused by such policies and called for their immediate cessation, yet enforcement continues to outweigh child protection. The following are recommendations for all States, the U.S. Government, and you, as members of the public, to stay informed, create change, and support efforts that protect children and keep families together:

All States:

- Affirm and uphold the universality of children's rights in all migration policies. All States should ensure that children, regardless of legal status, country of origin, or host country, are guaranteed their full rights, including protection from harm and meaningful participation and inclusion.
- Family unity, when in the best interests of the child, must be protected as a fundamental right in all migration policies and procedures, as provided for in domestic and international law. All States responding to migration flows should end policies that treat family separation as a deterrent or acceptable consequence of seeking refuge.
- All States should develop child-rights based strategies and guidance for family reunification.

U.S. Government:

- Ensure full compliance with the *Flores Settlement Agreement*, the *Ms. L v. ICE Settlement*, The Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008, and all other related

court orders and regulations to prevent family separation and unlawful detention of children.

- Restore the protections set forth in the prior [Parental Interests Directive](#) and require that all personnel involved in enforcement activities receive training to ensure compliance with those safeguards.
- Reinstate the Protected Areas Policy and immediately cease all enforcement actions in or near schools, childcare centers, medical care facilities, courts, and other sensitive locations.
 - Congress should pass the [Protecting Sensitive Locations Act](#) to limit immigration enforcement in sensitive locations.
- Ensure that ORR can adhere to its obligations pertaining to the care, placement, and reunification of unaccompanied children with their families independently from the Department of Homeland Security (DHS).

For You:

- Support policies and practices that protect children, keep families together, and ensure schools, hospitals, places of worship, and courts are safe spaces.
- Support community-based, child-focused, and legal service organizations, including USCRI, who provide assistance with child protection, family reunification, and access to legal representation.
- Engage with local institutions to promote child-centered, trauma-informed practices for migrant children and families.
- Raise public awareness. Have conversations with your family and friends about children's rights and protections. Use social media, community newsletters, or local events to share stories, reports, and research about the human impact of family separation.

For more:

- [Children in Migration Need Protection, Not Barriers](#), USCRI
- [How the "Zero Tolerance" Family Separation Policy Harmed Children and Families](#), USCRI
- [Unaccompanied Children Resource Center](#), USCRI
- [Know Your Rights: Five Things Parents Detained by ICE Should Know](#), Center for Law and Social Policy (CLASP) & National Immigration Law Center
- [Detained or Deported: What About My Children? Parental Rights Toolkit](#), Women's Refugee Commission
- [Toolkit: Protecting Immigrant Families Facing Deportation](#), Children Thrive Action Network
- [Immigrant Children with Traumatic Separation: Information for Professionals](#), Florida State University College of Medicine, Center for Child Stress and Health
- [U.S. Senators, State Attorneys General's Offices, healthcare professionals, child advocates, law professors and more file amicus briefs in support of the Flores Settlement](#), National Center for Youth Law
- [Child-Family Separation and Immigration Enforcement in the United States](#), Georgetown University Collaborative on Global Children's Issues