

Forced Family Separation: How Trump's Zero-Tolerance Policy Propelled Migrant Children Separated at the Border into the U.S. Welfare System

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

– Nelson Mandela

Dedication

For the victims of the zero-tolerance policy.

Acknowledgements

I would like to express my gratitude to...

my husband, Keo, for supporting my vision and relocating our life during a pandemic; I love you.

my mother, who fearlessly crossed the U.S./Mexico border, fleeing a civil war with only a dream of a better life. You inspire me every day.

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my therapy cat, Bailey who was always present, even if he was napping most of the time

Abstract

The zero-tolerance policy was enacted during the Trump presidency in April 2018 and lasted three months. It forcibly separated migrant families at the U.S./Mexico border, causing irreparable harm. The policy was meant to deter migrants from entering the U.S. and has come at a tremendous human cost. As of June 2022, it is believed that more than 5,000 children were separated (Hampton et al., 2021; Sacchetti, 2022). Many children are yet to be reunited with their families and are being traced through Biden's task force due to the minimal details recorded by U.S. officials. This ongoing conflict has limited data. To address this gap, this research combines studies and cases from various fields to discuss the effects this policy had on the separated children. The findings focus on the separated children and their experiences from separation onwards. Declarations from the *Ms. L. et al. V. ICE* (2018) case are used as data and analyzed in a thematic analysis to support studies demonstrating the harms of family separation. A theoretical analysis is used throughout the research further to support the narratives from the class action lawsuit to understand this conflict better. The findings of this research determined that several children are suffering from "post-traumatic stress disorder," "major depressive disorder," or "generalized anxiety disorder" (Hampton et al., 2021, p. 5). As the literature demonstrates, acute trauma results from sudden separation from a caregiver and has significant short- and long-term effects on the children. Although these preliminary findings are an asset, research is insufficient on the impact of this policy on the separated children. The life outcome of the separated children is also inconclusive due to this ongoing conflict.

Keywords: children, family separation, migration, migrant, trauma, Trump, zero-tolerance policy

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ABBREVIATIONS

ACE – Adverse Childhood Experiences/Events

ACLU – American Civil Liberties Union

CBP – U.S. Customs and Border Protection

DHS – Department of Homeland Security

HHS – Department of Health and Human Services

ICE – U.S. Immigration and Customs Enforcement

KIND – Kids in Need of Defense

LIRS – Lutheran Immigration and Refugee Service

RD – Relative Deprivation

SC – Separated Children

SRTC – Shiloh Residential Treatment Center

UM – Unaccompanied Minors

ZTP – Zero-Tolerance Policy

Introduction

Background

In April 2018, the Trump administration enacted a zero-tolerance policy (ZTP), forcibly separating migrant families at the U.S.-Mexico border (de la Peña et al., 2019). Shortly after this policy was enacted, photographs showed children detained in make-shift cages (Merchant, 2018). The children are seen with thermal blankets due to the detention center's acutely cold temperature, often referred to as *hielera* or ice box (Uhlmann, 2019). The U.S. government received immense criticism and questioning for its actions both domestically and internationally. Mothers reported being detained and recast as child smugglers as they breastfed their children (Danticat, 2018; Lavandera et al., 2018). The children were also detained and processed as unaccompanied minors (UM) even though they were accompanied. The children resided under U.S. Customs and Border Protection (CBP) custody until they were transferred to the Office of Refugee Resettlement (ORR). The ORR then placed the separated children (SC) in various shelters around the country.

The lawful detainment of migrant children shifted America's moral boundaries and triggered mass protests forcing Trump to terminate the policy in June 2018 (Habbach et al., 2020). Trump's presidency ignited xenophobic rhetoric and hate crimes toward Latinos, regardless of citizenship status (Flores, 2018). The political environment was divided, and the SC are victims of that strife. As of June 2022, it is believed that more than 5,000 children were separated by the ZTP (Hampton et al., 2021; Sacchetti, 2022). The ZTP was meant to deter migrants from entering the U.S. and has come at a tremendous human cost. Jeff Sessions (2018), the attorney general at the time, stated the following about the ZTP:

I have put in place a “zero-tolerance” policy for illegal entry to our Southwest border. If you cross this border unlawfully, then we will prosecute you. It’s that simple. If you smuggle illegal aliens across our border, then we will prosecute you. If you are smuggling a child, then we will prosecute you and that child will be separated from you as required by law. (paras. 7–9)

Parents who are illiterate and require language assistance because they are from indigenous areas were misguided and forced to relinquish their parental rights (Mohdin, 2018). The American Civil Liberties Union (ACLU) initiated a lawsuit on behalf of the parents that unknowingly signed these documents (*Ms. L. et al. V. ICE*, 2018). These documents gave U.S. officials custody of the children and allowed them to process the SC as UM’s. Parents report that they believed their children were placed with relatives in the U.S. (*Ms. L. et al. V. ICE*, 2018). Instead, the SC were in shelters funded by ORR or under prolonged CBP detention. Unfortunately, there are only estimates of how many children were released to sponsors since CBP failed to record any pertinent details during the detention process that could assist in child location, especially pre-verbal children (Gash & Yamin, 2020).

In 2021, President Joe Biden designed a dedicated task force in his first 100 days to reunite separated families and locate children lost in the system (Montoya-Galvez, 2022). The children are in various foster homes throughout the U.S., making reunification attempts passive. Aside from reunifying these families, there is also a demand for reparations. In October 2021, it was reported that “the Biden administration is in talks to offer immigrant families that were separated during the Trump administration around \$450,000 a person in compensation” (Gurman et al., 2021). These talks ended in December 2021 as the Biden administration encountered

resistance from Republican lawmakers in supplying financial compensation for the damages and trauma inflicted by the U.S. government on the separated families (Montoya-Galvez, 2021).

Family Separation is a repetitive theme in U.S. history, expressed through policies that affect citizens and noncitizens. The U.S. criminal justice system separates families daily in ways that cause irreparable damage to children. Shanta Trivedi (2022), Assistant Professor of Law at the University of Baltimore, stated in a recent podcast episode:

In the United States, children who are in the care of the government are experiencing rates of PTSD at higher rates than adults that have gone to war.

Foster care can be a pipeline to incarceration. Foster children are more likely to have contact with the juvenile justice system (00:15:05).

The SC were propelled into a system already fractured with systemic challenges.

It is essential to mention that family separation is not a new phenomenon in U.S. immigration policy. However, Kopels (2018) explains that it is “how administration officials chose to enforce existing policy” that makes it different from past administrations (p. x). The ZTP fostered previous deterrence frameworks and expanded on policies that were created “more than thirty years ago, [when] the federal government began expressly incorporating deterrence rationales into enforcement policies” (Zolberg, 2006, as cited in Lee, 2019, p. 2346). It reinforced previous prevention through deterrence methods, such as Operation Gatekeeper, established in the '90s by the Clinton administration (Uhlmann, 2019). Operation Gatekeeper set a foundation for immigration policy, and according to activist Uhlmann (2019), it did little to deter people from crossing the border. Meierotto (2014) stresses that deterrence policies have a dark humanitarian side that leads to fatalities.

Research Statement

The Trump administration attempted to normalize the detention of children and the separation of families. A recent study estimates that “as of August 1, 2021...at least 1,841 children are still separated from their parents” (Hampton et al., 2021). It is imperative to investigate children’s experiences from the moment of separation, including CBP detention centers, ORR shelters, and sponsor or foster care release. This will facilitate a better understanding of the collective trauma enveloped by the SC. Academics and activists highlight that trauma is a detrimental implication of this conflict and one that requires immediate attention (Avrushin & de Haymes, 2019; Cabrera et al., 2019; Lee, 2019; Roth et al., 2019; Stenberg & Hogg, 2020; Y. M. Vissing, 2021).

My research will focus on the consequences that unraveled from separation and the compounded trauma that the SC are experiencing. Current academic research highlights various concerns about this conflict. Still, the moment of separation for the SC to the present day is understudied. I aim to further academic research on the progress of this conflict and the ramifications that family separation has had on the SC. I intend to do this through recent studies and theoretical frameworks that can explain the potential outcomes for the SC. The literature review will touch on themes discussed by academics and experts in the field that exceed the scope of this dissertation but are essential to acknowledge.

To date, the experiences of this specific group of children remain an understudied area, and data that elaborates on the foster care system concerning migrant children is scarce (Finno-Velasquez & Pardini, 2018). However, some research concentrates on children of immigrants who are U.S. citizens placed in foster care due to parental deportation, which can assist the academic discussion on the ZTP conflict. If the SC are not reunited with their caregivers and continue in foster care, established research can assist caretakers and policymakers in making

better decisions regarding their well-being. The SC's challenges will undoubtedly differ from other children in foster care. There is a foundation of analysis that academics have provided from various fields that will demonstrate the negative consequences this policy forced onto the children separated at the border.

Research Question

The following is my research question: What was the impact on migrant children arriving in the U.S. during the implementation of President Trump's zero-tolerance policy?

Hypothesis

The ZTP, implemented during the Trump Presidency, has caused irreparable harm to children that forced them to separate from their caregivers at the U.S./Mexico border. I believe that the act of separation and prolonging that separation will impact their physical, mental, and emotional well-being, which will cause short and long-term effects.

Terms Defined

There are terms in this dissertation that need to be defined for clarification. This research focuses on the children forcibly separated during the zero-tolerance policy (ZTP). The acronym used when referring to this population is SC, for separated children. At times I refer to *migrant children*. When referring to migrant children, I am referring to children who arrived unaccompanied to the U.S. or arrived accompanied and are undocumented in the U.S. The term *children* may refer to a case that mentions U.S. citizen children in the foster care system, for example, or when the topic has already indicated which population of children I am discussing. For instance, if a case study is being discussed and I indicate that it is about unaccompanied minors before the zero-tolerance policy, I may refer to them as children for the remaining

analysis. Another term used is *tender age children*, which indicates children under the age of five. More traditional terms, such as toddler or infant, may also be used.

Two terms are used interchangeably and are similar; *caregiver* and *parent*. When I refer to a caregiver, this is inclusive of a parent. At times I state *primary caregiver*, which acknowledges that a caregiver is not always a parent. Children sometimes cross the U.S./ Mexico accompanied by a grandparent or other family member. The primary caregiver may not necessarily be a parent; this is important to understand.

Another distinction I would like to make is when using the term *migrant*. This study focuses on a specific time frame in the ZTP conflict, primarily when migrant families arrive in the U.S. The families have not settled, and the ZTP ordered the detainment of all migrants regardless of asylum status. This dissertation covers a transition period, so migrant appears to be the best term when referring to the victims of the ZTP. When I use the terms *immigrant* or *undocumented*, I am referring to populations that have established residence in the U.S.

Literature Review

The ZTP detained and criminally charged migrants at all ports of entry into the United States and forcibly separated families. This policy began as a pilot project in El Paso in early 2017; and was implemented in April 2018 by the Trump administration (Habbach et al., 2020). This policy lasted three months; however, the effects of the policy are long-lasting. This policy's harmful consequences on families are driving preliminary studies to focus on trauma as an outcome (Hampton et al., 2021).

Advocates from childcare, law and other fields of study have united to help victims rehabilitate and seek reparations. Class-action lawsuits, represented by non-profit organizations such as ACLU, are in motion and fighting for family reunification (*Ms. L. et al. V. ICE*, 2018). Humanitarian activists, both domestic and international, condemned the ill-treatment of asylum seekers and stressed that the U.S. violated human rights (Ali, 2021; FRYE, 2020; Kopels, 2018). The alleged crime of asylum seekers was illegally crossing the U.S./Mexico border and smuggling children. Caregivers endured punishment by signing away their legal rights to their children. U.S. congressman Tony Cardenas commented in a House committee hearing on family separation:

This is one of the worst things that a person, a society, or any individual can do to a young brain...to give them that experience of that trauma...that trauma lasts a lifetime, not only does it have a mental effect on that human being for a lifetime, it actually translates into negative physical effects as well...Once a child has been traumatized like that, it will never be just fine... (PBS NewsHour, 2019, 2:32:28)

Various perspectives of this conflict illustrate the intricacies of immigration policy and its effects on migrants and U.S. citizens of Latino descent. The separation of families during the

Trump administration catalyzed immigration reform because it shifted America's moral boundary. Media coverage that showed children in overcrowded facilities generated a momentum of social change in America, calling academics' attention. A multi-disciplinary approach provides valuable insight that facilitates an academic discussion on the impact of the ZTP.

This literature review will merge various lenses and use publications predominantly from 2017 onwards to cultivate that discussion. Literature focusing on trauma and family separation will supplement additional research in this dissertation which will use publication dates before 2017 because they add value to the analysis of child separation and trauma. Identifying gaps in current studies will help examine the impact of the ZTP on the SC. A thematic approach is applied in this literature review to highlight areas that have been studied and surround the topic of migration. The following themes will be discussed: why people migrate, Trump rhetoric, immigration policy, institutional issues, and the parallels between incarceration and detention.

Understanding what has been studied is critical to rehabilitation initiatives, especially because many victims were children. It is essential to mention that many more areas of study revolve around migration issues and policy. However, the themes listed above are influential in my research and provide an additional foundation for understanding the escalation of this conflict. I intend to link academic literature to continue research on the ZTP conflict and how it affected the SC. There is a risk of missing an opportunity for immigration reform and uniting families if research does not continue. I aim to add to the academic discussion surrounding this conflict and answer the following question: What was the impact on migrant children arriving in the U.S. during the implementation of President Trump's zero-tolerance policy?

Why migrate to the U.S?

Motives for mass migrations are evolving due to “war, disaster, violence, persecution, climate change, poverty, and the desire for better lives and more equality and opportunity” (Y. Vissing et al., 2021). Although it is not the scope of this paper to discuss events before the separation of the children, it is crucial to mention moments in the literature that ties into the root causes of migration and why parents would risk crossing the border with their children.

In 2015, El Salvador was branded as “the murder capital of the world” and known as the “deadliest country outside a war zone” (Brigida, 2021). That title has since been removed due to historically low homicide rates (Brigida, 2021). Still, a country’s violent history illustrates why people flee (Patel et al., 2021). Bortz (2018) stresses that “children do not choose to immigrate; they flee countries with some of the highest homicide rates in the world” (p. 11). Children are at significant risk in countries with prevalent gangs, such as MS-13, who recruit young and leave families with ultimatums. The presence of violence in the land of origin is one of the most agreed reasons for migration by activists and scholars (Ali, 2021; Gash & Yamin, 2020; Katharine M. Donato & Samantha L. Perez, 2017; Uhlmann, 2019; Y. M. Vissing, 2021).

In addition to violence, Donato et al. (2017) mention that family reunification pushes UMs to embark on the torturous journey to the U.S. This is a different scenario from the forcibly SC who were assigned a status of UM. Still, it is essential to mention it as it does appear in the literature and will continue to be a factor for children who have parents in the U.S. and choose to migrate.

Activist Uhlmann (2019) suggests that migration is due in large to U.S. policy, such as the Central American Free Trade Agreement (CAFTA), which afflicts Central Americans and arranges “vast monopoly protections” for corporations (p. 52). The CAFTA agreement is an example of systemic violence that limits access to services and resources that promote equality.

For instance, due to CAFTA, Guatemala's generic drugs are unavailable to its citizens (Uhlmann, 2019).

Slack (2018) adds that structural violence is an additional factor that leads people to migrate. He expands on Galtung's (1996) concept of structural violence in addressing migration at the U.S./ Mexico border and stresses that migrants are limited in opportunities to "realize their full life's potential"; this is a significant drive for migration (p. 44). Lee (2019) advises that family separation calls attention to the need for systemic change, which includes immigration reform and abolishing any agreements that produce inequity and inequality for migrants in their home country. Nichols et al. (2017) look at Guatemala when identifying factors that lead youth to leave their country of origin. They found that youth are victims of the U.S. and Guatemala's socioeconomic systems. "The Guatemalan government is to blame for creating a political and economic environment that youths desire to leave; the U.S. government is to blame for how youths are treated once they migrate" (Nichols et al., 2017, p. 1982).

Nichols et al. (2017) point out that media in the country of origin plays an influential role in migration. The portrayal of "The American Dream" is a driving force for youth to migrate (p. 1983). This concept aligns with Vissing's (2021) suggestion of opportunity as a motivating factor for migration.

Trump Rhetoric

Before Trump's election, the U.S. received an unprecedented number of UM's at the U.S./ Mexico border, known as the "2014 child migration crisis" (Nichols et al., 2017, p. 1964). Media and political rhetoric certainly give a depth of analysis to this conflict that helps understood moments where the Trump administration used political rhetoric to reinforce the Latino threat narrative, which "calls for more aggressive immigration enforcement" (MASSEY,

2016, p. 172). Trump's election was a pivotal moment for America, and his inheritance of the child migration crisis presented him with an opportunity to amplify the Latino threat narrative (Chavez, 2013).

Leo Chavez (2013) explains that the Latino threat narrative marks Latinos with a label of illegality. It classifies noncitizens and those who appear to be Latino as unworthy of U.S. citizenship and its benefits (Chavez, 2013, p. 4). The illegality narrative was prominent in Trump's campaign. He often "claimed the nation was threatened by undocumented immigrants, Islamic terrorists, and various other groups who were not white Americans" (Rowland, 2021, p. 1). This narrative instilled a fear of uncertainty, creating a void for many Americans who believed Trump could provide stability and protection, "the American people voted for the poster child of the capitalist system" (Gounari, 2018, p. 208).

Rhetoric scholar Rowland (2021) suggests that "Trump's narrative created a sense of shared identity among supporters by providing enemies to blame for their own misfortune" (p. 5). Chavez (2013) argues that "community membership" is determined by citizenship status (p. 5). Trump challenged the national identity of the U.S. and targeted communities that felt excluded from a previous political discourse in an "attempt to activate core supporters, including in the alt right" (Rowland, 2021, p. 93). Rhetoric helped mobilize anti-immigration supporters and heightened xenophobia that spread hostility to the U.S./ Mexico border, leading to the normalization of child detention and violence toward migrants (Y. M. Vissing, 2021).

Immigration Policy: Family, Deterrence, and Surveillance

Slack et al. (2018) challenge the very definition of security and leads the literature in a direction that engages academics to question whether securing the border is the answer to immigration reform (p. 85). Securing the border also entails mass incarceration and

“criminalizing migrants,” which the American Friends Committee (2016) states “does not address the root causes of insecurity” (p. 7). In the chapter, Edwidge Danticat, Stenberg, and Hogg (2020) elaborate on the ZTP’s goal to secure the border and suggest it forced vulnerable populations into hiding where “they become slowly erased” (p. 206). Adding layers of protection from *the other* is not a viable solution because “you can’t deter a refugee crisis” (PBS NewsHour, 2019, 3:00:20). The actions taken by the Trump administration communicated to citizens that the border was a liability that endangered their safety. Trump expanded the presence of officials by employing “10,000 new [U.S. Immigration and Customs Enforcement] ICE agents and 5,000 new Customs and Border Protection (CBP)” (Greene, 2018, p. 85). “These children are the casualties of an immigration system that rejects family reunification and asylum claims in the name of national security” (Ali, 2021, p. 246). Uhlmann (2019) suggests reframing the narrative because labeling immigration as an issue of “national security” renounces any attempts toward immigration reform (p. 128).

Immigration reform has been a topic for years, but the ZTP sent waves of shock that encouraged groups who defend the rights of immigrants to mobilize. The press is an indispensable resource for academics when researching an ongoing conflict. Jacob Soboroff (2020) was one of the first to write and report on child separation during the Trump administration, exposing the events at the U.S./ Mexico border. Soboroff’s expertise led him to publish a book that shows the evolution of the ZTP. He expresses that this conflict is one of the worst humanitarian tragedies in U.S. history (Soboroff, 2020). Soboroff calls out officials responsible for the detention of children. Accountability is vital; it depicts fractures in America’s immigration system. Since the Clinton administration, deterrence mechanisms have been a fundamental aspect of immigration policy (Uhlmann, 2019). A distinct element of the ZTP is its

label of “government-sanctioned child endangerment” (Examining the Failures, 2019, as cited in de la Peña et al., 2019, p. 156). Kopels (2018) suggests that Trump’s interpretation of deterrence and policy enactment is a unique difference from the deterrence policies of previous administrations.

The goal of deterrence is to control or completely stop migration. Deterrence mechanisms are also present in objects like the wall built along the U.S./Mexico border. The Sonora desert is an example of the weaponization of land (Androff & Tavassoli, 2012; Meierotto, 2014), perhaps the most prolific “with nearly eighty-five hundred remains recovered since the mid-1990s” (Uhlmann, 2019, p. 49). Homeland Security spokeswoman, Katie Waldman, told Soboroff (2020),

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 (p. 308).

The detention of family and separation of children is questionable, as scholars have commented that the U.S. legal system states that it values the family unit (Hawthorne, 2007). Lee (2019) leans heavily into research relating to policy and argues that family separation is a central focus of the U.S. immigration system. Hawthorne (2007) studies the juxtaposed definition of *family* in law and its application to a policy as “there is not a single politician on Capitol Hill that would say they are against family unity...Family, it seems, is supported by everyone” (p. 809). Paradoxically, policies consistently strain families and have a deterrence component that makes it difficult for families to stay together. Slack et al. (2018) support Lee’s perspective and expand further by commenting on “interior immigration enforcement efforts” that impact mixed-status

families and often force children to live without a parent due to an ICE arrest (p. 83). Cabrera et al. (2019) pose similar concerns about mixed-status families and state that this is also an avenue that propels children into the foster system and pushes families to become financially unstable.

Hardships like ICE raids and police evasion isolate undocumented communities and spread further into the Latino population. Both Uhlmann (2019) and Hernández (2019) mention the impact of immigration policy on children who are U.S. citizens and have undocumented parents. Mixed families are at risk when ICE raids courthouses and areas frequented by undocumented persons, such as schools. ICE raids were prominent, and “investigative raids” were initiated during “Trump’s first six months in office” (HERNÁNDEZ, 2019, p. 86). The crisis at the U.S./Mexico border fuels the fear felt by mixed-status families and reinforces the deprivation felt by Latino communities. “There [are] no exempt classes of deportable migrants, and on the ground, ICE, Border Patrol, and Customs officers are newly empowered to pursue suspicions and apprehend and detain a wider variety of noncitizens” (HERNÁNDEZ, 2019, p. 86).

Certain cities in the U.S. are known as “sanctuary cities” and work towards building an inclusive community regardless of status (MANCINA, 2019). Some laws protect immigrants and allow them to move freely in sanctuary cities which helps mixed-status families. Mancina (2019) examines government policy in sanctuary cities which introduces an essential aspect of undocumented culture. Sanctuary cities tie into immigration policy and intend to protect mixed-status families that “are under attack by the federal government and make up significant portions of city populations” (MANCINA, 2019, p. 251). Sanctuary cities are vital for building trust with the undocumented community, who may feel under continual surveillance.

Suspicion of government is rooted in fear of deportation, which results in “[avoidance] of authorities at all costs” (SLACK, MARTÍNEZ, et al., 2018, p. 84). It includes asking for assistance from “food stamps, WIC programs, behavioral and mental health services, and early education services” (Cabrera et al., 2019, p. 11). Scholars effectively demonstrate the prevalence of structural violence (Galtung, 1996) that lead specific communities to lose trust in entities that try to assist immigrants (Cabrera et al., 2019; Hernandez-Mekonnen & Konrady, 2018; SLACK, MARTÍNEZ, et al., 2018).

UM’s are transferred to sponsors once they are in ORR custody and moved from CBP centers. The child’s parent can recommend sponsors, usually extended family members living in the U.S. who undergo requirements such as fingerprinting and a possible home study (Avrushin & de Haymes, 2019; Soboroff, 2020). However, the ORR changed its procedure during the ZTP and required that *all* household members undergo fingerprinting (PBS NewsHour, 2019; Soboroff, 2020). Mixed-status families felt a significant risk to their security, and it “was scaring away people from picking up unaccompanied children” (Soboroff, 2020, p. 212). Fingerprinting puts undocumented individuals in a vulnerable position and U.S. citizens who may share a household with undocumented persons. Cabrera et al.(2019) note that “even first generation citizens worry that their status is not absolute and that their citizenship could be taken away” (p. 8).

Institutional Issues

The literature calls attention to the compounding effects of trauma and has found that much originates from detention facilities and encounters with government officials (Stenberg & Hogg, 2020; Uhlmann, 2019; Y. M. Vissing, 2021). There is a focus on CBP agents and their responsibilities because it appears that they have diverted from law enforcement to childcare.

“Advocates argue that CBP is not the appropriate agency to conduct the TVPRA [The Victims of Trafficking and Violence Protection Act of 2008] screening because CBP and its staff are primarily focused on security to the detriment of inquiries about children’s relative danger and their legal rights and agency” (Cavendish & Cortazar, 2011; Lutheran Immigration and Refugee Services, 2015, as cited in Avrushin & de Haymes, 2019, p. 112).

TVPRA (2008) is a statute that works with the Flores settlement (*Jenny Flores et al. V. Janet Reno et al.*, 1997) in processing UMs. For this literature review, it is essential to introduce this statute and settlement because experts note that these are some of the only set procedures that offer protection to UMs (Avrushin & de Haymes, 2019).

Agents are the first point of contact for migrants, and it is critical that children not be terrorized by a separation. Terra Firma co-founder, Dr. Muñiz de la Peña, testified before Congress discussing the effects of “acute trauma” that resulted from separation techniques used by CBP (PBS NewsHour, 2019, 3:10:08). The ZTP provided immunity for officials who carried out family separations and allowed “immigration officials [to use their own] discretion in deciding whether to detain certain individuals, including parents and legal guardians” (U.S. Immigration and Customs Enforcement, 2017, as cited in Cabrera et al., 2019, p. 20).

The absence of standard operating procedures and appropriate childcare staff enabled officials to inflict acute trauma onto families, illustrating power abuse. When parents or children asked for one another, CBP officials terrorized parents by stating that they would be deported without their children, which was the case for many parents (Routon, 2021, p. 329). What became apparent from testimony in the *Ms. L. et al. V. ICE* (2018) lawsuit is that parents were unaware “that regardless of immigration status,” they have rights over their children (Cabrera et al., 2019, p. 8). Uhlmann (2019) points out that migrants may find themselves in an interrogative

situation because discrepancies may appear in their statements, leading to denying an asylum application. Migrants relive a trauma when establishing credibility “despite a wealth of scientific knowledge demonstrating that trauma impedes recall” (Gome, 2016, as cited in Uhlmann, 2019, p. 65).

Avrushin & de Haymes (2019) have found several inconsistencies with the care children receive from government institutions and suggest that a child’s experience depends significantly on “the person(s) responsible for interpreting and implementing the policy” (Avrushin & de Haymes, 2019, p. 111). The lack of consistency is an issue that impacts children because it can lead to prolonged detention that snowballs into events that affect a child’s well-being. In addition to not having procedures in place, resources that focus on the needs of immigrant children are unavailable. Cabrera et al. (2019) add that “systemic barriers” result in a “lack of cultural and contextual understanding” (p. 12). The experiences of the SC will be examined further in this dissertation as it is a central focus in depicting moments of trauma and how they developed from the point of separation onwards.

The Parallels of Incarceration and Detention

Exposing the longstanding disparities for communities of color in the U.S. is central to this conflict as it shows a correlation between immigration policy and laws that systemically disregard communities of color. Goodwin (2020) reiterates that the U.S. “accounts for 25%” of prisoners worldwide (p. 118). Immigrants held in detention centers are not accounted for in this statistic, although detention centers replicate the U.S. prison system. “The federal government’s control of human mobility and its reliance on the criminalization of nonwhites and noncitizens would help solidify the sovereignty, borders, and whiteness of the nation” (HERNÁNDEZ, 2019,

p. 62). These institutions aim to deprive individuals of liberty, which echoes Foucault's (1995) explanation of power.

Like the prison system, there is tremendous profit involved with private detention centers that experts and academics mention (American Friends Service Committee, 2016). The prison industry has grown substantially in the years of the Trump administration; it “oversaw a 38 percent increase from the previous year in immigrant arrests in its first one hundred days” (Dickerson, 2017, as cited in HERNÁNDEZ, 2019, p. 59). Uhlmann (2019) focuses on two groups, Core Civic, and Geo Group, who participate in the lucrative migration business. U.S. taxpayers essentially paid “\$800 million” to ICE which was used to detain migrants in private prisons (Goodkind, 2018). Children in detention centers are victims of a culture that projects violence onto noncitizens and people of color, which matters when discussing immigration reform.

Peeler et al. (2020) add to the prison discussion through their study on sleep deprivation of detained children, which is a “consequence of inappropriate environments” (p. 318). Sleep deprivation tactics, similar to those used on prisoners in Guantanamo Bay, are “internationally denounced as a form of torture” and used on migrant children (The Committee against Torture, 2014, as cited in PEELER et al., 2020, p. 319). Children are subject to treatment that dehumanizes and devalues their existence. A child in detention stated to a Kids in Need of Defense (KIND) attorney that officers “told the children that if they didn't want to be treated the way they were being treated, then they never should have come to the United States” (C. Sessions, 2022, p. 8). Intimidation is a widely used tactic in prison and detention centers; an observed similarity by academic Hernández (2019) illustrates the parallels between the U.S. prison system and detention centers.

There is an “invisibility” of the detainee that forms when “they’re imprisoned in our proverbial backyards” (Stenberg & Hogg, 2020, p. 204). Prisoners and detainees experience abuse in these institutions, and “a 2013 Government Accountability Office report found that immigration detention centers failed to report 40 percent of sexual abuse violations” (López and Park, 2018, as cited in Uhlmann, 2019, p. 93). A CBP officer is not permitted to decide asylum outcomes. Still, reports have shown that officers use authority as a way to threaten detainees with deportation to “seek compliance” in acts of sexual abuse (Uhlmann, 2019, p. 93). This report is before the Trump administration; however, Uhlmann (2019) suggests that CBP abuse has most likely continued or increased throughout Trump’s presidency.

Sessions (2022) recorded an account of a 15-year-old girl resembling that of George Floyd, illustrating police brutality. She reported an officer pushing her “face-down to the ground, and [putting] his knee in her back while handcuffing her...it was extremely difficult to breathe” (C. Sessions, 2022, p. 6). Floyd was subject to police brutality and “died because his upper airway was compressed by Officer Derek Chauvin’s knee...with his hands cuffed behind his back” (Karnowski & Webber, 2022, para. 2). This young girl could have died in the hands of U.S. officials, and the similarities of the two are disturbing.

Conclusion

The literature demonstrates how structural violence (Galtung, 1969) predominantly affects communities of color, regardless of citizenship status. The themes presented in this literature review are relevant and vital when discussing migration-related topics. This dissertation will look further at the impact and effects of separating migrant children from their parents at the U.S./ Mexico border and the consequences of this action. However, it is essential

to consider and acknowledge the long stemming barriers and challenges that the undocumented community has historically confronted because it will aid in understanding the current conflict.

Experts are concerned for children's well-being, and studies on the long-term effects of child separation are pending. Some studies have been conducted on small samples demonstrating PTSD due to family separation (Hampton et al., 2021; MacLean et al., 2019). I aim to gather preliminary studies that can support the literature. Additional chapters will demonstrate an analysis of the act of separation, the resulting trauma, and recommendations for this conflict. Further examination will show the irreparable harms that engulf children when they experience separation from a primary caregiver.

Methodology

This dissertation explores the impact of the ZTP on migrant children after forced separation from a caregiver at the U.S./Mexico border. The life-long effects of the ZTP on the SC are unknown as it is ongoing. A recent study interviewed reunited families and confirmed that “most individuals met diagnostic criteria for at least one mental health condition such as “post-traumatic stress disorder (PTSD), major depressive disorder (MDD), or generalized anxiety disorder (GAD)” (Hampton et al., 2021, p. 5). Child advocates, scholars, and experts gave several warnings before the implementation of the ZTP; underlining that the policy would cause various long and short-term psychological, emotional, and mental harms to children (de la Peña et al., 2019; Habbach et al., 2020; PBS NewsHour, 2018; Y. M. Vissing, 2021; Wood, 2018). Hampton et al.’s (2021) study provide evidence that children undergo severe disorders due to trauma and reveals that other SC may suffer similar conditions. In addition to Hampton et al.’s study, the narratives recorded in *Ms. L. et al. v. ICE* (2018) lawsuit are valuable to this dissertation and direct the research. The case is regarding the forced family separations that occurred at the U.S./ Mexico border from the ZTP. This lawsuit supported the immediate reunification of families, exposed the harms and barriers resulting from the ZTP, and guided this dissertation’s research. The case entails fifteen exhibits with detailed narratives that illustrate the malintent of the ZTP and the hardships the separated families have undergone from this policy.

Other studies in academic journals cover this conflict or aspects of this conflict that informs the case of the SC but lack data. Other studies included in this dissertation feature the experiences of other migrant children, not specifically the SC. Chapters that discuss the findings in this master’s thesis demonstrate the value of previous studies and their relation to the research question. As mentioned by de la Peña (2019), there are “decades’ worth of research documenting

the damage of separating children from their parents in a wide diversity of circumstances and for a wide variety of reasons” (p. 153). The ZTP conflict is new, but the extensive literature on child separation and how trauma can evolve into a multi-faceted problem that negatively impacts a child’s well-being is *not*.

Limitations

Limitations to Dissertation

It is critical to note that the research in this dissertation is entirely secondary, qualitative in nature, desk-based, and available online. Desk-based research signifies dependence on published data and research that help understand the complexity of the ZTP conflict and its relevance to the conflict analysis and resolution field. A limitation of this dissertation is the fourteen-week time frame to conduct desk-based research and restricts interpretations to those of already published studies. Theoretical frameworks are coupled with studies to analyze this conflict and support key findings that affect the life outcomes of the SC and the growing concern this conflict envelops.

Since this conflict is ongoing, there is a limitation on available data, which inhibits identifying any correlations between quantitative and qualitative findings. Primary data could have contributed significantly to understanding this conflict and helping victims. This conflict is at a point where scholars and experts recommend an immediate response toward rehabilitation and reparation. The momentum in this conflict pushes for continual research that can maintain an academic discussion.

Limitations to the Thematic Analysis

For the results section of this paper, I apply a thematic analysis to aid in understanding the narratives available in the *Ms. L. et al. v. ICE* (2018) case through attorney declarations. This case provides accounts that uncover the experiences of the separated families, which aims to

enhance the current academic discussion on the SC. A thematic analysis may not be the best way to understand this conflict, but it provides a helpful lens for preliminary findings.

Although the attorney declarations are an advantage and an indispensable resource, the narratives have been filtered through attorneys and presented in a legal framework. The statements are a limitation because they are not from the primary source. The class-action lawsuit is also not collected for research purposes. Language is another obstacle that the attorneys noted as an issue while conducting interviews. Some of the attorneys are bilingual, but several clients do not speak Spanish, which indicates a need for additional translators for indigenous languages.

Time Permitting

Courtroom setting narratives are distinct from narratives recorded by a research team with previous experience in data collection ethics. A courtroom setting does not encourage a safe space for migrant narratives. Although a lawsuit may be necessary for reparations, it can be discouraging from the perspective of narrative analysis. A thematic analysis poses concerns as it limits the comprehension of narratives and can distort the meaning behind narratives (Cobb, 2013). Cobb (2013) describes the challenges of courtroom narratives best in the following quote:

In the context of courtrooms, the contest over narratives is transparent. Rules that govern the development of narrative restrict and constrain what narrative elements can be included and how the narrative is presented. Although these narratives may develop, they are not likely to evolve because this development takes place within an adversarial interaction that includes accusations, denials, justifications, and excuses. This interaction usually reproduces narratives, hardening them as the struggle over meaning takes place. Accusations lead inevitably to more of the

same. In this way, courtroom narratives neither heal broken bonds nor reduce the trauma of violence. On the contrary, courtroom narratives are reductive and blaming and generative of conflict. (p. 5)

This quote demonstrates that efforts to help a community find its voice from a courtroom setting can pose several setbacks in reconciliation or intervention efforts. Narratives can take on an unintended vehicle of regression and impose further trauma on those that have been “delegitimized” through narrative (Cobb, 2013). As emphasized by Cobb, there is more to a narrative than the “thin” narrative that is provided and lacks historical context (p. 8).

There are various interpretations and definitions of narrative analysis in the academic sphere. If time and feasibility were not pertinent issues in my research, I would have focused entirely on a narrative analysis framework such as the one presented by Cobb (2008). Narratives must be recorded from both sides of this conflict if we are to move towards intervention. Cobb separates and details the parts of a narrative where she demonstrates necessary categories. Unfortunately, this dissertation’s time constraints do not allow such an analysis to occur. It is crucial to recommend Cobb’s perspective on narrative analysis because it aims to understand the origins of a narrative, the present issues of the narrative, and what such narratives indicate for the future (p. 117). I firmly believe the ZTP conflict is ripe for a narrative analysis approach. Several lawsuits are helping voice the narratives of the immigrant community, which is vital since these narratives have been predominantly undisclosed by the immigrant community for fear of deportation.

Narrative analysis “provides a framework for the critical diagnosis of conflict processes, illuminating the struggle over meaning, as a struggle over legitimacy in narrative” (Cobb, 2008, p. 116). Legitimacy is a critical component of the narrative

analysis framework (Cobb, 2008; STAR-TIDES, 2021). It determines what the “dominant narrative” is in a conflict and distinguishes the “characters” of the narrative and their “positions” (Cobb, 2008, p. 102). In a recent webinar, Cobb explains that there are three components to a narrative, “the plot, characters, and value system” (STAR-TIDES, 2021, 00:12:37) . Although they are all critical, Cobb stresses that attention must be given predominantly to the characters of a narrative (STAR-TIDES, 2021). Cobb (2008) elaborates further on the importance of the position of the characters stating that “they have immediate, serious, and long-term implications for access to resources, legal sanctions, moral legitimacy, and social relations” (p. 103).

The narratives of the class-action lawsuit are surface level compared to the insight narrative analysis can provide; however, they show a “moral point,” a critical element of narrative analysis (STAR-TIDES, 2021). The narratives also give a brief understanding of the difficulties encountered by the SC and demonstrate that the ZTP has negatively impacted their well-being. The impact of this policy after separation is the focus of this dissertation, but a sub-focus entails the possible life-long outcomes of the SC based on the trauma they have undergone. There is a need for a narrative collection that addresses both sides of the conflict. The Latino threat narrative (Chavez, 2013) has taken precedence over the narratives of the immigrant community and is often “downloaded” and used to amplify the dominant narrative (Cobb, 2013).

The ZTP conflict enabled a ripeness in a much larger, historically significant conflict. Issues stemming from immigration policies have caused a protracted social conflict. The narratives in the class-action lawsuit expose the depth of systemic and structural violence (Galtung, 1996) present in political, economic, and social institutions that counter inclusivity and enforce marginalization. Narrative analysis can reach the root of immigration conflict in the U.S. by implementing research that uses a framework to analyze the narratives of the ZTP conflict. As

mentioned in the literature review, the ZTP conflict is a small portion of a more significant conflict. The momentum that resulted from the ZTP conflict does provide an opportunity for intervention that is arguably one of the best moments to initiate an open space for narrative analysis.

Data and Data Analysis

The *Ms. L. v. ICE* (2018) lawsuit covers the separations that occurred in the early stages of the ZTP conflict, possibly even during the pilot project of the ZTP in 2017 (de la Peña et al., 2019). Trump terminated the ZTP in June 2018 through an executive order which facilitated a federal judge to order the immediate reunification of children with their caregivers (Sorensen, 2018). Some families were reunited, but Biden's task force is still tracing many due to insufficient details of the children's whereabouts.

The narratives in the *Ms. L. v. ICE* (2018) lawsuit are presented predominantly by attorneys; only one exhibit is translated and submitted by a parent. Some families in this lawsuit are reunited with their children, while others are not. Presumably, the parents' narratives in this lawsuit are extracted and presented in a manner that progresses family reunification efforts, as it is a priority. This data is not presented as an analysis of trauma but helps understand the origins of trauma from this conflict since they disclose experiences indicative of trauma.

A legal story and framework are applied to these declarations since attorneys filter them. They are also presented in a linear context and not for research purposes, making it difficult to quote the exact words of the plaintiffs. Still, the availability of such experiences is valuable as they inform the case of the SC. The *Ms. L. v. ICE* (2018) case illustrates the difficulties of forced family separation. Fifteen declarations were analyzed with a thematic approach highlighting critical themes with supporting sub-themes. Several sub-themes were identified, and a few were chosen as supporting elements to the main themes. This thematic analysis will discuss a few narratives as it is unfeasible to examine the entire court case due to time constraints. The main themes covered in this data analysis are power, legal care, barriers, and trauma.

Power

The influence and impact of power tactics are a theme throughout this dissertation; they appear in the literature review, chapters that cover research findings, and this data analysis. The sub-themes of power identified in this court case are coercion and trust. The following accounts will demonstrate how “the power of judging has been transferred, in part, to other authorities than the judges of the offense” (Foucault, 1995, p. 22). Exhibit 44 of the *Ms. L. v. ICE* (2018) case illustrates the evolution of power and its fragmented appearance in the U.S. immigration system. Officials gathered a group of parents, specifically fathers, who were separated from their children and took them to a church, where they were forced to sign documents (*Ms. L. et al. V. ICE*, 2018, p. 28). In a matter of minutes, a group of up to 50 parents unknowingly relinquished their rights to their children; more groups followed (*Ms. L. et al. V. ICE*, 2018, p. 29). This is astonishing because “prosecutions typically last months and are individualized” (de la Peña et al., 2019, p. 155). The following is an example of a father’s experience at the church:

He said that he was given a form, that it was not explained to him, and that the entire process lasted no more than three minutes. He said that he felt sad and intimidated during this process. He expressed that he believed he had no choice but to sign the form. (*Ms. L. et al. V. ICE*, 2018, p. 29)

The church is an impactful symbol in this narrative because it often fosters community building and sanctuary elements. This narrative shows deceit since the same building is used as a space to separate families. It is out of the scope of this paper to discuss the influence of religion in this conflict, but it is a subject matter worth researching because the church and its leaders are sources of power. Religion appears in this court case, policy, and the privately funded foster homes that care for migrant children. In this declaration, the church setting was used to craft a “public acknowledgment” of the crimes committed and, as Foucault (1995) suggests, is done

“when the guilty man no longer has anything to lose” (p. 43). The entire immigration process left these men feeling scared, intimidated, and alone (*Ms. L. et al. V. ICE*, 2018). Based on this declaration, it is fathomable that they felt like criminals.

Coercion is a sub-theme of power, and interestingly this declaration shows a sense of force that did not use coercion as a strategy. The officials did not take the time to convince and mislead the fathers to sign documents, as was the case in other declarations.

Coercion

Coercion is a common sub-theme observed when parents are asked to sign documents that relinquish their rights to reunify with their children or when asked to agree to self-deportation (*Ms. L. et al. V. ICE*, 2018). Officials use negotiation and bargaining tactics that use the children as leverage to coerce parents into signing documents. “Ice officers told the parents that in order to see their children, they had to sign the form that was presented in front of them” (*Ms. L. et al. V. ICE*, 2018, p. 49). Another mother was forced to sign documents she did not understand under the pretense that she would have to give up her daughter if she refused, as stated,

The parent told the officers that she wanted to apply for asylum, but the ICE officer responded that applying for asylum would take six to eight months and that she would not see her daughter during that time period. Because the parent could not bear being separated from her daughter and detained for so many additional months, the parent signed the form. The next day, officers from the Department of Health and Human Services (HHS) met with her and gave her information about where her daughter was, and gave her numbers where she could reach her daughter. (*Ms. L. et al. V. ICE*, 2018, p. 50)

In exhibit 48, Shepherd states, “these parents were not clearly informed and did not actually understand that they could both continue to fight their asylum claims and be reunified with their children” (*Ms. L. et al. V. ICE*, 2018, p. 50). This class-action lawsuit demonstrates continual misinformation that led parents to make decisions under extreme stress and confusion.

Foucault (1995) discusses power disbursement throughout the penal system, which parallels the legal system that is embedded in departments like ICE that operate as “small scale legal systems” (p. 21). These small-scale legal systems take it upon themselves to legally punish and become an “[advisor] on punishment” (Foucault, 1995, p. 22). This “legal power to punish” is further enabled through the ZTP (Foucault, 1995, p. 21). Parents were told, “that they had no rights” (*Ms. L. et al. V. ICE*, 2018, p. 51). One father conveyed that “an ICE officer told him that if he wished to fight his asylum case, it would cost him at least \$500 every time he wished to see any attorney” (*Ms. L. et al. V. ICE*, 2018, p. 51). The parents’ experiences illustrate how coercion leads to distrust of the U.S. immigration system and all those associated.

Trust

Attorneys and advocates explain that establishing rapport with clients is decisive when working through an immigration case (*Ms. L. et al. V. ICE*, 2018). If trust is not set, the client and attorney confront a difficult path towards achieving asylum status. Exhibit 57 shows the effects of multiple experiences that incorporate deception and states,

At the conclusion of our meeting, when I asked him why he was distrustful of me at first, he said something along the lines of since he and his son entered this country, they have been lied to, that he doesn’t know who is government and who isn’t, and now that he has his son back, he will not let his son go anywhere without him. (*Ms. L. et al. V. ICE*, 2018, p. 120)

The lack of trust that surrounds this conflict is due to structural violence (Galtung, 1969) and its ability to camouflage. As stated by Galtung (1969), “structural violence may be seen as about as natural as the air around us” (p. 173). Access to knowledge and withholding information is a form of violence because it is an available resource used as a power tool. Rylko-Bauer and Farmer (2017) add that “structures are violent because they result in avoidable deaths, illness, and injury; and they reproduce violence by marginalizing people and communities, constraining their capabilities and agency, assaulting their dignity, and sustaining inequalities” (p. 2). Several cases of mistrust in this conflict could have been avoided, thus preventing the additional infliction of trauma to a population that already suffers from severe pre-migration trauma. The final example of mistrust that demonstrates inequality is in the only declaration submitted by a parent and states,

I currently suffer from serious vision problems and because of this I can no longer read any papers that are put in front of me. I have never had glasses and I have not been provided any glasses while in detention. Because of this the only way that I am confident in what a document says is if someone I trust reads the document to me...Some time ago, immigration officials came and asked me whether or not I wanted to be reunited with my son. They showed me a form and told me that I needed to sign the form so that I could be reunited with my son. I told them about my vision problems and that I could not read the form. The officers then read the form to me out loud. However, because I did not trust the officials, I do not know if they were reading the form accurately to me...I have never been told that I could have a lawyer with me. I wish to have a lawyer for myself and for my son.

(Ms. L. et al. V. ICE, 2018, pp. 68–70)

Legal Care

Legal care is a central theme to discuss as a concept because it applies to this analysis and the future outcome of reunification efforts. The subtheme of this section is centered entirely on attorney limitations. Legal care is relevant to conflict analysis and resolution as it bridges the past, present, and future. Legal care facilitates a space for violence and peace, an opportunity for the future. Routon (2021) elaborates on the importance of legal care and suggests that it “matters not only to how we can understand these spaces and the work of legal advocates but also to how it brings into focus certain relational and institutional complexities and conflicts” (p. 314). Once the SC are located, and there is an opportunity for reunification, immediate legal attention will undoubtedly be needed.

Attorney Limitations

The legal resources available to migrants while in custody are sparse. When legal support is provided, it is a moment of luck for families since the immigration court does not offer a court-appointed lawyer (Ali, 2021). The narratives in the *Ms. L. v. ICE* (2018) case are also the narratives of attorneys who, in many aspects, are first responders in this conflict. They mention several difficulties with clients affected by the ZTP because the process is unparalleled in the usual legal steps. “Counseling these families about their rights is one of the most challenging tasks I have undertaken as an attorney” (*Ms. L. et al. V. ICE*, 2018, p. 98).

When a federal judge ordered reunification, hundreds of families were sent to detention centers on the border, such as the Karnes County Residential Center (*Ms. L. et al. V. ICE*, 2018, p. 55). Advocates and pro-bono lawyers were overwhelmed with the collective trauma experienced by the separated families. A lawyer who frequently volunteers at the Karnes center stated that the families she was seeing due to the ZTP were utterly different from her traditional

clients, who she would typically interview at the “early stage of their immigration proceedings” (*Ms. L. et al. V. ICE*, 2018, p. 56).

Exhibit 57 states that time was a limitation for attorneys. The separated families were experiencing shock from prolonged separation, and mending the relationship between child and parent will take time (*Ms. L. et al. V. ICE*, 2018, p. 118). Unfortunately, time is a disadvantage for lawyers since defendants proposed “[deporting] Class Members and their children immediately upon reunifying them” (*Ms. L. et al. V. ICE*, 2018, p. 4). The settlement concluded with the court offering parents seven days to settle their immigration and criminal charges after reunification (*Ms. L. et al. V. ICE*, 2018, p. 17). With the influx of separation cases growing, lawyers were skeptical of the adequacy of legal care with such short notice. One lawyer expressed concern about the families who would not be reached in time and would “be deported or separated without any understanding of their rights or those rights they may have been led to unknowingly or involuntarily waive” (*Ms. L. et al. V. ICE*, 2018, p. 81). Another attorney adds to the limitation of time; “however, no matter how many competent or experienced lawyers we have, without sufficient time it is simply impossible for these families to get the advice and counsel they need” (*Ms. L. et al. V. ICE*, 2018, p. 116).

Exhibit 43 describes other limitations for attorneys, such as facility location, lack of interpreters, unplanned client transfers, and obstacles preventing client-attorney relationships (*Ms. L. et al. V. ICE*, 2018). Some facilities prevented attorneys from meeting with clients in person and establishing rapport (*Ms. L. et al. V. ICE*, 2018, p. 23). Legal care is vital for these situations, as emphasized by one attorney, “[I] needed to spend time at the outset of each meeting building rapport to make sure they trusted me and felt comfortable” (*Ms. L. et al. V. ICE*, 2018, p. 58). Establishing trust was difficult for attorneys since clients were often transferred to various

facilities. In one account, the detention center was 500 miles away from the original facility (*Ms. L. et al. V. ICE*, 2018, p. 22). Detention transfers were not unique to parents; they also occurred to the SC, as stated by one KIND attorney.

In addition, KIND attorneys representing separated children in New York and Seattle have experienced similar difficulties remaining in contact with child clients once they leave the Office of Refugee Resettlement (ORR) shelters and are transferred to adult ICE facilities or family detention facilities. (*Ms. L. et al. V. ICE*, 2018, p. 93)

Child transfers were unclear throughout this conflict due to the lack of details recorded by officials. As stressed by one attorney, “the confusion and lack of records creates significant delays in counseling, because lawyers cannot rely on a family’s recollection about their proceedings, but instead must perform independent investigation” (*Ms. L. et al. V. ICE*, 2018, p. 117). The children brought to the Karnes center were tried as UM’s and had their legal documentation and immigration charges pending; this placed additional stress on lawyers (*Ms. L. et al. V. ICE*, 2018). Because one case had to reflect the entire family, several cases had to be combined (*Ms. L. et al. V. ICE*, 2018). It also required individual child counseling, which was difficult since the children “were still processing the separation and reunification with their mothers” (*Ms. L. et al. V. ICE*, 2018, p. 99). Child counseling underlines a need for legal care since it was indicated as a constraint by attorneys during this case.

Barriers

The barriers theme addresses the challenges that migrants face while in immigration custody. Several systemic challenges were identified that indicate structural violence (Galtung,

1969) and aspirational relative deprivation (RD) (Gurr, 2010). Two subthemes were chosen to support the barriers theme: communication barriers and the state of detention centers.

Communication

The *Ms. L. v. ICE* (2018) case mentions several moments when parents could not converse with their children freely while in detention. Overlap with the power theme is present since officials continue to act as the “[advisors] on punishment” (Foucault, 1995, p. 22). Refusing and manipulating communication between parent and child affects the ability of migrant families to achieve “self-actualization” (Gurr, 2010). Self-actualization is categorized as a “welfare value” by Gurr (2010), which is an element of RD. “Welfare values are those that contribute directly to physical well-being and self-realization” (Gurr, 2010, p. 25). The declarations address the emotional hardships that parents faced while separated from their children, which hindered their ability to make legal decisions (*Ms. L. et al. V. ICE*, 2018, p. 80). As demonstrated in the following quote, surveillance was expected and made communication even more difficult.

Furthermore, the calls that were facilitated while the families were separated were monitored by officials, preventing disclosures of important information. Mothers have said that they were able to speak to their children once or twice, for very short periods of times. (*Ms. L. et al. V. ICE*, 2018, p. 80)

Migrant families experienced a dehumanizing act that deprived them of the support they believed they would receive when entering the U.S. seeking asylum. The declarations maintain a collective belief among migrants that the U.S would provide asylum. Instead, they were told they had no rights and were forcibly separated from their children. “Communication between children and parents during their separation was difficult and not conducive to anything more than simple

expressions of care and loss” (*Ms. L. et al. V. ICE*, 2018, p. 99). This unjustifiable action caused discontent, which Gurr (2010) suggests is “the basic, instigating condition for participants in collective violence” (p. 13). Gurr argues that aspirational RD occurs when a group has high expectations that are not met, which happened to the migrants that crossed the U.S./ Mexico border during the ZTP.

Language Barriers are an additional challenge for migrants. Although it emerges as a general concern of migration, the *Ms. L. v. ICE* (2018) case illustrates that it is more complex than it appears because many migrants do not speak Spanish. It is often assumed that migrants speak Spanish, which is accurate to an extent. However, there is an impediment that this court case brings to the surface that needs to be addressed regarding the misrepresentation of the indigenous community.

Several exhibits report that their clients are indigenous (*Ms. L. et al. V. ICE*, 2018). This group is arguably marginalized from the dominant immigrant community. Migrants are primarily from the Northern Triangle region (El Salvador, Guatemala, Honduras). “Of the 73,235 [unaccompanied immigrant minors] UAMs apprehended in 2019, 85.7% were from the Central American countries of El Salvador, Guatemala, Honduras” (U.S. Border Patrol Southwest Border Apprehensions by Sector Fiscal year, 2020, as cited in Patel et al., 2021, p. 228). Still, many are of indigenous origin and do not speak Spanish, which suggests that interpreter resources may need to focus on legal services for indigenous migrants. The *Ms. L. v. ICE* (2018) case reveals that illiteracy is common, hindering an individual’s ability to achieve self-actualization. Exhibit 45 describes a moment where a father experiences a systemic barrier due to unavailable interpreters and states,

He told me that he signed a paper that he thought would allow him to be reunited with his son. He also told me, however, that he cannot read or write. His first language is Mam, but he has not been provided with an interpreter who speaks Mam while detained. He has had two court dates, but both times his hearing was adjourned because no Mam interpreter was available. (*Ms. L. et al. V. ICE*, 2018, p. 36)

Searching for translators is time-consuming for legal teams that overlap with the legal care theme in this thematic analysis. The barriers to communication and other factors such as “level of trauma, language abilities, the complexity of the case, whether families have paperwork, and the sophistication of the clients” are all challenges that legal counsel confronted (*Ms. L. et al. V. ICE*, 2018, p. 58). One attorney believes that “government practices have not ameliorated or improved the conditions relating to challenges in communicating with detainees, and, have in some instance, created additional barriers” (*Ms. L. et al. V. ICE*, 2018, pp. 88–89).

The State of Detention Centers

Some exhibits demonstrate conditions in detention centers, offering a first-hand account of the adverse conditions parents and children sustain while in immigration custody. One of the most detailed accounts is in exhibit 53 and is the following:

KIND attorneys spoke directly with at least 8 separated parents in plain clothes that were supposedly already processed for release at Port Isabel who indicated negative treatment and deteriorating conditions upon receiving release paperwork, including:

- a. Telephone access revoked;
- b. Commissary account revoked;

- c. Denied access to showers;
- d. Towels for drying taken away; and
- e. Revocation of daily 1-hour recess to which other detainees are entitled. (*Ms. L. et al. V. ICE*, 2018, p. 90)

Once in detention, detainees are entitled to certain rights, which are frankly relatively minimal; removing these entitlements illustrate RD (Gurr, 2010) and Foucault's (1995) power theory. Astonishingly, detainees continue to be punished once they are pending release. Officials use authority openly and inflict harm on migrants as a "reminder of [their] sentence" (Foucault, 1995, p. 43). RD is felt by migrants when denied asylum upon entering the U.S. and within detention centers amongst detainees. The parents that had their recess revoked are deprived of an entitlement that supports their welfare values (Gurr, 2010). Welfare values "include the physical goods of life-food, shelter, health services, and physical comforts – and the development and use of physical and mental abilities" (Gurr, 2010, p. 25).

RD is also felt among other detainees who have been separated from their children when they are not provided legal advice or information regarding their children. One declaration evokes RD in that "continued confusion and lack of transparency has a particularly grave impact on those separated parents who remain in detention who see large numbers of detainees around them leaving, without an explanation or understanding as to why they remain detained" (*Ms. L. et al. V. ICE*, 2018, p. 92). One group may infer treatment as preferential even though all detainees experienced child separation; this encourages "group comparison" (Gurr, 2010). Gurr (2010) elaborates on this comparison and argues that "expectation levels are often accelerated by the demonstration effect of other groups that are improving while one's own group is not" (Gurr, 2010, p. 52).

In addition to denying the rights mentioned above, there are concerns regarding food and medical access while in detention. Access to medical care and food security are basic needs of those in immigration custody. This issue is brought to light by former detainees who have legal representation. The attorney in exhibit 45 stated, “two of the fathers I met with told me that they are not being provided with enough food at Otero and that they are hungry” (*Ms. L. et al. V. ICE*, 2018, p. 37). Children have also reported moments of deprivation while in immigration custody. As written by one attorney, “children have expressed being deprived food, experiencing physical violence, and suffering ongoing depression during their separation from their parents. Some parents state they did not recognize their child upon reunification, because their child lost so much weight” (*Ms. L. et al. V. ICE*, 2018, p. 79). It is not coincidental that these experiences are voiced with the support of legal counsel. What is the situation of those who cannot convey their experiences? Exhibit 53 provides a detailed account of detainees with restricted medical access that offers another interpretation of RD (Gurr, 2010) and states,

The separated parents are experiencing severe stress, uncertainty and concern about their children, such that it is impacting their mental and physical health.

KIND attorneys met with separated parents who reported the following medical issues: incapacitating headaches, severe depression, blood sugar imbalances, and changes in blood pressure. (*Ms. L. et al. V. ICE*, 2018, pp. 92–93)

The absence of food and medical services is unacceptable, but because there is a general acceptance of the state of detention centers, it becomes normalized. And so we see characteristics of RD (Gurr, 2010) and structural violence (Galtung, 1969).

Trauma

This dissertation aims to establish that considerable trauma has occurred to children due to the ZTP. It is the most detrimental consequence of this policy and impactful for the SC. Although this lawsuit does not specify interviews with the SC, sufficient information shows the beginning stages of trauma and its formation while in immigration custody. The narratives in this lawsuit provide a platform for parents to describe their experiences under the ZTP. It is challenging to offer a similar platform to children. The parents are the primary caregivers of the SC. If the parents are facing hardships that affect their emotional, physical, and mental abilities, then we can only assume that children are combating similar, if not worse, effects. This dissertation expands on the perspective of the SC and attempts to underline issues that affect the SC. The vulnerability of this population and the ongoing nature of this conflict make it difficult to record child narratives. Nevertheless, research on child trauma and the events that occurred after separation are discussed in the chapters of this dissertation.

There are no sub-themes in this category. However, parental and child trauma will be covered using Volkan's (1999) theoretical approach to trauma to understand better the accounts in the *Ms. L. v. ICE* (2018) case.

The detained parents are experiencing a "collective memory" that Volkan (1999) describes as a "chosen trauma," which is a "shared mental representation of [an] event" (p. 48). One attorney commented on the trauma that is visible in the parents who have been separated from their children and asserts that "the declarations require a high level of detail, and it has been my experience that clients who have undergone trauma have a more difficult time expressing themselves articulately and remaining focused when asked to recount traumatic events" (*Ms. L. et al. V. ICE*, 2018, p. 61). The inability for a group to process and mourn a chosen trauma can lead to "unresolved mourning" (Volkan, 1999). What is occurring in these declarations are the

initial steps of a mourning process. “Crisis grief” is observed through “shock, denial, bargaining, sadness, anger and pain” (Volkan, 1999, p. 30); these emotions and processes are frequently mentioned in this case.

Someone does not need to have died to grieve. Volkan (1999) suggests that “when a whole society has undergone massive trauma, victimized adults may endure another kind of guilt and shame for not having been able to protect their children” (p. 42). In exhibit 57, an attorney reports “[seeing] children that have appeared angry at their fathers, but simultaneously relieved to be with them. This means that we are attempting to talk to a family at the same time they are relearning how to communicate with each other” (*Ms. L. et al. V. ICE*, 2018, p. 120).

A group mourning process is multi-faceted and dependent on “external and internal factors” (Volkan, 1999, p. 37). If mourning does not take its course, there is a risk of what Volkan (1999) refers to as “transgenerational transmission” (p. 43). In the ZTP conflict, mourning occurs for both the parent and child. This trauma can continue from one generation to the next, as is the case with the Navajo, an example used by Volkan to demonstrate how “humiliation and helplessness” can effectively “cause post-traumatic stress disorder (PTSD)” (p. 41). The trauma of the Long Walk occurred long ago to the Navajo, but it “[damaged] the tissue of community [that was] caused by another group of people, the enemy” (Volkan, 1999, p. 41).

Volkan (1999) explains that “the unwanted, troublesome parts of an older generation” become a “psychological DNA” that transfers to a reservoir (Volkan, 1999, pp. 43–44). In this conflict, the SC are the reservoirs that “reserve the humiliation and feelings of helplessness pertaining to the trauma of [their] forebears” (Volkan, 1999, p. 43). The children in the conflict are carriers of their own trauma due to prolonged separation, and the effects of that trauma are still unraveling. What will transgenerational transmission look like for the children of the SC?

Conclusion

The ZTP has caused extensive damage to this generation and future generations. This thematic analysis has demonstrated that the narratives of the victims of this conflict are crucial if we are to initiate steps towards rehabilitation. The themes of power, legal care, barriers, and trauma are a small portion of this conflict and overlap. The power theme demonstrates power fragmentation in the U.S. immigration system and how power directly influences migrants' trust in U.S. institutions. Immigrants are an essential population in the U.S., and losing their trust affects the confidence of other communities, such as the Latino citizen community. According to Batalova and Esterline (2022), "more than 44.9 million immigrants lived in the United States in 2019" (p. 2), and "approximately 17.8 million U.S. children under age 18 lived with at least one immigrant parent in 2019. They accounted for 26 percent of the 68.9 million children under age 18 in the United States" (p. 13).

Immigration issues, directly and indirectly, affect several parts of society. The legal teams and advocates that mean to detangle the coercion and humiliation migrants have endured while in immigration custody depend on establishing trust with this community. Because these narratives were presented primarily by attorneys, there is a strong understanding of what is needed in the immigration system to help asylum seekers. The legal care theme also exposes the fractures in the immigration system. These fractures create additional barriers to migrant families, which cause trauma. The obstacles this community has faced are not new to the migration topic and are issues that have remained stagnant and acceptable for years.

It is imperative to discuss the effects of this policy on the SC, which is why I attempt to answer the following: What was the impact on migrant children arriving in the U.S. during the implementation of President Trump's zero-tolerance policy? The ZTP is a catalyst for any

attempts at immigration reform. A moral boundary has been crossed and has indisputably inflicted harm on children. The consequences of such harms will be discussed in this dissertation as it aims to continue investigating issues on the SC that are briefly mentioned in the *Ms. L. v. ICE* (2018) case.

The Moment of Separation and the Effects on the Child

The literature and studies that show the long-term effects of separation from a primary caregiver are based predominantly on U.S. citizen children. Although there are differences regarding the experiences of migrant children, both groups are, first and foremost, *children*. Child welfare does not require the creation of new policies and programs. “Findings suggest that children, irrespective of the system with which they are involved, would benefit from the application of the foundational principles of the best interest of the child, safety, well-being, and permanency” (Avrushin & de Haymes, 2019, p. 107). Ali (2021) emphasizes a statement that echoes Avrushin and de Haymes (2019) and adds that “U.S. family law cases repeatedly emphasize the best-interest standard; thus, there is no reason why the same practices should not be true in the immigration context since children are children irrespective of their national identities” (pp. 261–262).

The ZTP was undoubtedly one of the most inhumane policies enacted in U.S. history, and its sudden implementation caught many organizations by surprise. This chapter will discuss the system’s failures, the effects of child separation from the caregiver with a focus on attachment theory, the immediate consequences of child separation, and the legal ramifications. There is also an emphasis on tender-age children in this chapter who are pre-verbal and need their caregiver for safety and security.

Taking the System by Surprise

Commander Jonathan White was the Deputy Director for the Children’s Program in the ORR when the ZTP was implemented. He claimed that his department had no prior knowledge of the policy before its announcement (PBS NewsHour, 2019). White stated, “I was aware of the formal policy notification when the [former Attorney General Jeff Sessions] said it on television,

on April 6” (Barajas, 2019). The SC were sent to unprepared facilities that could not provide appropriate care, compounding the “acute stress” experienced from forced separation (de la Peña et al., 2019). The lack of preparation exemplifies Galtung’s (1969) structural violence theory. Galtung (1969) expands the definition of violence and suggests that violence is more complex than what is usually understood as a “somatic incapacitation...at the hands of an actor who intends this to be a consequence” (p. 168). Violence can be indirect and almost invisible, possibly because “structural inequities are long-standing; they seem a natural part of the social order” (Rylko-Bauer & Farmer, 2017, p. 7). Finno- Velasquez and Pardini (2018) suggest that policies “specifically developed to protect or benefit children can have unintended consequences and do just the opposite” (p. 8). The ZTP exposed policy and institutional management fractures that conceal harm against migrant families.

Galtung (1969) argues that “violence is present when human beings are influenced so that their actual somatic and mental realizations are below their potential realizations” (p. 168). In other words, the children at the border faced violence in government facilities because safe and secure environments were not accommodated as mandated by the Flores settlement (1997), causing additional psychological and physical harm. Resources, in this case, are also in the form of professional staff, such as child psychologists, pediatricians, translators, and lawyers. Peeler et al. (2020) stress that the “system [processed] children without sufficient numbers of personnel with pediatric medical training or who [could] recognize life-threatening conditions” (p. 317). In fact, “at least seven children are known to have died in immigration custody [during the ZTP], after almost a decade in which no child reportedly died while in the custody of U.S. Customs and Border Protection” (Acevedo, 2019, para. 1).

The death of these children is categorized as an act of direct violence, a type of violence in the vicious violence triangle (Galtung, 1996, p. 199). There are three components to the violence triangle: structural, direct, and cultural violence (Galtung, 1996). Galtung (1996) states that “structural violence is a process,” “direct violence is an event,” and “cultural violence is invariant or permanent” (p. 199). There is no order or prerequisite to a type of violence, “they all enter time differently” (Galtung, 1996, p. 199). However, Galtung notes that there does appear to be a pattern, a “casual flow from cultural via structural to direct violence” (p. 200). Cultural Violence is an essential component of this triangle and begins to occur when “exploitation and/or repression [is seen] as normal and natural, or into not seeing them” (Galtung, 1996, p. 200). Years of policies that promote immigration deterrence have enabled desensitization to the topic of migration. The harm detained children were experiencing brought structural violence to light, leading to events of direct violence, such as the preventable death of migrant children.

Gash and Yamin (2020) note that the lack of data collection at U.S. ports of entry is an obstacle that has impacted family reunification attempts. The absence of data collection shows that there was intent in permanent family separation and is an example of an “indirect threat of mental violence” (Galtung, 1969, p. 170). There was no record-keeping procedure as children and parents unexpectedly shifted to different facilities in other states (Gash & Yamin, 2020; Roth et al., 2019). Officials from the Department of Homeland Security (DHS), the Department of Health and Human Services (HHS), and ORR all confirm that a cross-platform database is unavailable (PBS NewsHour, 2019). Organizations need to access details on UMs, and the lack of such a system makes it difficult to contact parents. A study with staff at the New Jersey Child Welfare Training Partnership for the Department of Child Protection and Permanency (DCPP) also added that the staff might be unaware that speaking with ICE is possible regarding

information about immigrant families (Hernandez-Mekonnen & Konrady, 2018). There is also a presence of deprivation in this situation because citizenship is a factor in this conflict; “the continuum of immigration statuses is reflected in the differing degrees of access to health care, to health, and to belonging” (Cartwright, 2011, p. 480). Medical records, for example, could have been a factor for the children that died in CBP custody, signifying that a universal database could save a child’s life. This administrative fault became salient during the ZTP but has also affected migrant children before ZTP.

During the ZTP, parents were deported without their children, and some thought it was their only option (*Ms. L. et al. V. ICE*, 2018). In a committee hearing, a KIND representative stressed that parents know why they fled their country and have the necessary documentation to file for asylum (PBS NewsHour, 2019, 5:31:00). SC are expected to represent themselves in immigration court and do not have the required documentation to ask for asylum, placing them at a legal disadvantage (Gash & Yamin, 2020). In fact, Hernandez-Mekonnen and Konrady (2018) found that “legal relief services” is one of the most valuable and needed services in the immigrant community, which corresponds to the noticeable need for legal help during immigration custody. Those who are lucky have assistance from a pro bono lawyer. However, a lack of documentation still proves to be a challenge in defending children in immigration court (PBS NewsHour, 2019, 5:31:00). At this moment, attorneys are unable to determine whether a child needs protection unless they are interviewed (PBS NewsHour, 2019, 5:31:00). Technology is proven to be an indispensable resource. Paradoxically, “IT spending makes up nearly 10 percent of DHS’s budget—the largest IT budget across the government” (Uhlmann, 2019, p. 119). The lack of funding in a universal database reinforces Galtung’s (1969) theory of structural violence, as the budget is an ill-managed resource.

ICE officials understood early on that children could become permanent orphans from this policy (Soboroff, 2020, p. 267), and the influx of children complicated matters further. Dozier and Rutter (2016) elaborate on the staff-to-child ratio in foster-care institutions and state that this results in “profoundly altered interaction patterns” that impact a child’s ability to attach to a caregiver” (p. 699). The President of Southwest Keys made a statement on child arrivals and said, “there were more than five thousand kids in his custody alone at the twenty-six Southwest Key shelters across the country, representing nearly half of the total overall population in the care of the government” (Soboroff, 2020, p. 212). Space was limited at Southwest Keys and other facilities funded by ORR, forcing the construction of ad hoc shelters on federal property that was unlicensed and unfit for childcare (Soboroff, 2020). Sherry Lachman, ex-advisor to Vice President Joe Biden, stressed that the foster care system was overwhelmed and that “they’re wholly unprepared to deal with this increase because, one, they had no time to plan for it” (King, 2018). Placing children in overcrowded facilities was avoidable, yet high-ranking officials proceeded.

At the start of his campaign, Trump stressed that “U.S. power and influence should be used not to help others or to advocate a broader set of political values around the world, but rather to make America better off” (Walt, 2018, pp. 9–10). This narrative produced a state of oppression characteristic of structural violence (Rylko-Bauer & Farmer, 2017). The lack of space also forced minors to stay in CBP custody longer than the maximum 72-hour period (Acevedo, 2019), as agreed upon in the Flores settlement (1997). Detention centers create a “need deficit,” and Galtung (1996) explains that this is where the trauma becomes apparent, and in this case, it is a “collective trauma” (Galtung, 1996, p. 200). “A violent structure leaves marks not only on

the human body but also on the mind and spirit,” which is the case as there is proof of trauma in the form of PTSD (Galtung, 1996, p. 199).

According to Dr. Shonkoff, the longer a child is away from a parent or primary caregiver, the more salient trauma becomes in the short and long term (PBS NewsHour, 2019, 5:26:25). The lack of time and available commitment from staff has resulted in fragile relationships between child and caregiver, especially children of tender age. Roth et al. (2019) found that “program staff have limited ability and resources to address the profound strain experienced by young children separated from their parents” (p. 38). The lack of space resulted in prioritizing containment, not child well-being. Dozier and Rutter (2016) elaborate on “opportunity” in the institution setting and explain that “developing faster ways to feed and change children becomes important” (p. 699). Institutions have effectively developed factory lines where unaccompanied children are a product. Congressman, Darren Soto visited one of the child shelters and observed an overcrowded facility with double its capacity; he concluded that ORR was utterly unprepared (PBS NewsHour, 2019, 02:23:50).

DHS, HHS, and ORR may have been unaware of the ZTP, but there was information on how many children could be accommodated at any given facility. As soon as the ZTP was terminated, it was evident that there was a deficiency in records that could connect the caregivers and children (Soboroff, 2020). Galtung (1969) suggests that the situation is “aggravated further” due to the overall low power and citizenship status of the SC (p. 171). Qualified child-care providers should have been present when the separation occurred, and the lack of institutional support illustrates structural violence as “resources are unevenly distributed” (Galtung, 1969, p. 171).

The Caregiver Role

Child advocates are deeply concerned with children's care after separation (Habbach et al., 2020; Hampton et al., 2021; Song, 2021; Wood, 2018). The caregiver role continues regardless of separation, and the government failed to provide adequate care to the SC. The development of the SC depends significantly on a new caregiver's support (Dozier & Rutter, 2016). If children do not build a positive relationship with caregivers and experience neglect at a tender age, Dozier and Rutter (2016) stress that this could negatively affect their school-age years and continue into adolescence and adulthood. According to caseworkers interviewed by Roth et al. (2019), young children form meaningful relationships with their foster parents because they do not attend school and spend most of their day receiving one-on-one attention (p. 40).

The first caregiver, after separation, is a CBP officer until a transfer to ORR is complete. A CBP officer is not an adequate childcare provider, and harm was inflicted on children in CBP custody (Hampton et al., 2021; *Ms. L. et al. V. ICE*, 2018; PBS NewsHour, 2019). Song (2021) presents a vital distinction regarding the responsibilities of CBP officers and asserts that there is a difference between enforcement and protection. Do the laws of the U.S. protect children? Or are they victims of enforcement practices? Hampton et al. (2021) suggest that "the conduct of U.S. officials was punitive rather than protective" (p. 4). An officer's role is strictly security related. Even if harm is unintentionally inflicted due to a lack of childcare training, it does not justify the apparent power dynamics between a detained child and a CBP officer.

The SC experienced an abnormal separation because no research has been conducted on the forced separation of migrant families. Understandably, the SC require a specialized caregiver that grasps the cultural context of what they may need to rehabilitate. However, it can be agreed that all children have human needs, regardless of citizenship status; "individual needs that have a

societal significance, i.e., those needs without which there cannot be on-going social relationships and harmonious organizations” (Burton, 1979, p. 58). Over the years, there has been extensive research on the parent-child relationship and the role of that relationship in a child’s development. Kungl et al. (2017), for example, confirm that the “neural processing of facial familiarity” in pre-school age children shows that “early brain development is highly sensitive to the quality of caregiving” (p. 1). Burton’s (1979) explanation of human needs aids Kungl et al.’s research, supporting that needs were neglected from forced separation. The interruption of early brain development in children is a detriment to society as it strains the development of social relationships.

Burton (1979) identifies eight needs: response, stimulation, security, recognition, distributive justice, rationale, meaning, and control. Each need is a concern in this conflict, and one often depends on the other. Burton defines needs as a “condition or opportunity” that is “essential to the individual” (p. 59). Through a larger lens, individual needs influence a person’s role and function in society (Burton, 1979). When an individual’s needs are satisfied, Burton suggests that they become “essential to the organization and survival of society” (p. 59). If an individual’s needs are unmet, they will begin to behave in a way that is interpreted as “deviant” (Burton, 1979, p. 60). The caretaker has a critical role in fulfilling a child’s needs; cultural awareness is transferred from one to the other, which instills and supports the child’s wellbeing.

Most Central Americans present characteristics of a collectivist culture which is contrary to America’s individualistic culture. For example, “extended family systems among those Central American families with migration-based separations may transfer or share the responsibility of raising, financially supporting, and caring for children” (Falicov, 1998, as cited in Patel et al., 2021, p. 229). The collectivist identity is critical for children, especially

adolescents, who may have a role within extended family units. “Kinship placements may also facilitate the child’s continued connection to their culture, a factor shown to promote a more positive self-identity” (Schwartz, 2010, as cited in Scott et al., 2014, p. 57). Fulfilling the need for recognition depends on acknowledgment from a community or individual that approves and encourages the child’s actions (Burton, 1979). For this reason, it is important to be aware of other caregivers who raise a child, such as a grandparent, and others who encompass components of a child’s life (Patel et al., 2021).

Child Separation hinders the development of a child’s identity that could result in regression. Volkan (1999) explains that forming an identity is established as early as thirty-six months. According to Volkan, identity formation consists of three elements: identification, differentiation, and integration. Infants absorb their experiences, either intentionally or unintentionally, depending on their parents’ projections; this is known as “identification” (Volkan, 1999, p. 86). Transitional care has become a norm for the SC, putting them at a disadvantage for identity formation that shapes a child’s self-reliance and overall psychological growth. The absence of a caregiver has resulted in instability which can confuse what should or should not be replicated based “on functions that previously were performed for them by others” (Volkan, 1999, p. 86). Once a child can perform things their mother did, this becomes “ego identification”; however, Volkan states that differentiation must occur before ego identification (Volkan, 1999, p. 86). Differentiation is essential in the first few months of a child’s life when they detach from the mother or caregiver and understand that they are their own person (Volkan, 1999, p. 86). It will be difficult for an infant who is abruptly taken during the formation of these stages to attain psychological growth and form an identity.

The last element of identity formation is integration which occurs during ego identification, a stage that incorporates negotiation; “[children] can sense the difference between pleasant and unpleasant emotional experiences” (Volkan, 1999, p. 87). Volkan (1999) believes that a child successfully integrates when they understand that they are the “same individual when he feels pleasure as when he feels frustrated and devalued” (p. 87). A detained child has no freedom to explore or create a sense of individuality when propelled into an environment that lacks adequate parenting and stimuli that promote the gradual development of an identity. Mellenthin (2019) suggests that “child-centered play therapy can be an important aspect of treatment and allow for the children to explore their experience and manage their emotions to make sense of them” (p. 125). A child’s identity is compromised when exposed to trauma and environments that harness negative attributes. Infants separated from their caregivers may not reach identification, differentiation, or integration benchmarks. Temporary settings can obscure identity formation versus establishing a “crystallized identity” (Volkan, 1999, p. 88).

Identity undergoes a modification during adolescence where “he unconsciously reexamines, modifies, and even discards some identifications from childhood” (Volkan, 1999, p. 88). The finalized edits and reflections of identity during adolescence remain with the individual throughout their life with minimal changes; this is “the formed personality that will remain his core until he dies” (Volkan, 1999, p. 88). Identity is vital throughout a child’s life. Still, an infant’s ability to process and make decisions based on what they absorb from their parents appears critical for a healthy psychological outlook as an adult. Volkan (1999) suggests that “a child who receives good parenting has greater potential to be a good parent himself,” and it begs to question of whether the SC are receiving good parenting (p. 87). Feelings of abandonment and

rejection compound trauma and significantly decreases the possibility of being a “good parent” in the future.

Burton (1979) states that individual values influence society at large. Some of the SC may phase out of the system into U.S. society, especially if they were adolescents when separated. Reunification for some families is futile as it is contingent on the Biden task force and its ability to locate parents and children. A procedure that addresses the resources needed to rehabilitate the SC and aid in acculturation must be established. Scholars emphasize that for those “whose cultural origins are significantly different from those of their new home, research suggests that acculturation is even more difficult” (Dettlaff & Johnson, 2011, as cited in Finno-Velasquez & Pardini, 2018, p. 5). Dozier and Rutter (2016) suggest that tender age children may have a better chance of forming an attachment with a caregiver in the U.S. because there are “higher levels of commitment to children placed at younger ages” (p. 6). Commitment is critical in the lives of the SC because older children are at risk of being labeled as deviant if they do not mold to society’s norms.

The deviant perception “contributes to their marginalized status...fueled by the often-used label ‘illegal,’ leading to a complex political environment” (Mason & Fiocco, 2017, p. 924). A younger child may be more likely to adjust and achieve a sense of fulfillment with the norms presented. Dozier and Rutter add that “it is possible for a foster mother to be dismissing (and not responsive to child cues), yet highly committed to a child” (p. 706). A child’s cues rely on what was learned from their primary caregiver and can be culture-specific, making it challenging to establish cues with a temporary caregiver. Family reunification fills a void that promotes recognition and fulfills a human need that encourages members of a collectivist identity.

Tottenham (2012) studies the developmental outcomes of previously institutionalized children, and although it is not a study on the SC, it is valuable. This study can guide our understanding of the SC's challenges if they continue a trajectory of institutional care without a caregiver. "Attachment theory emphasizes the role of caregivers in providing stability, security, and safety, which greatly influences the emotional health of the offspring" (Bowlby, 1963, as cited in Tottenham, 2012, p. 529). Tottenham and Burton (1979) highlight security as a factor that impacts emotional health and fulfills a human need. A caregiver symbolizes protection for a child; forced separation damages that bond, and according to Burton, an individual must have security to achieve the needs of response and stimulation. The relationships children form from the point of separation onwards are fragile. Wood (2018) reminds us that "children may become passively compliant with care staff" and are simply coping with their new environment because they are in a perpetual state of fear of being "detached from the parents" (p. 3).

A child may not comprehend that separation was not initiated or intended by the primary caregiver. This misunderstanding is severe as it harbors feelings of rejection and abandonment that influence a child's sense of security. "When children experience abuse at the hands of a caregiver, they are frightened of the person from whom they would normally seek support" (Dozier & Rutter, 2016, p. 700). Although the parent did not physically abuse the children, the children may infer and believe that any incident of harm or danger is due to abandonment by the parent. Habbach et al. (2020) interviewed a "six-year-old from Guatemala" who stated "that she felt abandoned by her mother" (p. 17). She adds that she "continued to wonder where her mother was and when they would see each other again...Every night I would go to bed alone, I was sad, and I would cry by myself" (Habbach et al., 2020, p. 17).

Some parents who have been reunited with their children report that their child has not spoken since reunification, is showing severe separation anxiety, and have lost trust in the parent's ability to provide protection (Bringuez et al., 2022). Dozier and Rutter (2016) explain that the lack of confidence induces "freezing upon reunion or moving away from, rather than toward, the parent" (p. 700). The lack of trust is a consequence of forced separation that has severely impacted the development of the SC and inhibited their self-realization. A child's needs were sacrificed in implementing the ZTP, and removing a critical figure from their lives has spiraled into an imbalance of needs. Needs that are supported and enabled through the caregiver and the child's extended family. The division of child-caregiver relationships obstructs a child's positive contributions to society in sustaining a harmonious environment (Burton, 1979).

The Harms of Immediate Separation

The separation of children from their caregivers significantly impacts a child's development. According to Dr. Muñiz de la Peña, the SC's trauma will depend on how the separation occurred and will be influenced by either "acute trauma" or "trauma based on length of separation" (PBS NewsHour, 2019). Acute trauma occurs when a child is separated, and an association is made based on that experience (PBS NewsHour, 2019). Families reported that separations were done abruptly without explanation, sometimes while the child slept (de la Peña et al., 2019). Roth et al. (2019) interviewed a case worker in their study who recounted a two-year-old's response about his father's whereabouts and stated,

And when I asked him 'Where's your dad?' he all of a sudden just put his head in his hands and made a pouty face and said, "En la carcel," or in jail... We facilitated that phone call with the minor and the dad. And the father just starts bawling when he hears his son's voice, which causes the minor to start bawling

and it's just like a lot of crying and wailing—and he was inconsolable after that.

(p. 38)

Professor Kristin Turney (2014) published a study that illustrates how a child's health is affected by the incarceration of a parent and found that they “are disadvantaged across an array of health outcomes” (p. 314). This study aligns with the effects of separation that engulfed the SC, who cannot differentiate between detention and incarceration. Children of all ages witnessed their parents forcibly taken by authorities, often in handcuffs (*Ms. L. et al. V. ICE*, 2018). This sudden sense of isolation ignites a series of emotions in children linked to grief. Mellenthin (2019) argues that this event differs from grief because it is an “ambiguous loss” due to the “uncertainty about a loved one's return and uncertainty of whether life will ever go back to being normal” (p. 117).

Fraley and Shaver (2016) elaborate on John Bowlby's theory of maternal deprivation, which correlates with the grief the SC are experiencing and suggests that their personality development is at risk (p. 40). SC spent anywhere from days to months in U.S. custody, and the prolonged detention constrains emotions associated with grief from taking their “natural course” (Fraley & Shaver, 2016, p. 40). An unstable environment with little support would instead push a child to suppress emotions of grief which Bowlby believes can lead to “psychological and physical ill health” (Fraley & Shaver, 2016, p. 40). The primary attachment figure is likely alive, but the SC are unaware of any details about their parent's whereabouts. The absence of a primary caregiver can cause “sleeping and eating disturbance, social withdrawal, loneliness, and dysphoria” (Fraley & Shaver, 2016, p. 42). The SC are also at risk of entering a “numbing” phase where “mourners often fail to register the loss of the attachment figure at first, presumably

because the event is too painful to accept or it seems cognitively incomprehensible” (Fraley & Shaver, 2016, p. 43).

Fraley and Shaver (2016) explain that small children will call for their parents in the form of “protest, despair, and detachment” (p. 43). When a child’s despair is not addressed, it may inflict sentiments of unprotection. In June 2018, a recording of detained children leaked to the media that captured a very young child inconsolably crying for his father (Thompson, 2018). These are the immediate effects of separation and examples of acute trauma. The loss of an attachment figure reduces levels of trust in relationships. The separation may be so profound that a child may disregard attachments with others altogether; there is a link to “the insensitive manner that the separation occurred” and the trauma children are experiencing (PBS NewsHour, 2019, 3:10:00). Dr. Muñiz de la Peña adds that it is necessary for a child’s mental health to maintain a relationship with the primary caretaker to avoid prolonged physical, emotional, and cognitive difficulties (PBS NewsHour, 2019).

Bateson et al. (2018) discuss a primate experiment by Robert Aubrey Hinde, which offers insight into the effects of mother/ child separation in humans due to our closely linked genetic relationship. There were several combinations to this experiment; for example, in one experiment, an offspring was left with the troop while the mother was isolated (Bateson et al., 2018). In another, the offspring was isolated, and the mother stayed with the troop (Bateson et al., 2018). The separation of the offspring and mother lasted thirteen days and began when the infants were thirty weeks old (Bateson et al., 2018). A follow-up was conducted where Hinde confirmed the presence of long-term effects during “mildly stressful situations” two years later (Bateson et al., 2018, p. 166). Bateson et al. add that “during the separation period, the [behavior] of the infants resembled that of human infants in hospital—a period of frequent

distress calls followed by hyperactivity (searching) and then lowered activity and signs of depression” (p. 166). Due to the cognitive advantage, human offspring have over primates, it is assumed that the intensity of distress in human babies is more severe.

The mother is the overall attachment figure in a hierarchical situation, according to Cassidy (2016). The mother provides biological ties that only she can produce through her “bodily resources,” “biological connection,” and the fact that she “has fewer opportunities to produce additional offspring than fathers and siblings do” (Cassidy, 2016, p. 16). Attachment theory suggests that the relationship between infant and mother directly impacts the development of children (Cassidy, 2016). However, a child can form an attachment with other figures; “in unusual and stressful situations, infants can even become attached to other infants” (Freud & Dann, 1951, as cited in Cassidy, 2016, p. 15). Some reports indicate that siblings were separated, but for those who remained together, a sense of responsibility consumed the older sibling. Roth et al. (2019) provide an example of an older sister watching over her 3-year-old brother who had a “chronic medical condition that required heart surgery...[she]assumed some of the responsibility as her brother’s caregiver throughout his procedure and recovery” (p. 38).

There is also concern regarding a child’s ability to socialize once separated from their caregiver (Cassidy, 2016). Raff (2018) reports that children in government shelters “are reportedly barred from touching even their own siblings, depriving them of an essential way to soothe themselves in crisis” (para. 20). The human species is social, and socialization helps the species thrive. Human socialization has an “important survival advantage of protection from associating with others...The sociable system is likely to contribute to an individual’s survival and reproductive fitness” (Cassidy, 2016, p. 9). Survival is not meant solely in the context of death avoidance. Survival is thriving in society and taking advantage of opportunities. The

absence of a positive attachment figure limits a child's ability to socialize and pushes the child into self-isolation.

Volkan (1999) makes another connection relating to a child's attachment to an object, which is relevant to this conflict. He explains that objects are transitional and help children "climb the developmental ladder," which guides them towards their identity (p. 84). CBP is known for confiscating the belongings of migrants, including children's toys (Terkel, 2018). This incident resonates with Volkan's concept of "transitional objects" because the object allows the child to navigate their environment, providing security (p. 84). The absence of a child's transitional object leads a child to seek a "temporary support system by carrying a "piece of rock or other fetish" (Volkan, 1999, p. 85). According to Volkan, children who undergo challenges in their early years may face developmental difficulties that lead them to attach to a "childhood fetish" or "psychotic fetish" (p. 84). Transitional objects are therefore helpful for the SC to cope with the trauma. As stated by Volkan, "when children are feeling vulnerable and unable to process the new information and experiences that will eventually form their identity, they can move into a magical, controlled world for a while, with the help of a transitional object" (Volkan, 1999, p. 84). Many incidents have likely occurred where transitional objects were taken from children, which negatively impacts their support system.

Children left unprotected by a caregiver are more susceptible to sickness because their immune levels decrease significantly due to toxic stress (Bortz, 2018, p. 12). Children are more prone to getting sick compared to adults, and keeping them in detention facilities exposes them to "conditions that leave them vulnerable to many infectious and noncommunicable conditions" (Bortz, 2018, p. 12). Kraft (2018), The President of the American Academy of Pediatrics, stressed that "prolonged exposure to serious stress – known as toxic stress – can lead to lifelong

health consequences” along with unfavorable brain development (para. 2). Stress hormones travel throughout the body, which becomes toxic and disengages the child’s ability to form trusting relationships. Dr. Shonkoff argues that there is a misconception that a child does not remember, and in some instances, that may be true (PBS NewsHour, 2019). Still, science has grown tremendously as a field, and experts know that the body remembers and is compromised in healthy functioning (PBS NewsHour, 2019).

Experts demonstrate that a child’s separation from a primary caregiver impacts their development (Cassidy, 2016; de la Peña et al., 2019; Fraley & Shaver, 2016; PBS NewsHour, 2019). The literature has indicated that child separation unravels several complications and challenges for children. After separation, the SC continued a path of compounding trauma by being propelled into the U.S. welfare system. Continual disruptions of routine and environment without a primary caregiver leave the SC vulnerable to mental and physical ailments. The caregiver role is favorable for a child, and separations should only occur in dire circumstances under the supervision of childcare professionals.

The Legal Ramifications of Child Institutionalization

The Flores settlement (1997) requires that all children be released from CBP custody within 72 hours and transferred to ORR. To much dismay, there are reports that the settlement has been ignored and misinterpreted by the Trump and Obama administration (FRONTLINE PBS, Official, 2020). The three-day requirement appears to be a challenge for multiple departments, which suggests a need for reassessment and effective administration that benefit all UMs. The Obama administration, for example, detained children for an average of 32 days (Bortz, 2018). According to one source, the ZTP showed the critical consequences of prolonged detention and the difficulties of managing childcare since the average detention under Trump

was 57 days (Bortz, 2018). The children that arrived during the Obama administration were unaccompanied on arrival, but the narrative of the SC are different and unique details of this conflict.

There are two possible outcomes for the release of children from detention. A child can be released to a sponsor (usually kin), who takes full responsibility, including expenses (Y. M. Vissing, 2021, p. 245). Or a child is placed in long-term foster care with one of the “170 facilities and programs” that are funded by ORR across “23 states” (Y. M. Vissing, 2021, p. 240). Interestingly, religion is a core value of several facilities under ORR, such as The Migration and Refugee services of the Catholic Church and the Lutheran Immigration and Refugee Service (LIRS) (Y. M. Vissing, 2021).

Placement with kin is ultimately the best-case scenario for most migrant children. Although kinship placements are in the child’s interest, the requirements for sponsorship place obstacles for the families. Essential details that demonstrate the challenges of placing children with kin suggest that “Latino families may not be accessing kinship care due to challenges to becoming licensed caregivers that include barriers with regards to how kin is defined, immigration status, socioeconomics, and language-appropriate services” (Ayón et al., 2013, as cited in Scott et al., 2014, p. 66). It is important to note that these barriers existed and were neglected by previous administrations. As mentioned in the literature review, several sponsors declined responsibility over the SC because a new prerequisite required fingerprinting the household, putting mixed-status families at significant risk (PBS NewsHour, 2019).

Scott et al. (2014) also found that “a lower proportion of undocumented Latino children in the Texas child welfare system were placed with relatives versus non-relatives, suggesting that a child’s immigration status may indeed pose a barrier to kinship placement” (pp. 64–65). The

current procedure of placing UM's with kin is discouraging since the child loses an opportunity to be in an environment that is in their best interests. The child welfare trajectory that awaits the SC is complex. Scott et al.'s study determined that "less attention has been focused on the experiences of children in care who are themselves undocumented" (p. 64). Funding and additional resources that meet the needs of the SC are imperative in repairing the damages of a conflict that was almost entirely avoidable.

Another controversy that exists in immigration policy consists in defining what a family unit entails, making court cases incredibly difficult for reunification purposes of caregivers who are not birth parents. Upon separation, these details become crucial for reunification efforts. DHS "defines the family unit only as mother-child or father-child," which contradicts U.S. society's widely ambiguous definition of *family* (Y. M. Vissing, 2021, p. 234). For example, "family unit is not an official U.S. Census Bureau term" and states that "a group of two or more persons related by birth, marriage, or adoption who live together; all such related persons are considered as members of one family" (Health Resources & Services Administration, n.d.).

Several administrative issues occurred immediately due to forced separation, which intensified emotional, physical, and mental harm. Facilities were overwhelmed with children, negatively influencing the staff-to-child ratio, which led to administering drugs to children (Soboroff, 2020). Psychotropic drugs have been used to control UMs behavior, as was the case at the Shiloh residential treatment center (SRTC) (Gomez, 2021). Facilities could legally do what they felt was in the SC's best interest without the separated caregiver's consent (Soboroff, 2020, p. 211). Structural violence theorist Galtung (1996) would describe this as a "slow but intentional killing through malnutrition and lack of medical attention, hitting the weakest first, the children, the elderly, the poor, the women. By making the causal chain longer, the actor avoids having to

face the violence directly” (p. 198). The SC are a vulnerable population that is meant to have an advocate appointed by The Secretary of HHS responsible for providing in the child’s best interests (United States of America: Victims of Trafficking and Violence Protection Act of 2008, 2008). Gomez (2021) stresses that it is vital that an advocate is “well-versed in medical training and can advocate for and make timely decisions on behalf of migrant minors” (p. 449).

A child needs an advocate when unaccompanied, not only for medical reasons but also for an immigration hearing. The benefit stretches out to the immigration court itself since a child cannot be expected to comprehend the legal context of their case. There are minimal options available to UMs regarding court representation. No mandate requires unaccompanied children to have a court-appointed lawyer (Gash & Yamin, 2020). In addition to this obstacle, TVPRA (2008) states that an advocate is not allowed to participate in the immigration hearing. Immigration policy expects that children represent themselves in court, as there is “no minimum age in immigration court” (CNN, 2018). Limitations on the role of an advocate is an example “of punishment as an expression of power (Foucault 1977), and control is not simply limited to incarcerated persons but extends to those who care for them” (Routon, 2021, p. 329).

Lindsay Toczykowski told CNN that she represented a three-year-old who was given the notice to appear in court to make an asylum claim (CNN, 2018). How is a pre-verbal child able to fight for asylum? Ali (2021) reiterates that “children, who receive minimal help from translators, cannot decipher legal rights that they may or may not be entitled to” (p. 254). Toczykowski expressed that it is nearly impossible to claim asylum as a tender-age child without the presence of a parent (CNN, 2018). Another lawyer disclosed having to explain legal rights to a three-year-old through a coloring book to help the child understand her rights, where she was, and what the court would look like (Stenberg & Hogg, 2020, p. 206). Rules and expectations of

young children were already in place before the implementation of the ZTP, and it is startling that it was not a foreseen consequence of forced separation.

Immediate consequences of institutionalization involve legal care, psychotropic drugs, and foster-care placements. However, institutionalization's physical, mental, and emotional effects deepen into accumulated trauma. One study on young children in foster and adoptive care identified that there are "severe consequences of early deprivation on children's functioning within institutional settings, and [an] impressive catch-up...often occurs when children are subsequently adopted or fostered" (Bakermans-Kranenburg, Steele, et al., 2011; Nelson, Fox, & Zeanah, 2014; Rutter et al., 2007, as cited in Dozier & Rutter, 2016, p. 696). Children can be incredibly resilient if provided with the tools to *catch up*. Dozier and Rutter (2016) specify that the probability of catching up depends on a committed adoption and fostering situation. In the case of the SC, those who adopt or foster young children must be well-versed in the cultural dynamics of migrant children, which differ significantly from the catch-up that occurs with young children who are American citizens. I must reiterate that the SC are an ongoing conflict with limited studies. This thesis uses studies that shine a light on the difficulties that envelop children already in the welfare system that acknowledge the fragility of a child's well-being when experiencing acute trauma that compounds. The welfare system is already a complex environment for citizen children, and placing SC in a system that needs reform and funding inundates the system, completely breaking the existing fractures.

A Further Investigation on Child Trauma

The Trump administration began a ZTP pilot program in 2017, and it is still unclear how many families were separated during this project (Habbach et al., 2020). The administration was warned by academics, physicians, and policymakers that adverse childhood experiences (ACE) could develop from such a policy, causing irreparable harm (de la Peña et al., 2019; PBS NewsHour, 2019; Y. M. Vissing, 2021). Particular concern over “bed capacity” was expressed by Jonathan White, commander of the U.S. Public Health Service Commissioned Corps (Barajas, 2018). The NY times confronted the administration, who denied any allegations of family separation at the U.S./Mexico border (Soboroff, 2020).

In Feb 2018, ACLU filed a lawsuit defending a mother and daughter separated after fleeing The Democratic of Congo (Gelernt, 2018). While ACLU investigated one of the first separation cases, sources confirmed that “hundreds of other children [were] separated from their parents” (Gelernt, 2018, para. 9). The possible separation of hundreds of children led to the development of a class action lawsuit for separated families (Gelernt, 2018).

Hampton et al. (2021) point out that the characteristics of the ZTP fall under The United Nations Committee Against Torture definition, which states that this is “an intentional act which causes severe physical or mental suffering for the purpose of coercion, punishment, intimidation, or for a discriminatory reason, by a state official or with state consent or acquiescence” (UN General assembly, 1984, as cited in, Hampton et al., 2021, p. 7). The UN Committee on the Rights of the Child (CRC) advocates for children and states:

The detention of a child because of their or their parent’s migration status constitutes a child rights violation and always contravenes the principle of the best interests of the child. In this light, States should expeditiously and completely

cease the detention of children on the basis of their immigration status. (UN Committee on the Rights of the Child (CRC), 2012, para. 78)

Although the U.S. does not ratify this, the committee's response to child detention is a vital perspective to consider. Internationally recognized organizations condemning child detention were also ignored. Reports on the ZTP conflict have surfaced in the academic sphere, highlighting ACEs that families are experiencing from forced separation. Although pre-migration trauma is necessary to discuss for rehabilitation, it is not the focus of this paper to discuss trauma that occurred before separation in detail. Acute trauma occurred at separation, but toxic stress elevated and developed from prolonged separation while under the care of U.S. institutions (de la Peña et al., 2019).

There is minimal literature on what occurred to the SC while in CBP detention and ORR custody. The subsections of this chapter aim to expose moments of inflicted trauma endured by the SC. The likelihood that this population will experience ACEs increases the longer they remain separated and isolated from their caregivers.

Studies on the Trauma of Migrant Children

Hampton et al. (2021) published a recent study confirming that children are suffering from trauma, indicating that research must continue regarding ACEs and the effects of forced separation. The study used narratives from 25 family reunification cases and recognized several "themes and sub-themes" (Hampton et al., 2021, p. 3). The study identified three disorders in the separated families; "post-traumatic stress disorder (PTSD), major depressive disorder (MDD), and generalized anxiety disorder (GAD)" (Hampton et al., 2021, p. 5). The respondents were found to suffer from "regression in age-appropriate behaviors, such as crying, not eating, having nightmares and other sleeping difficulties, excessive parental attachment, clinging to caregivers,

urinary incontinence, and recurring feelings of fear following reunification with their parents” (Hampton et al., 2021, p. 6). The SC in this study are disclosing details that confirm accounts of deprivation in an unsafe environment that endangered their well-being.

The narratives in Hampton et al.’s (2021) study correlate with the observations of Attorney Hope Frye and her testimony about the inhumane treatment of children (*Kids in Cages: Inhumane Treatment at the Border*, 2019). Frye’s observations capture the severity of child abuse that occurred at the Rio Grande Valley (RGV) border patrol sector in the following quote:

Influenza A killed a boy [at] the RGV three weeks before our arrival. Nearly every one of the children we met was sick with the flu differing only in the severity of their symptoms. I met with a 16-year-old girl and her 8-month-old daughter. The daughter was extremely ill and lethargic with a deep, continuous raspy cough. She was feverish to the touch – pale with glazed eyes. She was frail. She’d had a mild cold when they arrived, but CBP took the baby’s medication and clothes and told mom that sleeping outside would be good for her. After four days of sleeping outside with no clothes, the baby worsened, her condition rapidly deteriorated. (*Kids in Cages: Inhumane Treatment at the Border*, 2019, para. 23)

ZTP was an effective tool for government officials as it provided immunity from prosecution since their duty was to carry out the ZTP to the extent they felt was necessary (U.S. Immigration and Customs Enforcement, 2017, as cited in Cabrera et al., 2019, p. 20). Some parents reported that they “were taunted and mocked by immigration authorities when asking for the whereabouts of their children” (Hampton et al., 2021, p. 4). Bullying parents are strategies that promote hate speech and dehumanize the *other*. Taunting and mocking may not have led to a physical crime

but paying attention to moments like this early on explains how the dehumanization of the other begins.

Historical conflicts have consistently shown that mocking others becomes a normalized behavior that can evolve into hate crimes and mass atrocities like genocide (UN Story, 2022). The mocking behavior immigration authorities displayed may have been influenced and enticed by anti-immigration rhetoric prevalent throughout the Trump administration (Citrin et al., 2019; Rowland, 2021). Flores (2018) found “strong evidence that politicians’ immigration related statements can shape expressed public attitudes toward immigrants, at least in the short term” (p. 1679). Flores’s findings derive from an extensive study that analyzed public opinion regarding Trump’s anti-immigrant rhetoric.

Korostelina (2007) explains that when “outgroups are perceived as cunning, artful, cruel, mean, and aggressive,” as was the case with immigrants in the Trump campaign, it can ignite “group mobilization” (p. 153). Trump was a prototype leader, perhaps not the ideal leader, but a prototype because he could relate to the ingroup’s values (Korostelina, 2007). “Trump could be considered a prototype of a conductor of public feelings of anger” (Brooks, 2017, as cited in Rowland, 2021, p. 2). The anger of the ingroup was expressed through xenophobic commentary that “[reinforces] negative perceptions of outgroup members” (Korostelina, 2007, p. 153). The salience of the Latino threat narrative identified immigrants as an immediate and perceived threat. The behavior appears subtle but promotes the “positive We–negative They” perspective that facilitates approval for the ingroup to “devalue and dehumanize” the outgroup (Korostelina, 2007). A noticeable example that illustrates dehumanization is the following:

An unaccompanied minor held at a rehabilitation center, reported that the staff at the center would call the children names like “son of a whore”; he explains that

this was meant to provoke the children there and make us angry intentionally.

They made us act violently so then we had to be given shots...They often did it in English but I understood some English so I would know what they were saying and get really angry. (*Jenny Flores et al. V. Jefferson Sessions et al.*, 2018, p. 46)

The UM at the SRTC was not forcibly separated. However, the fact that this occurred during the ZTP makes it relevant. This account indicates power fragmentation during the ZTP and how other children were possibly affected.

On another occasion, Trump's former campaign manager, Corey Lewandowski, publicly mocked the separation of a 10-year-old girl with down syndrome from her mother. Lewandowski stated that he owes no "apology to the children whose parents are putting them in a position that is forcing them to be separated" (Tatum, 2018, para. 5). Lewandowski's remark exemplifies support from anti-immigration supporters to the ingroup by mocking and taunting immigrants, fortifying "the self-esteem and social status" of the ingroup (Korostelina, 2007, p. 159). Korostelina's (2007) explanation of social identity provides a theoretical interpretation of the bullying that migrant families experience from various officials. The relationship between the in and outgroup explains a more profound connotation of bullying behavior that escalates this conflict.

MacLean et al. (2019) conducted a study that complements that of Hampton et al. (2021), examining migrant children's mental health in detention centers which also identifies trauma as a severe side effect. The research emphasizes that detained children lack representation in empirical studies, making MacLean et al.'s study a primary point of reference when evaluating the implications that immigration policy can have on a child's mental health. A key finding in this study confirms that children who are separated from their mothers "[demonstrate] a

significantly greater number of emotional symptoms and total difficulties when compared to detained children who had not been separated from their mothers” (MacLean et al., 2019, p. 305). M. von Werthern et al.’s (2019) research mirrors MacLean et al.’s research on the mental health of detained children but focuses on unaccompanied refugee minors in Europe. The research shows detention as a factor affecting children’s mental health, a relevant finding for all detained children in the U.S. Pre-migration trauma coupled with detention are factors that risk “mental health difficulties” in a URM that may lead to “depression, PTSD, anxiety, suicidal ideation, and psychosis” (Zwi & Mares, 2015, as cited in von Werthern et al., 2019, p. 8). The detainment of children goes against child welfare principles and has severe adverse outcomes. M. von Werthern et al.’s (2019) research indicates that the mental health of detained children is a global concern and a gap in academic literature. Child detention should never be a mechanism for migration management. The limited research alludes to countries needing to work together to find a better way to manage child migration.

Roth et al. (2019) approached their study differently compared to Hampton et al. (2021) and MacLean et al. (2019) by interviewing the staff that cared for the SC instead of the separated families. Roth et al. conducted a qualitative study through “in-depth interviews with 20 staff members at four transitional foster care programs” who cared for SC, including those of tender age (p. 34). This empirical study was conducted within the first year of separation, and there is a limitation regarding the long-term effects of SC at a tender age. No evaluations were completed on children under six in Hampton et al.’s study, which is also a limitation; however, it was acknowledged as a concern. The effects of separation on toddlers and infants have been of considerable interest since tender age children are unable to communicate coherently due to language development. Care staff are a voice for pre-verbal children who communicate through

physical touch to soothe their fear and anxiety, “especially in the wake of potentially traumatic migration experiences and unexpected separation from caregivers” (Roth et al., 2019, p. 42). The parent’s and children’s narratives and observations corroborate with staff interviews who admit that providing children with the care they need is highly challenging.

Hampton et al.’s (2021) study found that hardships such as “being mistreated or living in poor conditions while detained and while in foster care” were shared among asylum-seekers (p. 4). Lack of resources can lead to inadequate living conditions; Roth et al. (2019) reiterates that “it is up to these front-line workers to find creative solutions with limited resources” (p. 44). It is also important to mention that the staff interviewed by Roth et al. were from the LIRS network. In many regards, it is one of the best networks due to its experience with migrant children. Interviews with immigration officers who were meant to care for detained SC in ad-hoc facilities may uncover details of malnourishment to tender age children, as was observed by Attorney Frye: “Pureed food necessary for infants 6-12 months old, is completely missing. When there are bottles and formula, there is no way to wash the bottles, so they become contaminated” (*Kids in Cages: Inhumane Treatment at the Border*, 2019, para. 11). Frye also discloses in her testimony that detained children are forced to eat spoiled food and contaminated water (*Kids in Cages: Inhumane Treatment at the Border*, 2019).

Gomez’s (2021) study is another asset to uncovering the injuries endured by children during detention, such as the unauthorized administration of psychotropic drugs to minors. Drug administration targets behavior control, which significantly affects processing trauma because it augments pre-existing trauma, as reported by Dr. Amy Cohen (Hennessy-Fiske et al., 2018). The effects of trauma vary for children, and the rehabilitation required may be stalled due to the use of “off-label” drugs (Gomez, 2021). Off-label drugs signify that “they are used in a manner that

the Food And Drug Administration did not approve” (Solchany, 2011, as cited in Gomez, 2021, p. 421). Reports show drug administration continues when children are handed over to the ORR, who decide what they believe to be appropriate for the child. This less spoken consequence of child separation allows “the Office of Refugee Resettlement, which oversees the shelters...to medicate children without parents’ consent because the youths are in the agency’s custody” (Hennessy-Fiske et al., 2018).

Like MacLean et al. (2019), Hampton et al. (2021) reiterate that “very little empirical research has been published on the psychological effects of the Zero Tolerance forced separation policy on those directly affected” (p. 2). This statement echoes the urgency needed to provide families with resources to rehabilitate their mental and physical well-being. A possible solution lies in reassessing parents still detained by this policy and providing a path towards “permanent legal residence” (Hampton et al., 2021, p. 8).

There is no doubt that the harsh environment the SC have experienced is detrimental to their mental health and can produce long-term effects not yet recognized. This study reinforces the hypothesis in this dissertation. It stresses that if an intervention is not delivered early, children will continue to develop ACEs due to psychological distress. Roth et al. (2019) state that children are “exposed to numerous adverse childhood events throughout their immigration journey” but underlines that “a large amount of stress and trauma occurs during the parent child separation” (Roth et al., 2019, p. 33). There is no one solution to how to work through trauma with children. Still, resources are available that could improve child well-being.

Origins of Trauma

Child advocates refer to the ZTP conflict as government-sanctioned child abuse, making it apparent that child detention has shifted a moral boundary for society (America’s Voice, 2018;

Hampton et al., 2021; *Kids in Cages: Inhumane Treatment at the Border*, 2019; King, 2018). The ill-treatment of children during this policy produced a momentum of advocacy. People were astonished by the stream of reports, such as that of NBC, which reported that “at least seven children are known to have died in immigration custody” (Acevedo, 2019). Little was known regarding the children’s medical history in immigration custody, but it could have been prevented if immediate attention had been provided to at-risk children (Acevedo, 2019). This subsection will examine examples of abuse endured by the SC and UMs. Foucault’s (1995) power theory will be used to analyze a correlation between this conflict and the fragmented power of modern society.

Foucault’s (1995) chapter on Panopticism explores the use of power through surveillance and self-monitoring of the panopticon prison. Reducing the number of guards was a crucial feature in the prison design, facilitating minimal inmate management. Children in cages under border patrol surveillance have a strikingly eerie similarity. Interestingly the design and architecture of the panopticon concealed its true intent, which produced insecurity and an unsettling understanding among inmates that influenced their behavior and resulted in conformity (Calavita, 2010). The SC under CBP surveillance were treated like inmates, and it can be argued that there was an intent to produce conformity. There is no doubt that the children felt fear, pain, and anguish. As experts have noted, it is unprecedented to believe that a child can understand what is occurring at separation; all they register is that they are in danger when put in a cage with other crying children. Without a caregiver to provide safety and security, children are exposed to vulnerable situations, making it unprecedented to expect a child to comply with immigration officials.

Gomez's (2021) study on the illegal administration of psychotropic drugs to migrant children at the SRTC adds a critical assessment to the understudied subject of child detention and the origins of trauma. This study was based on a 2018 class action lawsuit (*Jenny Flores et al. V. Jefferson B. Sessions et al.*, 2018) during the ZTP. Although the children in this class action lawsuit are not the SC and are primarily UMs, it is relevant because it is possible that the SC also had a similar experience since they are placed in the same facilities. There has also been speculation from academics and experts that psychotropic drugs were also used on the SC (Soboroff, 2020; Y. M. Vissing, 2021). Vissing's (2021) research, for example, suggests that "ORR routinely administers psychotropic drugs to the children to keep them under control" (Y. M. Vissing, 2021, p. 254). Gomez's study is one of the only studies available on drug administration for undocumented minors. It is imperative to include it in this dissertation because it is highly likely that SC and other migrant children are being ill-prescribed. Due to incorrect diagnoses, the children in this lawsuit were placed in rehabilitation centers with little advocacy available (*Jenny Flores et al. V. Jefferson B. Sessions et al.*, 2018). One child was diagnosed with "Psychotic Disorder, Obsessive Compulsive Disorder, and Bipolar Disorder," all of which were found to be nonexistent when a psychologist outside of SRTC examined the child (*Jenny Flores et al. V. Jefferson B. Sessions et al.*, 2018, p. 17).

District Court Judge Laughrey explained the following in Exhibit 27 of the class action lawsuit:

Psychotropic drugs are powerful medications that directly affect the central nervous system. They are particularly potent when administered to children.

Children administered psychotropic medications are at particularly serious risk of long-lasting adverse effects. They are more vulnerable to psychosis, seizures,

irreversible movement disorders, suicidal thoughts, aggression, weight gain, organ damage, and other life-threatening conditions. (*Jenny Flores et al. V. Jefferson B. Sessions et al.*, 2018, p. 16)

The forced administration of medications to children demonstrates deliberate child abuse. Vissing (2021) adds that children are placed in ultimatums if they do not agree to take medications, which includes the threat of not seeing their caregivers (p. 255). The forced administration of psychotropic drugs to children in U.S. custody shows forced conformity, a mechanism used for surveillance, as mentioned by Foucault (1995). Gomez insists that “sedating migrant children’s anxieties and fears at the facilities through legally unauthorized and high-risk psychotropic treatment is morally reprehensible” (Gomez, 2021, p. 431).

Calavita (2010) uses Foucault’s theoretical approach in explaining that “drug testing, global positioning systems for the car, and other such gadgets potentially let parents keep an ever-watchful eye on their children” (p. 21). The tools parents use parallel the intent of psychotropic drugs on migrant children, except that ORR provides consent, not the parent (Schweikart, 2019). ORR may have legal permission, but that lack of safety violates the Flores settlement (1997), which requires an environment to provide safety and protection against any “harmful effects of medication” (Schweikart, 2019, p. 69). The testimony of a UM who was shifted to six facilities illustrates Foucault’s (1995) concept of Panopticism:

I wanted to stop taking all the medication they were giving me at Shiloh but when I told the doctors that[,] they told me that I had to continue because it calmed me. I met with two different doctors there; both were men. I said the problem is this place, it makes me angry. I was so scared there, I tried to behave well to get transferred. (*Jenny Flores et al. V. Jefferson B. Sessions et al.*, 2018, p. 47)

The child agreed to comply with the doctor's instructions because he had no other option in a scenario that placed him under constant surveillance.

Sleep deprivation is another harm experienced by children in detention who are expected to sleep on concrete floors with 24-hour illumination (PEELER et al., 2020; Y. M. Vissing, 2021). The National Sleep Foundation recommends minimizing light exposure to achieve adequate sleep (Wheaton, 2016). Migrant children are victims of sleep deprivation tactics used to torture prisoners in Guantanamo (PEELER et al., 2020; Sutton, 2008). The UN committee against torture has condemned such a practice (Pilkington, 2014). Whether sleep deprivation is intentional or unintentional, there is sufficient evidence that sleep deprivation in children is “a growing public health concern” (Gerber, 2014). Sleep deprivation is a national issue among U.S. children. It is recommended that “children ages 5 to 10 need 10 to 11 hours of sleep; those ages 10 to 17 require 8.5 to 9.25 hours” (CDC, N.D., as cited in Gerber, 2014, p. 23). Ironically, children in U.S. government institutions are confronted with forced sleep deprivation, while organizations in the U.S. are providing recommendations on how to help children sleep better. Does sleep deprivation not affect all children?

There is tremendous short- and long-term effect due to sleep deprivation, such as “developmental regression, poor psychological adjustment, high rates of post-traumatic stress disorder, anxiety, depression, suicidal ideation, and other behavioral problems” (Linton et al., 2017, as cited in PEELER et al., 2020, pp. 318–319). Children's cognition and ability to perform academically are compromised when sleep deprived, and it can develop into sleeping disorders (Sadeh, 2007). If disorders are not treated, they can become “chronic, lead to underachievement at school or work, and cause accidents, depression, interpersonal conflicts, and predisposition to or exacerbation of health problems such as obesity and diabetes” (Gerber, 2014, p. 24). The

mistreatment of detained children attempts to normalize the ill-treatment of all migrants, further reinforcing the dehumanization and degradation of this population. Peeler et al. (2020) add that “intentionally holding children for prolonged periods in conditions where they will be unable to obtain the recommended amount of healthy sleep is unnecessary, harmful, and violates the right of children to be treated humanely” (PEELER et al., 2020, p. 319). Children held at one institution “exhibited mental health and behavioral problems associated with sleep deprivation, such as withdrawal from family members, self-injurious behaviors, and suicidal ideation” (PEELER et al., 2020, p. 318).

The power dynamics between migrants, staff members of facilities, and immigration officers are disproportionate. Power is etched into the make-up of institutions that encourage staff who are not the *traditional* power figures to implement control over vulnerable populations. Winslade (2019) interprets Foucault’s theory and suggests that,

Foucault was especially interested in how in the modern world new forms of power relations have been invented that are not located in domains dominated by the usual suspects: those with authority and wealth. He saw professional power as steadily increasing and was particular about showing that power relations were all over the place in the modern world. (p. 282)

Winslade’s explanation of Foucault sheds light on the systemic challenges that accost migrant children. The staff member who may have little authority on a large scale but apply power tactics to children illustrates power fragmentation and how it is readily practiced as “microprocessors of power” (Winslade, 2019, p. 282).

The Outcome and Challenges of Child Institutionalization

The life outcome of the SC is undetermined, and this dissertation does not identify a life outcome for the SC as it is an ongoing conflict. Still, it is worth discussing research that distinguishes possible effects due to child institutionalization as it relates to a component of the ZTP conflict and the experiences of the SC. This subsection will not focus entirely on the foster care systems but will discuss key findings that may aid this conflict concerning child institutionalization. There are limited studies on non-citizen children in the foster care system, and “current data do not provide an accurate picture of their experiences, given their immigration status” (Citrin et al., 2019, p. 70). Existing research on other migrant children who have been phased out of the foster system can steer research to inform the case of the SC. Hernandez-Mekonnen and Konrady (2018) point out that children are more likely to come in contact with the system when inequality and inequity are prevalent in their homes and society. “Populations involved in the child protection system often reflect the unintended consequences of policies disproportionately impacting the poor, underserved, and otherwise marginalized in our country (Hernandez-Mekonnen & Konrady, 2018, p. 50). Highlighting areas of concern noted by scholars and experts are beneficial for this conflict since the SC are likely to permeate the local welfare system if they have not done so already, as an effect of the ZTP.

Hope lies in family reunification. However, several children are still institutionalized, and we must acknowledge that there are areas of concern regarding the well-being and welfare of the SC. The SC will face challenges that differ from other children in foster care due to immigration status, language barriers, and trauma caused by abrupt caregiver separation. It is essential to mention that the SC were sent to centers funded privately by ORR, having “little direct effect on state and local child welfare agencies” (Finno-Velasquez & Pardini, 2018). However, this is debatable since tax money is used to fund organizations such as ORR and the U.S. child-welfare

system, which would arguably connect the dependence on state and federal support from various entities. In an interview with ACLU, Shanta Trivedi (2022), an expert in the child welfare system, emphasized that the “government spends ten times more in foster care and adoption than it does on preventative services designed to keep families together” (00:15:05). The Urban Institute published a 2021 federal expenditure report on child services that showed the social services budget at “13.3 billion”, which includes foster care services; this was a portion of the “601.2 billion total federal expenditure” on child-related programs of 2020 (Hahn et al., 2021). The 13.3 billion social service budget reduces further by “1.5 billion”, which is disbursed for “unaccompanied alien children” (Hahn et al., 2021). The 2020 social services budget is insufficient for training or staff hiring in the case of the SC; this could have been foreseen. Citrin et al. (2019) echo that without certain approvals, “states are still not eligible for federal reimbursement” of immigrant youth and children who use foster care services (Citrin & Erney, 2016; Social Security Act Section 472(a)(3), as cited in Citrin et al., 2019, p. 71). Certain states also have a higher intake of immigrant children due to their locations, such as California and Texas.

The ZTP conflict exposed systemic issues that overwhelm immigrant communities, such as representation in the welfare system. Finno-Velasquez and Pardini (2018) point out that at the time of publishing, “43 million immigrants live in the U.S., and in 2015, nearly 18 million children under the age of 18 lived with at least one immigrant parent” (p. 4). The ZTP affected the welfare system through novel challenges that strain already limited resources which is a disadvantage to the children and families it already serves. The probability of a child interacting with the welfare system at some point in life is high. As the SC wait for asylum outcomes which can take “months or years due to substantial backlogs,” there are certain “public benefits or

services” that can be availed; however, accessibility to that knowledge is dependent on advocates (Greenberg et al., 2019, p. 2). The SC are currently at an intersection of immigration and local child welfare policy.

Hernandez-Mekonnen and Konrady (2018) note that challenges in the welfare system lie in staff training and guidance towards immigration-related issues. The authors add that there is a sparse contextual representation of immigration-related manuals for staff (Hernandez-Mekonnen & Konrady, 2018). An informal search was conducted for the terms “immigrant” and “immigration” in the Child Welfare Information Gateway database, which confirmed that the terms scarcely appear (Hernandez-Mekonnen & Konrady, 2018, p. 51). A 2009 study found that caseworker training in the Texas Department of Family and Protective Services lacked an understanding of the importance of “[family] culture as part of the assessment process” when working with Latino children and families (Dettlaff & Rycraft, 2009, p. 119). Representation of marginalized groups in the foster-care system is vital for cultivating a positive outlook for young adults. Due to immigration status, young adults who phase out of the system encounter “significant barriers to securing employment and pursuing secondary education” (Citrin et al., 2019, p. 71). Institutions that support immigrant youth can be increasingly beneficial for future generations. Citrin et al. (2019) use the success of the Deferred Action for Childhood Arrivals (DACA) program as an example of success. Young undocumented adults enrolled in college because they were supported, encouraged, and represented in a policy that opened an avenue for opportunity and community building (Citrin et al., 2019, p. 74). The SC need policies and government assistance that resonates with their situation to foster resilience and help rehabilitate relationships with caregivers.

There is a grave concern for the SC and their caregiver trajectory since many are “likely to [have moved] between several cities and states” (Ali, 2021, p. 246). Because the situation of the SC is different from an actual adoption, foster placements can be temporary. Tottenham adds that a family must be willing and committed to providing for the child. Children need a constant caregiver because “humans are an altricial species, which means that caregiver presence is necessary early in life for optimal development” (Tottenham, 2012, p. 529). Institutionalized children may be at a loss in their emotional development if a consistent caregiver is not available. A temporary placement can therefore impede a relationship from forming, influencing the investment of a caregiver.

An added layer of complication in the ZTP conflict is the tender age of several SC. The founder of Foster America spoke to NPR and clarified that ORR generally worked with “youth who were old enough to cross the border on their own and now they’re dealing with infants, 5-year-olds, 9-year-olds who are separated from their parents after crossing the border with them” (King, 2018). The unusual challenge of caring for young children requires a skill set that is not present in ORR. Tottenham (2012) found that a child placed in a caring and stable home has a significant advantage over those kept in prolonged institutional settings. Reiterating that the development of a previously institutionalized child should be a prime focus as it facilitates a path towards “catch-up” (Dozier & Rutter, 2016).

Reunification with the family and SC should be a prime objective for this conflict. However, the challenges that may arise in this reunion cannot be overlooked. The SC may struggle to understand the sudden transition, especially if a relationship with an alternate caregiver begins to take precedence, as stated by Mellenthin (2019),

Further, a parent may feel rejected by their child upon reunion. This can create further attachment injuries as the parent may have had a fantasy of a joyful reunion and anticipation of greeting and returning to their loved ones. Sadly, this failed expectation and sense of disillusionment may result in the parent acting in a rejecting manner toward their child due to the hurt, deep disappointment, and confusion a parent may feel. (p. 113)

There is also minimal data on the “outcomes associated with parental detention and deportation and the barriers of family reunification that can result from immigration status” (Finno-Velasquez & Pardini, 2018, p. 8). Tottenham (2012) explains that the most critical factor for children to retain cognitive gains is founded on an environment that promotes care. A reunited child may not necessarily produce the best “cognitive gains,” which is incredibly important to consider (p. 531). A parent’s decision to leave their child in the U.S. and withdraw a reunification request is a possibility that Lee Gerent, a lawyer for ACLU, comments on in The Liberty Podcast (Trivedi et al., 2022).

One father said to me he was in his 40s and he said, you know, my life’s basically all over because the town is controlled by gangs, which was sad enough that [at] 40 felt like his life was over. He said, I can’t bear to think of never seeing my child again. But even worse would be to bring him back, knowing the gangs are either going to make him join or kill him. And so, you know that feeling that they don’t love their kids as much is so crazy. But it was so much talk and people say, well, they can’t love their kids as much as we middle class Americans do. (00:17:11)

The SC undoubtedly have special needs as a population due to their collective trauma, which caused immense instability. Foster parents can provide a safe and secure environment for the SC. Still, the parent-child relationship was a bond that kept the family united and an “essential part of the human experience” (Patel et al., 2021, p. 229). The rightful parent or caregiver may not fully understand that cognitive gains benefit a child in a secure environment. Still, there is immense consideration when a caregiver decides to leave their child in the U.S.; it is a selfless act and means of survival.

Recommendations

This chapter emphasizes that *all* migrant children must be protected. The SC are the focal point of this dissertation. However, UMs cross the border daily, which stresses the urgency of safeguarding migrant children. This dissertation has mentioned numerous examples of harm that have resulted from the ZTP onto children. This conflict is complex, and the societal cleavage is significant; there is no agreed-upon solution, and I do not intend to provide one.

Nevertheless, the solution must be innovative and facilitate dialogue from multiple fields of study to be inclusive. This conflict could initiate a movement but cannot be unilateral; it must include the policymakers and migrants. This policy was “intentionally inflicted,” and there is a “moral imperative to assist this population (Hampton et al., 2021, p. 8). The U.S. government must lead reparation efforts and provide a platform for the victims to heal. The recommendations in this section are conceivable suggestions based on the literature and research presented in this dissertation and contingent on a multidisciplinary approach. A synopsis will be covered that pertains to protecting children through policy change, the need for immigration reform, and an example of an immediate form of therapy that can aid in parent and child rehabilitation.

Policy Changes

In a hearing on the SC, Congress asked a panel of experts what they could do to combat this conflict (PBS NewsHour, 2019). This question refers to the protection of migrant children, and the panel of experts expressed that legislation must be clear and indicate when a parent “can or should be” prosecuted (PBS NewsHour, 2019). Currently, the DHS oversees family separations, which is unsustainable, as demonstrated in this dissertation. Mason and Fiocco (2017) suggest that organizations hire professionals that have a specialized skill that is difficult to replicate; it “may include familiarity with a complex policy environment, or working with

unique subsets of the population” (p. 921). CBP and ICE enforcement should not make decisions covering any aspect of child welfare.

Child care begins at the border, and scholars have underlined several roles in caring for migrant children, such as child protection, psychological care, and pediatric medical providers (Cabrera et al., 2019; PEELER et al., 2020; von Werthern et al., 2019). Vocations that are conducive to the responsibilities of the profession are crucial. Currently, the duties and training that ICE and CBP have do not include migrant families. In fact, CBP’s mission statement reads: “Protect the American people, safeguard our borders, and enhance the nation’s economic prosperity” (*About CBP / U.S. Customs and Border Protection*, n.d.).

Humanitarian care workers are indispensable for asylum seekers at the U.S./ Mexico border so that a “cultural understanding” is provided to support families who suffer from “intergenerational trauma, depression, anxiety, and guilt associated with initial separation” (Cabrera et al., 2019, p. 12). Peeler et al. (2020) add that “trained pediatric medical providers can play an integral role... including coordinating care across multiple service sectors” (p. 319). In addition, von Werthern et al. (2019) emphasize that not having adequate support can limit a child’s support system to “untrained volunteers” (p. 10).

These suggestions and comments are predominantly related to policy and the specialized training required to work with migrant children since they are a vulnerable population. There is a need for professionally qualified individuals to take responsibility to care for, process, advocate, and legally represent migrant children upon arrival to the U.S. A child should never have “to attend immigration proceedings without an informed representative or counsel” (Ali, 2021, p. 264).

Immigration Reform: Defund ICE

Immigration reform is not a new suggestion in the academic sphere. However, it is probably the most complex and needed change for migration conflicts in the U.S. It is also susceptible to the political climate, which is a significant concern for the future of immigration policy. Interestingly, immigration reform appears to be adopting a message similar to that of the Black Lives Matter (BLM) movement regarding defunding the police (Cobbina-Dungy et al., 2022). Defunding the police signifies “transformational police reform,” which demands “local, state, and federal officials to end broken windows policing, increase community oversight, make more stringent use of force policies and accountability, end for-profit policing, demilitarize the police, and renegotiate union contracts among other things” (Campaign Zero, 2020, as cited in, Cobbina-Dungy et al., 2022, p. 152). Just as child welfare principles do not require a new system on how to care for children, immigration reform can benefit from movements that are occurring in the U.S. with concepts that integrate change in institutions that have systemically marginalized communities. As mentioned in the congress hearing on the ZTP, “we need to not be wasteful with resources,” signifying a need to reassess funding for migrant communities so that distribution is adequate (PBS NewsHour, 2019, 05:23:45). It is essential to state that the ZTP conflict and the BLM movement are distinct. Still, there are crucial lessons in both conflicts that can denote the inequity and inequality surrounding people of color in the U.S. Uhlmann (2019) suggests that abolishing ICE is not simply a “Latino” problem and that it “means calling for an end to predatory policing and standing in solidarity with communities most affected by police violence” (p. 127).

Rehabilitation

There is urgency in providing families with resources that rehabilitate their mental, physical, and emotional well-being. Pediatricians, psychologists, psychiatrists, and attorneys are

the most equipped for this time-sensitive rehabilitation process. Rehabilitation includes assessing adults who are still detained, working with families who have been reunited and are in the U.S. waiting for their court case, and the SC in the foster care system. Terra Firma in New York (*Terra Firma*, n.d.) is an example of a program needed to facilitate working with this population on a larger scale.

Terra Firma is possibly the only available program for victims of the ZTP to access regarding their specific experience (de la Peña et al., 2019). The program's goal is to "facilitate stabilization and acculturation, to promote holistic healing, to bolster sense of community and decrease social isolation, and to advocate for the needs and rights of the children and families it serves" (de la Peña et al., 2019, p. 158). This organization unites professionals from the "healthcare and legal services" fields based on a "multidisciplinary model" (de la Peña et al., 2019, p. 159). The professionals intervene using "a combination of trauma-informed, culturally sensitive, individual, family, and group psychotherapy" (de la Peña et al., 2019, p. 159). Terra Firma is an example of "specialized capacity building" that Mason and Fiocco (2017) would suggest as a model of what "contracting relationships between government and nonprofit service providers" could become (p. 918).

Terra Firma's approach is innovative and captures the needs of this population. There is, however, another area of this conflict that requires a more individualized approach which concerns the SC in foster care. This group of children needs advocates to facilitate an avenue of rehabilitation, which is time-sensitive, especially for those of tender age. Mellenthin (2019) highlights that "facilitating remembrance and communication is an important part of managing the separation distress the child is experiencing" (p. 118). One form of therapy geared towards helping pre-verbal children work through trauma is "play therapy" (Mellenthin, 2019). This

therapy can help children “who are experiencing prolonged separation and the resulting ruptured-attachment injury” (Mellenthin, 2019, p. 118). Through “a wide variety of culturally sensitive toys,” children can guide therapists through “their pain and fear following separation” (Mellenthin, 2019, p. 118). This form of therapy may be the most beneficial in communicating with children, even with those who are not pre-verbal.

Conclusion

This dissertation established several barriers to attaining asylum during the ZTP, which directly affected children by inflicting harm that resulted in trauma. There is hope that families will have an opportunity to reunite. Still, we must act and help the SC currently in foster care (perhaps with ORR or a sponsor). SC’s mental, physical, and emotional well-being in foster care is unknown, and that is concerning. It is important to note that as a conflict topic, migration is continual and immeasurable. These recommendations are based on the ZTP conflict but can protect children who continue to migrate unaccompanied and seek asylum. Migration is a global issue and one that cannot be overlooked. These brief suggestions examine policy design and how it can protect children’s rights, how current movements can influence and initiate social change, and how nonprofit organizations can provide innovative and indispensable resources to those in need.

Conclusion

This master's research aimed to answer the following: What was the impact on migrant children arriving in the U.S. during the implementation of President Trump's zero-tolerance policy? I hypothesized that migrant children would have short and long-term emotional, physical, and mental effects from the ZTP. This dissertation was unable to answer my research question entirely. While conducting research, a recent study surfaced that confirmed the presence of "post-traumatic stress disorder (PTSD), major depressive disorder (MDD), and generalized anxiety disorder (GAD)" in families that were separated during the ZTP (Hampton et al., 2021, p. 5). This small study supports theories and research that discuss the effects of child separation from their caregivers and issues about migrant children.

Research on this conflict is continual, and this policy's short- or long-term effects on the SC are unknown. The declarations in the *Ms. L. et al. V. ICE* (2018) case prompted a further investigation of the experiences of the SC since they are essentially absent from the lawsuit. The reported parental experiences are a foundation of this dissertation because they accentuated the areas of study that can help understand the impact this policy had on the SC.

The research has determined that children separated from their caregivers experience compounded trauma and are at high risk of experiencing ACEs. Studies also show that children who are provided with resources and tools that encourage rehabilitation have significantly higher chances of working through trauma. The following subsections will summarize the research and steps taken to determine this conclusion.

Introduction

The introduction provides a background on the ZTP conflict, a policy implemented during the Trump Presidency. Scholars (Hampton et al., 2021) believe that more than 5,000

children were separated, although the actual numbers are unknown. It denotes the aim of this policy and how it resulted in forcibly separating families at the U.S./ Mexico border. A brief blueprint shows where the SC went once forcibly separated from their caregivers. This section demonstrates how the arrival status of migrant children altered from an accompanied minor to a UM. The status change was significant and facilitated custody transfer to U.S. officials.

Furthermore, immigration officials failed to record the personal details of the children, which has led to the prolonged separation of families. The impact forced separation has had on the SC is an objective of this dissertation. Biden's response to this conflict and the needs of the separated families is also mentioned in this chapter as it is an ongoing conflict. The last area underlines that the SC are propelled into the U.S. welfare system, which has prolonged systemic and structural issues.

The experiences of the SC are understudied due to their vulnerability as a population and the status of the ZTP conflict. The goal of this dissertation is to continue the academic discussion by incorporating various studies that inform the case of the SC.

Literature Review

The literature review examines pre-existing issues that led to implementing the ZTP policy and enabled officials to detain children. It also discusses elements pertinent to the ZTP conflict but not in this dissertation's scope. The review is presented in a thematic format that elaborates on five themes, using works published chiefly from 2017 onwards.

The first theme, "Why migrate to the U.S.?" attempts to answer a complex question fundamental to any migration study. The second theme, "Trump Rhetoric," briefly demonstrates the power of political rhetoric during the Trump Presidency and underlines the use of the Latino threat narrative (Chavez, 2013). The third theme, "Immigration Policy: Family, Deterrence, and

Surveillance,” highlights common themes within immigration policy that have caused tremendous harm to the immigrant community and influenced policy design. The fourth theme, “Institutional Issues,” discusses how the ZTP protected officials and allowed them to inflict harm on children. There is an evident absence of children’s rights and protection. The final theme is “The Parallels of Incarceration and Detention.” This theme covers the relationships between U.S. incarceration and detention, which has several similarities. This theme distinguishes those similarities and reminds readers that migrants, including children, are experiencing trauma in the U.S. government and privately funded institutions.

Methodology

The Methodology section discusses the *Ms. L. et al. V. ICE* (2018) class-action lawsuit used as data for this dissertation. It examines the attorney declarations through thematic analysis and discusses the limitations of this dissertation and the selected qualitative data. The methodology section also covers an area that shows a possible research option if it were feasible to do so. As discussed further in this chapter, a proposed research method would be a narrative analysis.

Data and Data Analysis

This chapter uses the declarations from the *Ms. L. et al. V. ICE* (2018) case through a thematic analysis. Four themes were identified as prevalent in the lawsuit, which features fifteen exhibits. All but one of these declarations were submitted by an attorney. Some themes have sub-themes and theoretical analyses to better understand the narratives. Theories from Foucault (1995), Volkan (1999), Gurr (2010), and Galtung (1969, 1996) are used to expand on power dynamics, structural violence, RD, and trauma. The declarations demonstrate profound issues that relate to the field of conflict analysis and resolution.

The four themes discussed are power, legal care, barriers, and trauma. The power theme echoes Foucault's (1995) power theory and illustrates the fragmentation of power in the immigration system. Coercion and trust are used as sub-themes to support the narratives that feature deceit and power abuse from officials projected onto migrants. The second theme is legal care. This theme focuses entirely on attorney limitations, which is the sub-theme of this category. Legal care is crucial as it ties into the lack of resources that consistently appear across departments that work with migrants. Attorneys are front-line workers in this conflict, and without their assistance, the narratives of the separated families would be restricted. The next category is barriers, which has two supporting subthemes, communication and the state of detention centers. Gurr's (2010) theory on RD plays a key role in interpreting the narratives in this section since there is a substantial decline in the ability to achieve what Gurr refers to as "self-actualization." The last section is trauma and uses concepts from Volkan (1999) to expand on the reported incidents that families experience while in immigration custody. The initial stages of trauma for the separated families begin to appear in these exhibits.

The Moment of Separation and the Effects on the Child

Forced separation severely impacts a child's well-being, and this chapter dives into the effects of separation. The chapter is divided into four sections.

The first section, "Taking the System by Surprise," explains how the ZTP was suddenly implemented and reportedly caught several departments off guard. Galtung's (1996) structural violence theory illustrates the complexity of violence and its manifestation in institutions meant to protect vulnerable populations. This section shows a misuse of resources and how they directly affected the SC.

“The Caregiver Role” section covers the role of a caregiver and implements Burtons’s (1979) human needs theory to emphasize the needs of the SC. This section also discusses the disruption in developing a child’s identity from separation using Volkan’s (Volkan, 1999) theory on identity formation. Attachment theory is also discussed to emphasize the importance of the caregiver/ child relationship.

The third section, “The Harms of Immediate Separation,” focuses on “acute trauma” (PBS NewsHour, 2019). This topic underlines that the manner and circumstances of separation are paramount in indicating the potential traumatic outcome a child will experience. This section discusses past studies that confirm that trauma is an outcome that lingers years after the separation, even if it is short-term. When children are suddenly separated, they are susceptible to illness, maltreatment, and psychological harm. Even the sudden separation of an object, such as a security blanket, can negatively impact children (Volkan, 1999).

“The Legal Ramifications of Child Institutionalization” demonstrates the multiple stages a child confronts while institutionalized. Prolonged institutionalization results from unaccompanied status and the lack of sponsorship. The SC, and all migrant children, are expected to attend their immigration hearing, regardless of whether legal counsel is available. Kinship placements and undocumented status are discussed to demonstrate the obstacles extended family members undergo to gain custody of the SC. Keeping the SC in detention longer than needed exposed them to overcrowded facilities, neglect, and the administration of drugs to control behavior.

A Further Investigation on Child Trauma

Trauma is an outcome of this policy, and this chapter investigates past and current studies on trauma that inform the case of the SC.

The first section, “Studies on the Trauma of Migrant Children,” looks over studies conducted on the SC and other migrant children. Testimonies and theoretical analysis are used to support those findings. The reported accounts demonstrate tactics that government officials use to dehumanize the SC, which attempts to normalize child detention. Another study in this section examines the mental health of children in detention centers which connects to the traumatic outcomes that children may experience. The administration of psychotropic drugs to migrant children and the care of tender-age children who were separated are two other studies covered in this section.

The second section, “Origins of Trauma,” denotes physical moments where the SC were deliberately put in harm’s way. These experiences detail the hardships of child detention with a focus on sleep deprivation and drug administration.

The last section, “The Outcomes and Challenges of Child Institutionalization,” describes the foster care environment for non-citizen children. Several of the SC are still with sponsors through ORR or in ORR custody. This section informs on the lack of resources available to this population and mentions several limitations in the welfare system. Knowing what the children can expect under such circumstances is vital.

Recommendations

This chapter provides recommendations based on the literature and research presented in this dissertation. This chapter illustrates three areas. The first section focuses on policy changes, the second on immigration reform, and the last area highlights rehabilitation efforts that are currently helping the victims of the ZTP.

Final Thoughts

According to a recent report, approximately “147,000 unaccompanied children” were encountered by CBP officials at the Southwest border in FY 2021 (Batalova & Esterline, 2022). I must restate that child migration is not a new issue but is globally concerning. This dissertation focused on the ZTP conflict because it is a piece of a much larger conflict that exposes structural and systemic barriers that marginalized populations.

An answer to the research question and hypothesis in this dissertation was inconclusive. However, the research is a strong point of reference for future academia to study. The outcomes of the ZTP need further research incorporating a narrative analysis and quantitative data that measures the effects of trauma. There are still many unknown components of this conflict that require additional research. As stated by Turabian (2018): “Experienced researchers know there are few, if any, final answers, because there are no final questions” (p. 21). The academic discussion must continue to help the victims of the ZTP and heal wounds that will undoubtedly leave scars on many.

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