

## Open Letter to Our Students, Staff, Faculty, and Community:

As members of the faculty and staff at the Latin American Center at the Josef Korbel School of International Studies at the University of Denver, we express our condemnation of the recent Trump administration policy that has forcibly separated close to 2,000 children from their parents at the US-Mexico border. The Trump administration policy forcibly removes children from their parents, as their parents are treated under a “zero tolerance policy”, announced by Jeff Sessions in April, which criminally prosecutes them for “illegal entry.” These children are sent to detention centers while their parents await trials in federal court. The Trump administration’s response to the outrage the policy has generated has been riddled with inconsistencies, ranging from defending the policy, to blaming Democrats, to denying that such a policy exists.

[Accusations abound that parents are often deceived and not provided with information on their children’s whereabouts; in some instances they are led to believe that their children are being briefly taken to receive a bath. Reports indicate cases of parents being deported without their children, oftentimes without being able to locate or communicate with them.](#)

However, well-documented evidence from journalists, lawyers, medical professionals, and human rights defenders points to a deliberate and cruel policy, whereby separating children is being used to punish and deter migrants, many of whom are seeking, and have the legal right to request, asylum. This policy, and rhetoric used, to forcibly separate children from their families holds similarities to some of the most reprehensible human rights violations of family separation and confinement in US history, including slavery, Japanese internment, and the removal of Native American children from their homes to attend boarding schools from the late 19<sup>th</sup> century ([parents did not acquire the legal right to prevent this placement in “off-reservation schools” until 1978](#)). Each of these eras and policies hinged on the dehumanization and criminalization of those affected to justify separation, confinement, and the withdrawal of basic rights and personhood. The denial of basic rights to immigrant parents rests on policies that create the criminality they intend to punish ([see Khosravi 2010](#)).

Critical to understanding the rationale for removing children from their parents, treating them as if they were unaccompanied minors, is the discourse that criminalizes their parents. The “zero tolerance” policy particularly threatens international and US law and protections for asylum seekers. [Governing migration through crime](#) and criminally prosecuting all immigrants for “illegal entry” neglects the fact that entering the United States without authorization is a misdemeanor and unauthorized presence constitutes a civil, rather than a criminal infraction. However, many families are seeking to turn themselves into US Customs and Border Protection (CBP) to legally request asylum. “Under the Immigration and Nationality Act, immigrants within the U.S. who express a credible fear of return must be given the opportunity to request asylum and [“be immediately processed”](#). Many of those attempting to seek asylum at the US border have been prevented from doing so at official ports of entry by US Customs and Border Protection officers. [They have been either turned back, told there is no room, or made to wait near the bridges for weeks exposed to the elements](#). The “illegality” and “criminality” used to “punish” and “prosecute” border crossers, and thus separate them from their children, is produced through policies that deliberately obstruct asylum seekers. [As Debbie Nathan reported for The Intercept, “The U.S. Customs and Border Protection are systemically violating U.S. and international law by blocking immigrants at international ports of entry on the southern border so](#)

[they can claim asylum.](#)” She continues, [“By blocking asylum-seekers from crossing illegally, CBP is pressuring them to cross illegally.”](#)

While the administration claims that transferring the children to facilities overseen by the US Office of Refugee Resettlement ensures their basic needs, various reports, [including from medical professionals,](#) render these claims suspect. This includes recent citations from [state child care facility regulators against some of the shelters being used to hold children, constant surveillance, lack of access to information on their cases,](#) reports of children being held in cages, understaffing, poor conditions, [foil sheets in lieu of blankets, and the prohibition of physical contact between staff and traumatized children.](#) [Lawyers at the Texas Civil Rights Project reported a nursing infant being forcibly separated from its mother despite the government’s claim that it does not separate infants from mothers “except in cases where a person poses a threat or is believed to not be the parent.”](#) We express condemnation for the treatment of the children and implore the US to ratify the UN Convention on the Rights of the Child and to reconsider its 2017 withdrawal from [the Global Compact for Safe and Orderly Migration to fulfill its international obligations.](#)

[While prosecuting immigrants for illegal entry is not new, and dates to Operation Streamline in 2005, the zero tolerance approach for all those crossing the southern border is a new policy under the Trump administration.](#) Previously, not all unauthorized crossers were referred for prosecution, but could also be placed into [“immigration proceedings and faced deportation...unless they qualified to pursue an asylum claim.”](#) Zero tolerance not only obstructs due process for asylees and risks refoulement, but it is also used to justify family separation so parents can be prosecuted. [While this policy is unique to the Trump administration, it is also important to keep in mind policies under the Obama administration that scaled up immigrant family detention in response to an upsurge in Central American migration in 2014.](#) This approach relied on a similar logic of deterrence, even though stringent border policies have not deterred asylum seekers fleeing crime and violence; rather they infringe on their legal right to seek asylum, undermine due process, and place them at increased risk along the migratory journey. [According to the Vanderbilt’s Latin American Opinion Project, and the American Immigration Council, the largest driver of Honduran migration has remained exposure to, and fears of, crime and violence, regardless of knowledge of the danger of the migration journey and likelihood of deportation.](#)

We also condemn the use of for-profit immigrant detention centers, where [over 60% of detained immigrants, including asylum seekers, are held, costing tax payers nearly \\$150 per day per detainee](#) amidst reports of [neglect, abuse, inadequate access to medical care, forced labor, and lack of access to counsel.](#) The private immigrant detention business, relying on \$2 billion in contracts each year from the Immigration and Customs Enforcement (ICE), has boomed since the 2016 election; not only did they see their stocks balloon after falling in 2016, [but the two largest, CoreCivic and GEO, each donated \\$250,000 to Trump’s inauguration festivities.](#) Private immigrant detention corporations are a central component; they [lobby for punitive border and immigration policies and bed quotas that enhance their own profits while making it easier to lock up immigrants.](#)

***To learn more:***

- <https://www.theguardian.com/commentisfree/2018/jun/17/family-separation-family-detention-immigration> by César Cuauhtémoc García Hernández, DU Sturm College of Law. [Follow César's site to learn more about crimmigration, or the increasing convergence between immigration, criminal law, and crime discourse.](#)
- <https://theintercept.com/2018/05/29/zero-tolerance-border-policy-immigration-mass-trials-children/>
- <https://culanth.org/fieldsights/1298-care-in-contexts-of-child-detention> by Lauren Heidbrink.
- <https://www.texasmonthly.com/news/whats-really-happening-asylum-seeking-families-separated/>
- Follow immigration lawyer [Allegra Love's Think Immigration Blog](#)
- Learn about private immigration detention and its role in perpetuating inhumane border policies:  
<https://www.freedomforimmigrants.org/detention-statistics/>  
<https://www.detentionwatchnetwork.org/>
- Blog by Korbel Alum [Tess Waldrop](#) about work with Casa de Paz and immigrant detention in Colorado. (More student research coming this Fall)
- [The Immigration Industrial Complex: Why We Enforce Immigration Policies Destined to Fail. 2009. Tanya Golash Boza.](#)

***If you want to help/donate:***

- <https://www.thecut.com/2018/06/how-to-help-fight-family-separation-policy-immigration-trump.html>
- Donate to [RAICES](#), Law Firm in San Antonio Texas working for fair legal representation and funding bonds so parents can get out of detention  
[https://www.facebook.com/donate/490507544717085/10101326461477366/?fundraiser\\_source=feed](https://www.facebook.com/donate/490507544717085/10101326461477366/?fundraiser_source=feed)
- Support the ACLU and its lawsuit against ICE
- Write/call your elected officials:  
The Honorable (Your senator's name here)  
United States Senate  
Washington, D.C. 20510  
  
The Honorable (Your congressman's name here)

United States House of Representatives  
Washington, D.C. 20510

- Colorado specific:  
Cory Gardner - 202-224-5941  
Scott Tipton - 202-225-4761  
Ken Buck - 202-225-4676  
Doug Lamborn - 202-225-4422  
Mike Coffman - 202-225-7882
- Directly contact the White House, Attorney General Jeff Sessions, ICE and the Department of Homeland Security to put an end to family separation  
White House - 202-456-1111  
Department of Justice - 202-353-1555  
ICE Office of Policy - 202-732-4292  
Department of Homeland Security - 202-282-8495

***Support great smaller organizations and groups on the border assisting immigrants and fighting for immigrant justice on the ground through legal assistance, policy advocacy, and more holistic supports:<sup>1</sup>***

<http://aldeapjc.org/>

<http://www.santafedreamersproject.org/>

<http://caraprobano.org/>

<https://annunciationhouse.org/>

<https://alotrolado.org/>

<https://casademigrantetijuana.com/en/quienes-somos/>

<https://migrante.juridicas.unam.mx/places/mexico/sonora/heroica-nogales/ongs/albergue-para-migrantes-san-juan-bosco-i-a-p/>

<http://www.colibricenter.org/>

<https://www.kinoborderinitiative.org/es/programas/asistencia-umanitaria/>

***Get involved locally with, or donate to, groups fighting for immigrant justice<sup>2</sup>:***

- [Colorado Immigrant Rights Coalition You can also volunteer for the Docuteam or Rapid Response Network to document deportation cases and raids](#)
- [American Friends Service Committee: Coloradans for Immigrant Rights](#)
- [Casa de Paz](#): volunteer to assist former detainees and their families
- [Rocky Mountain Immigrant Advocacy Network \(RMIAN\): help](#) support their efforts to provide free legal services to immigrant children and detained adults. See their statement: <https://www.rmian.org/happenings-news/2018/6/11/rmian-family-separation-statement>
- Learn about [Towards Justice and their class action lawsuit](#) against the GEO private immigrant detention facility in Aurora, CO for forced detainee labor.

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<sup>1</sup> Thank you to Christina Brown at [The Law Office of Christina Brown](#) for some of these suggestions and suggestions on the statement.

<sup>2</sup> Thank you to Martha Lugo for some of these suggestions.

- Collaborate with the [Korbel Asylum Project](#) to research and write country conditions reports to assist attorneys
- [Colorado People's Alliance](#)
- Join [familyseparation/](#) on Facebook to coordinate local actions

Sincerely,  
The Latin America Center and Social Justice Solidarity Series

*---The Latin America Center is a sanctuary for immigrants and other vulnerable populations. We believe that the University of Denver should be too.*