

# Judge Rules ICE Must Free Migrant Children, but what about their Parents?

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Approximately 5,500 [migrant children](#) were separated from their parents by the [Trump Administration](#). And these are just the children we are aware of. Long before the Trump administration instigated the Zero Tolerance immigration policy in 2018, officials had already begun separating children from their parents as part of a so-named pilot program conducted in the El Paso, Texas, region, which then extended along the border. As late as May 29, 2020, a [review](#) conducted by the U.S. Customs and Border Protection (CBP) Office of Field Operations (OFO) in response to congressional requests, identified an additional 60 asylum-seeking families separated at 11 ports of entry between May and June 2018, far greater than the seven such separations originally claimed. We are only beginning to understand the extent of the devastating toll separation has taken on immigrants and asylum seekers families. Reunification is complex, hinging on such determinants as when a child was separated if they are labeled as plaintiffs in a class-action lawsuit against the Trump Administration, and where the children's parents are currently located.

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And then, amid this chaos, a global pandemic struck. Despite a binding [2009 internal directive](#) to do so, ICE refused to release children from detention centers. Not only are families in these centers unable to practice the evidence-based social distancing that states and federal government agencies have promoted throughout this pandemic, but they often [lack access](#) to masks as well as hand washing and cleaning supplies: basic necessities that are critical in the face of an unprecedented viral pandemic. The crime for which they are paying with their lives: having nowhere else to go.

This leads us to June 26, 2020, when Judge Dolly M. Gee of the U.S. District Court for the Central District of California [ordered the release of all children](#) who have been held for more than 20 days in detention centers run by Immigration and Customs Enforcement. As of June 8, there were 124 children in ICE custody, according to the ruling. As a medical trainee in my final year of medical school who has worked with immigrant and asylee children and families, I was encouraged by the [order to release these children](#). I recognized how critical this order is to protect the health and wellbeing of children. I recognized that without this order, children and their families might die. While children are less likely to become

severely ill than older adults, there are subpopulations of children with [increased risk](#), among them children with asthma or other underlying health conditions. For children in detention centers, this risk was not theoretical. Children and parents have [already tested positive](#) for the coronavirus at a family detention center in Karnes City, Texas, and others have known exposure to COVID-19 at a family facility in Dilley, Texas.

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But there is a catch. ICE may be required to release the children, but the parents’ release is up to their discretion. There is some concern amongst advocates that ICE will force parents to separate from their children to comply with Judge Gee’s order. This is unacceptable. Such a policy would ignore the overwhelming [evidence of harm from separating children](#) from their parents that has been articulated by multiple American medical societies, including the [American Pediatric Association](#), who represents pediatricians across the United States. Family separation can affect irreparable harm to children and is an act from which many families may never convalesce. Multiple courts have even ruled the practice [unconstitutional](#).

***“While we advocate for all children in this crisis, we must realize that these children are disproportionately vulnerable. The impetus of this moment of change must be applied to these children who need our voices now.”***

We, as a society, have seen over these past weeks what our voices can achieve. Voices from Minnesota to Los Angeles, calling for an end to police brutality and racial discrimination, resulted in [police reforms](#) swiftly taking hold across the nation. The sheer brutality of the fate of George Floyd forced us to examine injustice. So too, must the sheer brutality of the act of separating a child from his or her family, force us to examine injustice. While we advocate for all children in this crisis, we must realize that these children are disproportionately vulnerable. The impetus of this moment of change must be applied to these children who need our voices now.

I implore ICE to release children in conjunction with the June 26, 2020 ruling by Judge Gee responsibly with their parents or to a suitable guardian. And I implore you to raise your voice to affect a positive change in these children's lives. Children should be released from ICE detention with their parents immediately. Families belong together.

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The author has no conflicts to disclose

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