

How the Trump Administration Caused the Humanitarian Crisis at the Border and What Congress and the Administration Can Do to Fix It

The Trump Administration made explicit choices to create the unacceptable and harmful conditions at our southern border. The Administration is responsible for deaths in custody, separations of families, and endangering the lives of asylum-seekers at our border. Here's how:

1. **CHOOSING to Detain Everyone and REFUSING to release anyone.**

Under existing law, the Department of Homeland Security (DHS)—including both Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP)—has the authority to release asylum-seeking families arriving at the border, allowing them to continue their immigration proceedings without being detained. Most families and children arriving at the border have families within the United States who can support them while they await adjudication of their asylum cases.

Solution: Detention is a choice. Use parole, bond, and alternatives to detention that are cost effective, efficient, and work to manage migrants waiting for court hearings.

2. **CHOOSING to defund and ignore humane, inexpensive, and effective alternatives to detention, such as the Family Case Management Program.**

The administration terminated a Congressionally approved and funded alternatives to detention (ATD) program with proven track records of success. According to the government's own data, participants in this program showed up to immigration court appointments 99% of the time and the program cost a fraction of what detention costs (\$38 per family per day vs \$319 per person per day in a family detention center).

Solution: In place of mass detention, the government should use a long-existing spectrum of alternatives to detention, including release, affordable bond, or other programs that support families in their immigration proceedings. These programs are more affordable and just as effective as detention in ensuring rule of law.

3. **REFUSING to provide safe and sanitary conditions for detained families.**

Under existing law, detention facilities, including CBP facilities at the border, must meet basic minimum standards of care—including providing things like toothbrushes, soap, and bedding to people in government custody. DHS receives billions of dollars a year in federal funding, yet refuses to use that funding to improve conditions.

Solution: Use currently allocated funding to comply with required standards and treat families and children humanely at the border.

4. **CHOOSING to turn asylum-seeking families away at the border through unlawful and cruel policies like metering and Remain in Mexico.**

The administration is unlawfully limiting the number of asylum-seekers allowed to enter the United States each day as well as sending back thousands of asylum-seeking families to wait for their immigration proceedings in Mexico. These policies, known, respectively, as "metering" and Migrant Protection Protocols or Remain in Mexico, have created a bottleneck at our border and have forced people—including pregnant women and infant children—to wait in dangerous conditions for their right to seek asylum. These policies also create additional burdens on border officials who the administration claims are already overwhelmed.

Solution: End the unlawful policies of Remain in Mexico and metering and allow people to exercise their legal right to seek asylum at the border. Process and transfer or release migrants in accordance with the law.

5. CONTINUING to separate families.

Despite a federal court injunction and an executive order ending “zero-tolerance,” the administration continues to [separate families](#), taking children and babies away from their parents and caregivers. There is still no system in place for tracking separated families and no plan for their reunification. This not only causes trauma and jeopardizes asylum seekers’ cases, it also creates extra burdens for border officials at a time that they claim to be overworked.

Solution: Stop needlessly separating children from their parents and caregivers. In the event of a separation, develop a system to track and quickly reunify children with their families.

6. PRIORITIZING enforcement over child welfare by attempting to arrest sponsors of unaccompanied children and refusing to hire child welfare professionals at the border.

The administration [changed the rules](#) so that parents and family members who wish to claim their children from the government are now subject to arrest if they are undocumented, causing more children to remain in government custody for longer periods of time. The administration also refuses to invest in child welfare professionals to care for children at the border, despite the reality that over half of those arriving at our borders to seek protection are children or families. As a result, very young traumatized children are being cared for by border patrol officials untrained in child welfare or even, in some cases, by older children detained with them. This is not only bad for children, it puts additional burdens on border personnel and uses highly trained enforcement officers to do work they are not qualified to do, don’t want to do, and don’t have time for.

Solution: End the information-sharing agreement between the Office of Refugee Resettlement (ORR), which has responsibility for the care and custody of unaccompanied children, and ICE and CBP. Employ child welfare professionals to help care for and process children at the border.

7. ENDING programs like the Central American Minors Program that would have allowed children to apply for protection without embarking on a perilous journey to the border.

The administration abandoned thousands of children in Central America when it ended a program that allowed certain children with parents in lawful status in the United States to be processed in their home countries and fly here to join their parents.

Solution: Reinststitute the Central American Minors Program.

8. SLASHING funding for programs aimed at addressing endemic violence, poverty, and corruption in Central America, each of which cause people to flee for their safety.

One way to ensure that children and families from the Northern Triangle no longer feel that they must make the dangerous journey to the U.S. to find safety is to address the root causes of political instability, economic deprivation, unchecked violence, impunity for abusive government security forces, and food insecurity in their home countries. The White House plans to end aid to this region, even though its own administration believes such aid helps to stem the flow of migration.

Solution: The administration should invest in a [commonsense and comprehensive approach](#) to address these and other root causes of forced migration.

9. CHOOSING to DEHUMANIZE migrant children and families and FEARMONGER.

Much of what we are seeing at the border is abuse and mistreatment, plain and simple. Children have reported having sleeping mats removed in retaliation for asking for more or better food; sexual assault at the hands of border officials; and have being yelled at and told they have no rights. Families are being separated for no valid reason. Migrants in overcrowded cells are being deprived of water and clean clothing. DHS has responded to Inspector General calls for improving conditions with concern that improving conditions will not serve their goal of preventing migrants from coming to the United States. All of these are part of an abusive culture. They have nothing to do with resources or processing requirements. They are immoral and illegal.

Solution: Treat people as human beings with inherent dignity and basic human rights regardless of where they were born or how they arrived here.

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