

Family Separation 2.0:

More Complex but Just as Harmful

Family separation was a defining policy of the first Trump administration. The administration failed to keep records tracking children, resulting in long-term [separations that persist to this day](#). As the second Trump Administration [massively scales up](#) immigration enforcement, **WRC is tracking the new and different forms of family separation that are tearing families apart.**

In prior years, WRC was able to document family separations and their enduring harms by accessing detention facilities to speak with migrants. Since the start of the second Trump administration, however, getting access to detention facilities to monitor conditions or provide “Know Your Rights” information has been nearly impossible. The Department of Homeland Security and other agencies are also providing substantially less information about immigration enforcement and detention to Congress and the public than they have during previous administrations. Thus, in order to document separations that have occurred since January 2025, WRC has traveled to Mexico and Central America to speak directly with service providers and parents who were deported without their children.

Family Separation 1.0: “Zero-Tolerance” Separations of Asylum Seekers at the Border

As early as 2017, the Trump administration began separating families that crossed the US-Mexico border, a practice known as [Zero Tolerance](#). US Customs and Border Patrol’s policy of criminally prosecuting parents seeking asylum caused their children to be placed in Health and Human Services (HHS/ORR) custody. In 2018, the ACLU brought a lawsuit, [Ms. L v. ICE](#), challenging family separations. In the 2023 [Ms. L Settlement Agreement](#), the government agreed to largely stop separating families at the border for eight years. Today, families separated by Zero-Tolerance have some protection against removal while they reunify and pursue asylum or other claims. These protections do not apply to family separations resulting from immigration enforcement in the US interior.¹ ICE deportations of “Zero-Tolerance” families [in violation](#) of the Ms. L settlement are also being reported.

New Forms of Family Separation

In recent months, the administration has increased immigration enforcement against longtime US residents in the nation’s interior and escalated enforcement against unaccompanied children (UC) and the families that come forward to sponsor them. Family separations occur in three ways:

(1) Separation Due to Mass Deportation and Non-Targeted Enforcement

Many mixed-status families² across the US have already been separated, and many more live in fear of separation. Family separation occurs when ICE agents arrest and detain an undocumented parent who is living in the US with their child(ren). When ICE deports a parent from the US while US citizen [children remain](#), the separation could be permanent. With immigration [check points](#) and [traffic stops](#) increasing, these family separations can happen anywhere and at any time, though some patterns are emerging:

- *Separation when ICE arrests, detains, or deports an undocumented parent or legal guardian while their children remain in the US.* | These [separations happen](#) even to families who have been living in the US for decades and to families in which the children are US citizens.³
- *ICE not following guidance allowing detained parents to communicate with their children and make custodial decisions.* | ICE has [long](#) had [guidance](#) directing officers to consider the impact of detention

¹ Except at airport ports of entry, which are considered to be part of the border under US immigration law.

² Mixed-status families are family units whose members have varied immigration status, such as undocumented parents and US citizen or temporary status-eligible children.

³ While separations are the focus of this analysis, ICE and CBP are also deporting parents with their children—in some cases US citizen children—including at [least two cases](#) involving gravely ill US citizen children.

or deportation on parents with children in the US. Prior versions of this [guidance](#) required ICE to consider whether detention was appropriate in light of a parent's caregiver status, as well as to provide parents an opportunity to make informed decisions about their children's care. The second Trump administration has [weakened](#) this guidance, making these requirements optional for ICE. While the new [Detained Parent Directive](#) requires ICE to ensure that local child welfare authorities take physical custody of children left without care when ICE arrests their parents, children have nevertheless been reported left [alone](#) or stranded at [daycare](#).

- *Family separation stemming from courthouse arrests.* | Since May, ICE has [begun to arrest](#) individuals attending immigration court hearings. A pattern has emerged: an individual arrives for their immigration court hearing, their case is dismissed or terminated at ICE's request, and they are arrested outside the courtroom. ICE recently revised its [policy guidance](#) to broaden its ability to make such arrests. ICE has [arrested parents in front of their children](#).

What Can Be Done? Members of Congress should demand that ICE: reinstate the Parental Interest Directive (PID); provide monthly reports on compliance with the PID; and provide information on US citizen children impacted by mass deportation. Individuals attending court hearings should be supported to make family plans, attend court hearings with supportive community members, and document arrests.

(2) Separation Due to Refusal to Accept Family Removal or Withdraw Protection Claim

Recently, the New York Times identified [cases](#) in which ICE separated noncitizen children from their parents and placed them in HHS/ORR custody after the parent declined to accept deportation of the whole family. While there are just a few reported cases, if expanded, this practice could impact families seeking protection from countries that do not cooperate with US deportations, such as Russia.

What Can Be Done? Members of Congress should require DHS to: conduct child protection screenings and best interest determinations prior to placing children into HHS custody; and report on every removal proceeding against families from countries that do not cooperate with US deportations.

(3) Family Separation Related to a Child's Unaccompanied Children (UC) Status

ICE officers have gone to [homes](#) of vetted UC sponsors to conduct "child welfare checks" and targeted certain sponsors for immigration enforcement and deportation. ICE has deported sponsors and in some cases [has referred the child back](#) to HHS/ORR custody or has referred a child to HHS/ORR that was not ever a UC. These practices have led to children being placed in HHS/ORR custody who had been living in families, created a climate of fear, and chilled sponsors' willingness to accept services provided for UC post-release.

What Can Be Done? Members of Congress should: condition any funds to HHS/ORR on ending the policy of ICE law enforcement officers engaging in child welfare tasks; and demand information about children referred to HHS/ORR custody who have been living with sponsor families.

Plans for massive expansion of detention and deportation will put more families at risk. Many of these families have lived for years or decades in the US. Many are mixed-status, meaning that countless US citizens' lives will be upended. **Congress can take action to shine a light on the impact of ICE enforcement and protect families.** For more information, please contact the Women's Refugee Commission at mrj@wrcommission.org.

The Women's Refugee Commission (WRC) improves the lives and protects the rights of women, children, youth, and other people who are often overlooked, undervalued, and underserved in humanitarian responses to displacement and crises. We work in partnership with displaced communities to research their needs, identify solutions, and advocate for gender-transformative and sustained improvement in humanitarian, development, and displacement policy and practice. Since our founding in 1989, we have been a leading expert on the needs of refugee women, children, and youth and the policies that can protect and empower them.