



Children's Right to Family Life in the Context of Migration and Asylum Policies

Submission to the United Nations Special Rapporteur on the Human Rights of Migrants

June 15, 2026

Introduction

This brief is a response to the call for [inputs](#) from the Special Rapporteur on children's right to family life in the context of migration and asylum policies. In light of the recent rapid expansion of immigration enforcement and detention in the United States (U.S.) occurring without corresponding protections and supports for impacted immigrant and U.S. citizen children, Women's Refugee Commission (WRC) welcomes the Special Rapporteur's examination of this issue and is thankful for the opportunity to submit. WRC is a US-based research and advocacy organization dedicated to protecting the rights of women and children affected by displacement and migration.

This submission consists of an analysis of existing U.S. laws and policies on children's right to family life in the migration context and the impacts on immigrant children and families of current practices in the U.S. and also observations related to WRC's 2025 field visits¹ to Honduras which included interviews with deported parents, migrants, service providers, civil society groups, humanitarian workers and government officials.

U.S. Legal Protections for Immigrant Children against Family Separation and Detention

(A) Existing US Framework to Protect Children from Separation in the Migration and Asylum Context

Despite ratifying the ICCPR, and the UN Refugee Convention and 1967 Protocol, the U.S. has not codified many protections against family separation of parents and children in immigration law. Most of the protections are in the form of legal settlement or administrative policy. The protections that do exist depend on whether the immigrant parent is encountered by immigration authorities in the interior U.S. or when crossing the border.

Protections against separation at the border are more robust, in part due to a Settlement Agreement in the [Ms. L v ICE](#) litigation, which ended the first Trump administration's 2018 "zero tolerance" family separation policy. The [Ms. L Settlement Agreement](#) established significant measures to ensure family reunification, including establishing limits on when families crossing the border could be

¹ This submission draws on findings from three reports based on fieldwork conducted in Honduras in 2025: Women's Refugee Commission (WRC), *A Cut Too Deep: US Foreign Aid Withdrawals and the Collapse of Protection for Women and Girls in Honduras* (New York: WRC, 2025); Women's Refugee Commission (WRC) and Physicians for Human Rights (PHR), *What About My Children? Family Separation Among Parents Deported to Honduras* (New York: WRC and PHR, 2026); and Adam Isacson and Diana Florez, "Dispatch from Honduras: Four Things You Need to Know About ICE Deportations—It's Worse Than Expected" (Washington, DC: WOLA, 2025).

separated and requiring government-assisted reunification efforts (which were governed through the Biden administration's Family Reunification Taskforce). During this time, the Biden administration also created other administrative policies to protect against family separation at the border, including the Customs and Border Patrol (CBP) [Family Unity policy](#); some of these protections have since been rescinded.

Protections against separation within the U.S. interior are less robust. There is no binding legal settlement agreement or legislation that protects families from separation. There are a series of Immigration Customs Enforcement (ICE) administrative policy guidance documents; though any current iteration is binding on ICE, these policies can be changed or rescinded at will. The current iteration of the policy, the [Detained Parents Directive](#) (issued July 2nd, 2025) [is weaker than its predecessors](#), but nonetheless requires that ICE affirmatively enquire about parental status at the time of arrest, ensure all children present have safe care, and allow parents to decide what happens to their children if they are deported.

(B) Existing Framework to Protect Immigrant Children and Their Families From Detention

The [Flores Settlement Agreement \(FSA\)](#) currently provides some limitations to the detention of immigrant children. Signed in 1997, the FSA established nationwide minimum standards governing the treatment, placement, and release of children in immigration custody. FSA requires children must not be held for prolonged periods in immigrant detention, they must be placed in the least-restrictive setting, and when they are held or detained, they must be provided certain conditions of care in custody, such as access to food, showers, education, and fresh air. This agreement has been consistently litigated and has resulted in monitors to evaluate conditions and report to the court.

Through monitoring visits and interviews with children and their families, FSA counsel has exposed extensive abusive treatment, inadequate medical care, lack of education, prolonged detention. Counsel has filed motions to enforce the FSA and continues to fight to protect children from ongoing violations. The reports and monitoring have led to improvements and serve as a mechanism to ensure FSA implementation.

(C) Existing U.S. Protections and Obstacles for Immigrant Children in Legal Proceedings and Corresponding Family Separation Impacts

Under U.S. law, immigrant children are divided into two categories: unaccompanied children, who are without their parent or legal guardian upon encounter with immigration authorities, and accompanied children, who are encountered with their parents. Unaccompanied children go into the custody of Health and Human Services (HHS) in a less carceral, and more child welfare setting. They have traditionally been given opportunity for less adversarial legal processes as it relates to their claims for legal status. This includes bringing their asylum case before USCIS (a non-judicial body within DHS) and being interviewed by an Asylum Officer and judges trained in child-appropriate interviewing techniques. Additionally unaccompanied children in HHS custody are entitled to legal services and also in certain instances, a child advocate, to help them receive the best- informed information and help advocate for their interests. Both of these programs have seen reductions or attempted efforts to eliminate the services.

Regarding accompanied children, there are less readily available child-specific protections and remedies. Currently, in the U.S., entire family units have been placed in family detention facilities, that enable the family to remain together, but detained in [poor conditions](#). The health impacts on children from being detained has been repeatedly [noted](#) by medical experts. Accompanied children are eligible for certain forms of relief that unaccompanied children are, such as asylum, trafficking visa (T visa), and victims of crime visa (U visa) but frequently their protection claims are sublimated for those of their parents, as in the U.S., children can be derivatives of their parents' asylum claims. This can lead to instances where accompanied children's protection/asylum cases could be

overlooked if there is not robust attention to their individual case, and instead solely focus on the parents' case. In the context of gender-specific obstacles, one issue in US asylum law, is the constantly changing case law as it pertains to asylum eligibility², particularly in regards to a particular social group, a type of classification within US asylum law, that an individual may be eligible for. In recent years, many cases involving gender-based analysis on asylum, particularly for women and girls from the Southern Hemisphere has been weakened. This weakening has greatly limited the ability for women and girls to consistently qualify for protection via asylum claims.

(D) Existing Determinations for Best Practices for Immigrant Children in US Law

Under the [Trafficking Victims Protection Reauthorization Act](#), the Department of Health and Human Services (HHS), conduct reviews of unaccompanied children who are transferred into US government custody, which includes all unaccompanied children encountered by an immigration official from non-contiguous countries to the U.S., and Mexican and Canadian children who may have a fear of return, may be a victim of human trafficking and may not be able or be old enough to make an informed decision about their immigration case. In July 2025, through a new [law](#), some of this screening was transferred to CBP law enforcement. This is problematic as it goes against existing laws but also CBP officers do not have the training necessary for child-welfare appropriate screening and as such may miss certain vulnerability elements.

In regards to accompanied children, it is assumed³ that parents represent their children's best interests, unless there are incidents of abuse, abandonment or neglect. In situations where children have been separated from their parents due to immigration enforcement (i.e. the parent is in immigrant detention or has been removed from the United States), there is currently no mechanism, no federal agency, no requirement that any best interest determination be undertaken to evaluate future options for immigrant children living in the U.S..

Overarching Concerns and Policy Considerations

Through its work in the U.S. and in Honduras WRC has been tracking families who have been separated due to immigration enforcement and have several overarching concerns as it relates to immigrant children's access to family life.

- (A) Increase in U.S. Immigration Enforcement without Corresponding Family Unity Policy Implementation
- (B) Lack of Mechanisms for Families to Reunify Post-Removal
- (C) Impacts of Enforcement-Related Family Separation Upon Immigrant and US-Citizen Children

(A) Increase in U.S. Immigration Enforcement without Corresponding Family Unity Policy Implementation

Since early 2025, the U.S. undertook a record number of immigration arrests, detentions, and deportations. Between January 2025 and November 2025, when WRC traveled to Honduras, the number of people held in immigration detention rose nearly 75 percent, from 40,000 to 66,000 people detained on any given day.⁴ More recent data suggests that detention rates have soared even

² See e.g. Denise Gilman, Making Protection Unexceptional: A Reconceptualization of the U.S. Asylum System, 55 Loy. U. Chi. L. J. 1 (2023) available at: <https://lawcommons.luc.edu/lucj/vol55/iss1/3>

³ Under the Fourteenth Amendment of the U.S. Constitution, parents have a fundamental liberty interest in the care, custody, and control of their children.

⁴ American Immigration Council, Immigration Detention Expansion in Trump's Second Term (American Immigration Council, 2026), available at <https://www.americanimmigrationcouncil.org/report/immigration-detention/>

further, reaching almost 70,000 people by the end of 2025.⁵ Many detained people have active asylum claims or some other form of temporary legal status that allows them to live and work legally in the United States. A substantial number are parents of U.S. citizen children.⁶

In contrast to the rapid increase in enforcement, many of those interviewed by WRC in the U.S. and Honduras context described deportation procedures that failed to consider the best interests of children and to maintain family unity. In numerous accounts, parents reported being removed from the U.S. without any real opportunity to organise care for their children, inform family members, or seek legal remedies, at times in contravention of existing policy. Institutional mechanisms within the U.S. and then in Honduras intended to help families stay together or reunite were, in practice, largely out of reach. Despite the existence of formal procedures designed (see Section 1.A-Detained Parent Directive) to uphold these principles, enforcement practices have routinely prioritised expedited removal timelines at the expense of procedural fairness, transparency, and access to information and remedies. Parents and children are frequently separated without adequate notification, access to information, or meaningful opportunities for reunification prior to removal.

Deported parents consistently described being apprehended, detained, and removed without meaningful opportunities to exercise their parental responsibilities, communicate with their children, notify caregivers, or make arrangements for their children’s care prior to deportation. In some cases documented by WRC , mothers explicitly informed immigration authorities that they wished to be deported together with their children and signed the necessary documentation. Nonetheless, they were removed without their children, even though they were willing to assume the associated costs and logistical arrangements.

(B) Lack of Mechanisms for Parents to Reunify Post Removal

Another overarching concern is the lack of mechanisms for family reunification in return countries, such as Honduras, as well as a lack of existing U.S. infrastructure to assist domestically with administrative details for children still in the U.S. Regarding obstacles faced in Honduras, as a country of return: while the previous Honduran administration identified family reunification as a priority within its Emergency Strategy for Returned Migrants, the strategy expired on 31 December 2025, and, to WRC’s knowledge, no public information has been released regarding its renewal or the continuation of the reunification measures established under that framework.⁷ Officials interviewed during the research indicated that Honduran authorities, working through consulates in the US, had supported reunification efforts by locating children, facilitating travel documentation and authorizations, and coordinating their return to Honduras. According to these officials, approximately 400 parents sought reunification assistance during the previous year. However, no publicly available information exists on the number of successful reunifications, the average case duration, or the outcomes of these efforts.

Currently, with the expiration of the strategy and the absence of publicly available information regarding its renewal or replacement, it remains unclear what institutional mechanisms, if any, are currently available to support family reunification for deported parents and children separated across borders.

⁵see also Austin Kocher, “92% of ICE Detention Growth in FY 2026 Driven by Immigrants with No Criminal Convictions,” (Substack), January 8, 2026, available at <https://austinkocher.substack.com/p/92-of-ice-detention-growth-in-fy>;

⁶ Approximately 5.62 million US citizen children (eight percent of the total number of US citizen children living in the US), have at least one undocumented parent. See: Matthew Lisiecki, Kevin Velasco, and Tara Watson, What Will Deportations Mean for the Child Welfare System? (The Brookings Institution, 2025), <https://www.brookings.edu/articles/what-will-deportations-mean-for-the-child-welfare-system/>.

⁷ Honduras underwent a change of government in January 2026 following the November 2025 general elections

Evidence collected by WRC and PHR in 2025 suggests that, even while these measures were in place, access to family reunification remained limited in practice. Many deported parents—and, in some cases, personnel working in migrant reception centers—were unaware that reunification assistance was available. Parents described significant obstacles, including obtaining passports and travel documents, proving parentage or custody, securing legal authorizations, navigating procedures across multiple jurisdictions, and meeting the considerable costs associated with travel and legal processes. These barriers are particularly acute for low-income families, single-parent households, and families caring for children with disabilities or other specialized needs. Several parents reported relying on personal fundraising efforts, loans, or informal family networks to pursue reunification. Where children lacked documentation or where custody arrangements were disputed, reunification often became extremely difficult and may, in some cases be unattainable.

In the United States, there is no coordinating federal government mechanism to help ensure or even provide documentation assistance for family reunification cases of parents who have been removed with children still living in the United States. Such efforts, similar to Honduras, have been ad hoc, and are heavily reliant on civil society, the level of consular assistance provided, and at times, where the child is in the U.S. domestic child welfare system, the individual state child welfare system's cooperation.

In sum, the evidence suggests that family reunification following deportation is not supported by a predictable, transparent, or rights-based system in the U.S. and in Honduran context. Instead, outcomes are frequently contingent on families' financial resources, access to documentation, informal support networks, and ad hoc institutional assistance, creating substantial barriers to the effective enjoyment of the right to family unity without discrimination.

(C) Impacts of Enforcement-Related Separation upon Immigrant Children and US-Citizen

WRC, through its interviewing and engaging of families in U.S. and Honduras have found children are negatively impacted by the enforcement-related separation. Children whose parents are unable to reunify in advance of removal and are unable make legal arrangements for them to remain safely in the U.S. (such as assigning a legal guardian) are particularly vulnerable; some may be unable to secure healthcare, education, stable housing, and other vital services. Evidence collected by WRC points to four principal impacts family separation has on children.

1. **Parents consistently reported that family separation resulted in significant emotional and psychological distress for their children:** WRC research accounts included children crying during phone calls, struggling to comprehend the abrupt absence of a parent, and exhibiting changes in behavior, such as persistent sadness, heightened anxiety, and loss of appetite. These effects were often intensified for children who had spent most or all of their lives in the United States and, in many cases, were US citizens—due to the double loss of a parent and future uncertainty. This aligns with expert research that family separation can lead to severe and enduring psychological harm, including cases that meet clinical criteria for post-traumatic stress disorder (PTSD) and major depressive disorder, even years after the event.⁸
2. **Disruption of Care, Protection, and Family Life:** Family separation frequently disrupted children's care arrangements, protection, and family life. Many parents reported being detained and deported without adequate opportunity to communicate with their children, notify caregivers, or make arrangements for their children's care. As a result, children were often left in the informal care of relatives, friends, or other caregivers under emergency circumstances. Parents inability to make legal arrangements for their children's safe care may also pose additional barriers and

⁸ See e.g. Physicians for Human Rights (PHR), "You Will Never See Your Child Again": The Persistent Psychological Effects of Family Separation (2020); American Psychological Association, Statement of APA President Regarding the Traumatic Effects of Separating Immigrant Families, May 18, 2025 available at <https://www.apa.org/news/press/releases/2018/05/separating-immigrant-families>

may leave informal guardians without the legal authority to secure for them necessary or eligible services like education and medical care.

3. **Particularly Severe Impacts for Children with Intensive Care Needs:** The consequences of separation were especially acute for children requiring intensive care and support, including children with disabilities, infants, breastfeeding babies, and very young children dependent on their mothers for daily care. One deported mother described how her 12-year-old son with a severe cognitive disability “bites himself until he bleeds because he does not understand where I am.” Additionally, newborns and breastfeeding infants separated from their mothers during detention and deportation raises concerns regarding continuity of care, attachment, and child wellbeing during critical developmental stages.
4. **Gender-Specific Impacts:** WRC ‘s research from Honduras indicates that gender-specific impacts were particularly evident in cases involving deported mothers. Many women WRC interviewed in Honduras were single mothers and the primary caregivers. Some had previously fled domestic violence or other forms of abuse. Their deportation often resulted in the loss of children’s principal source of care, protection, emotional support, and, in some cases, household income.

WRC’s Research and Recommendations Related to Family Separation Due to U.S. Immigration Enforcement

- Women’s Refugee Commission (WRC) and Physicians for Human Rights (PHR), [What About My Children: Family Separation Among Parents Deported to Honduras](#) (Washington DC and New York, WRC and PHR, 2026)
- Women’s Refugee Commission (WRC) et al., [Explainer for Parents and Their Helpers Seeking Family Reunification](#) (Washington DC, June 2026)
- Women’s Refugee Commission (WRC) and Physicians for Human Rights (PHR), [In Parents Own Words: Documenting the Stories of Separated Families in Honduras](#) (Washington DC, December 2025)
- Women’s Refugee Commission (WRC), [A Cut Too Deep: US Foreign Aid Withdrawals and the Collapse of Protection for Women and Girls in Honduras](#) (New York, WRC, 2025)
- Women’s Refugee Commission (WRC) and Refugees International (RI), [Limited Aid and Impossible Choices for People Seeking Refuge: The Human Impact of Trump Administration Policies in Costa Rica](#) (Washington, DC, May 2026)
- Women’s Refugee Commission and Washington Office on Latin America (WOLA), [Dispatch from Honduras: Four Things You Need to Know About ICE Deportations](#) (Washington DC, August 2025).