

FACT SHEET: The Impact of “Zero Tolerance” on Refugee Families

THE TRAUMA

Documented studies dating back more than 70 years verify that children who experience strong, distressing, prolonged adversity, in the absence of a nurturing caregiver, will experience **toxic stress** that can disrupt brain development, lead to irreversible cognitive impairment, and damage physical and mental health for a lifetime.

The landmark Adverse Childhood Experiences (ACE) Study of the long-term effects of childhood abuse and neglect, conducted by the United States Centers for Disease Control and Prevention (CDC), revealed that **adults who experienced stressful childhood experiences were at risk** for conditions and behavioral health issues including depression, illicit drug use, alcoholism, poor academic achievement, and suicide.

To ensure that children are treated humanely and held in the least restrictive setting possible, **current law requires that unaccompanied children** apprehended by U.S. Customs and Border Protection (CBP) or any other authority **be transferred to the care of Health and Human Services (HHS)** within 72 hours.

Studies have found that **even when children are jailed together with their families, institutional settings such as detention facilities are detrimental to children**, compromising their parents’ role as protector and disciplinarian and negatively affecting children’s overall development.

THE COST

Detaining families shifts the financial burden of families awaiting immigration proceedings and prosecution from relative hosts or charitable groups **to U.S. taxpayers**. The Department of Justice has estimated the average daily cost of detaining an individual with U.S. Marshals at nearly \$90. In 2015, the Government Accountability Office estimated the average daily cost of sheltering a child at \$248 and \$585 per night for a family of three.

Alternative Detention (ADT) programs that comply with immigration proceedings cost as little as \$5 per person per day.

Separating families also decreases judicial efficiency by requiring multiple immigration proceedings for parents and children who would otherwise be processed as a family unit, compounding expenditures and exacerbating immigration court backlogs.

THE LAW

There is no law that requires the criminal arrest of persons who cross the border illegally. By contrast, there are laws, including treaties, that require the United States to protect asylum seekers.

Any person encountered at a designated port of entry or elsewhere **lacking documentation to be admitted to the United States must be allowed to speak to a trained asylum officer** to determine whether that person has a credible fear of facing persecution or torture in their home country under our asylum laws. Should such a fear be determined to be well-founded, they are allowed to present a complete application for asylum, withholding of removal, and protection under Article 3 of the Convention against Torture to an immigration judge. Cases of denied asylum can be appealed to the Board of Immigration Appeals.

The Trump Administration has instead decided to have **U.S. Attorneys criminally prosecute each asylum seeker under the new “zero tolerance” policy.** While the President’s Executive Order states that families are to be kept together in detention, **it fails to reunite the families that have been broken apart** by the policy. It continues to **prosecute adults** and to **violate laws** that prohibit the prolonged detention of children. **It fails to address** the questions of **how long families will be detained and how children will be treated** if and when parents are convicted in Federal Court.

Miami-Area Organizations Opposing Family Separation and Family Detention

The Children's Trust • League of Women Voters of Miami-Dade County • ACLU Florida • Florida Immigrant Coalition

Haitian Women of Miami • Miami-Dade County Council of PTA/PTSA • New Florida Majority
United Teachers of Dade • The Women's Fund of Miami-Dade