

## **Talking Points for Immigration Lawyers**

Set forth below is a list of key talking points about the significant trauma children suffer when the government separates them from their family.

- Several cases related to the Trump Administration’s policy of family separation, relying on the scientific research and expert testimony, acknowledge that children’s physical and mental health are seriously damaged by separation from primary caretakers. Lawyers can use this research:
  - In support of petitions for habeas corpus, where a child is in federal custody with either the Department of Homeland Security or Department of Health and Human Services.
  - As equity/evidence in discretionary humanitarian forms of relief such as asylum, special immigrant juvenile status, U nonimmigrant status, T nonimmigrant status, adjustment of status, and voluntary departure.
  - In best interest reports submitted by Child Advocates under the Trafficking Victims Protection Act of 2008.
  - Ms. L. v. U.S. Immigration & Customs Enforcement, 310 F.Supp. 3d 1133, 1147 (S.D.Cal. 2018)
    - “[t]here is ample evidence that separating children from their mothers or fathers leads to serious, negative consequences to children’s health and development.” Id. at 1146.
    - The disruption that forced separations “put[] children at increased risk for both physical and mental illness . . . . And the psychological distress, anxiety, and depression associated with separation from a parent would follow the children well after the immediate period of separation—even after eventual reunification with a parent or other family.” Id. at 1147.
    - The court pointed to other evidence establishing “that separating children from parents is a highly destabilizing, traumatic experience that has long term consequences on child well-being, safety, and development.” Id.
  - Jacinto-Castanon de Nolasco v. U.S. Immigration & Customs Enforcement, 319 F.Supp. 3d 491, 503 (D.D.C. 2018)
    - The court recognized “the profound and long-term consequences that separation can have on a child’s well-being.” Id. at 503.
    - “[t]he psychological distress, anxiety, and depression associated with separation from a parent would follow the children well after the immediate period of separation – even after the eventual reunification with a parent or other family.” Id.

- “[c]hildren may experience high rates of post-traumatic stress disorder, anxiety, depression, and suicidal ideation, in addition to developmental delays or poor psychological adjustment.” Id.
- M.G.U. v. Nielsen, 325 F.Supp. 3d 111, 122 (D.D.C.2018)
  - [s]eparation may result in “toxic stress, a form of extreme and repetitive stress that adversely affects brain development,” a concept discussed more fully below, and that the effects can be devastating and long lasting. Id. at 122.