

“Part of my heart was torn away”

What the U.S. Government Owes the
Tortured Survivors of Family Separation

Executive Summary

April 2022





When Maria and her six-year-old daughter, Adelaida, sought asylum in the United States after fleeing threats of gang violence and murder in Central America, they thought they had reached a safe haven. Instead, they were met with cruelty, deception, and torture at the hands of U.S. immigration officials.

Upon processing at the U.S. border, Maria was informed that she would be separated from her daughter. She watched, horrorstruck and helpless, as the officer peeled Adelaida from her grasp and dragged her away. For 10 days, Maria was denied information about her child's whereabouts.

Maria eventually learned that Adelaida was living in foster care in a distant city and later released to a relative in another state. After seven months in detention, Maria was advised to request voluntary deportation to avoid further imprisonment. Trusting the attorneys, she returned to Central America alone, thousands of miles from her child and once again at risk of the violence she had fled.

Deeply traumatized and afraid, Maria lost 86 pounds. She tried two more times to cross the border in order to be with her daughter, but she was deported both times. In May 2021, Maria received humanitarian parole and, four years after their separation, she and Adelaida were finally reunited in the United States. Though she is happy that they are together, Maria still suffers from post-traumatic stress disorder, recurrent nightmares, and suicidal ideation – impacts of her experiences in Central America, her time in U.S. detention, and Adelaida's separation and forced disappearance by officers of the United States. And, because humanitarian parole is not a permanent legal status, Maria also lives with the constant fear that she will be separated from her daughter once again.

Cover: A Honduran father and his six-year-old son, who were separated for 85 days after they crossed into the United States in 2018.

Photo: Mario Tama/Getty Images

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When the news broke in 2018 that the U.S. government was forcibly separating thousands of parents and children as young as infants at the U.S.-Mexico border, nationwide outcry ensued due to the evident trauma caused by the separations. Physicians for Human Rights (PHR) found that the cases of forcible family separation by the U.S. government that we documented constituted torture. PHR's torture finding was cited by the Biden campaign during the 2020 U.S. presidential election. However, as the election passed, uproar and outrage around family separation abated, but parents and children who were eventually reunited struggle to recover from severe psychological effects of the trauma they endured. Parents who were deported and separated from their children for three or even four years continued to suffer and wait in desperation for the moment when they could be with their children again.

Above: A six-year-old boy, who was separated for three months from his mother when she was deported after they entered the United States, is reunited with his family in Guatemala in August 2018. Photo: John Moore/Getty Images

This study documents the longer-term psychological impact of this inhumane policy of forced separation on parents who were deported by the United States government, most of them separated from their children for three to four years. The persistent and damaging psychological effects documented by PHR call out for acknowledgement, accountability, redress, and rehabilitation. This study also seeks to make visible the desires of the parents who were interviewed regarding means of redress owed to them by the U.S. government. In the context of a broad discussion about redress, it is essential that the views of affected communities be directly incorporated into research and policy recommendations.

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In virtually every case encountered, PHR's expert evaluators noted that the trauma suffered by the parents and the children warranted further intervention and ongoing therapeutic support.

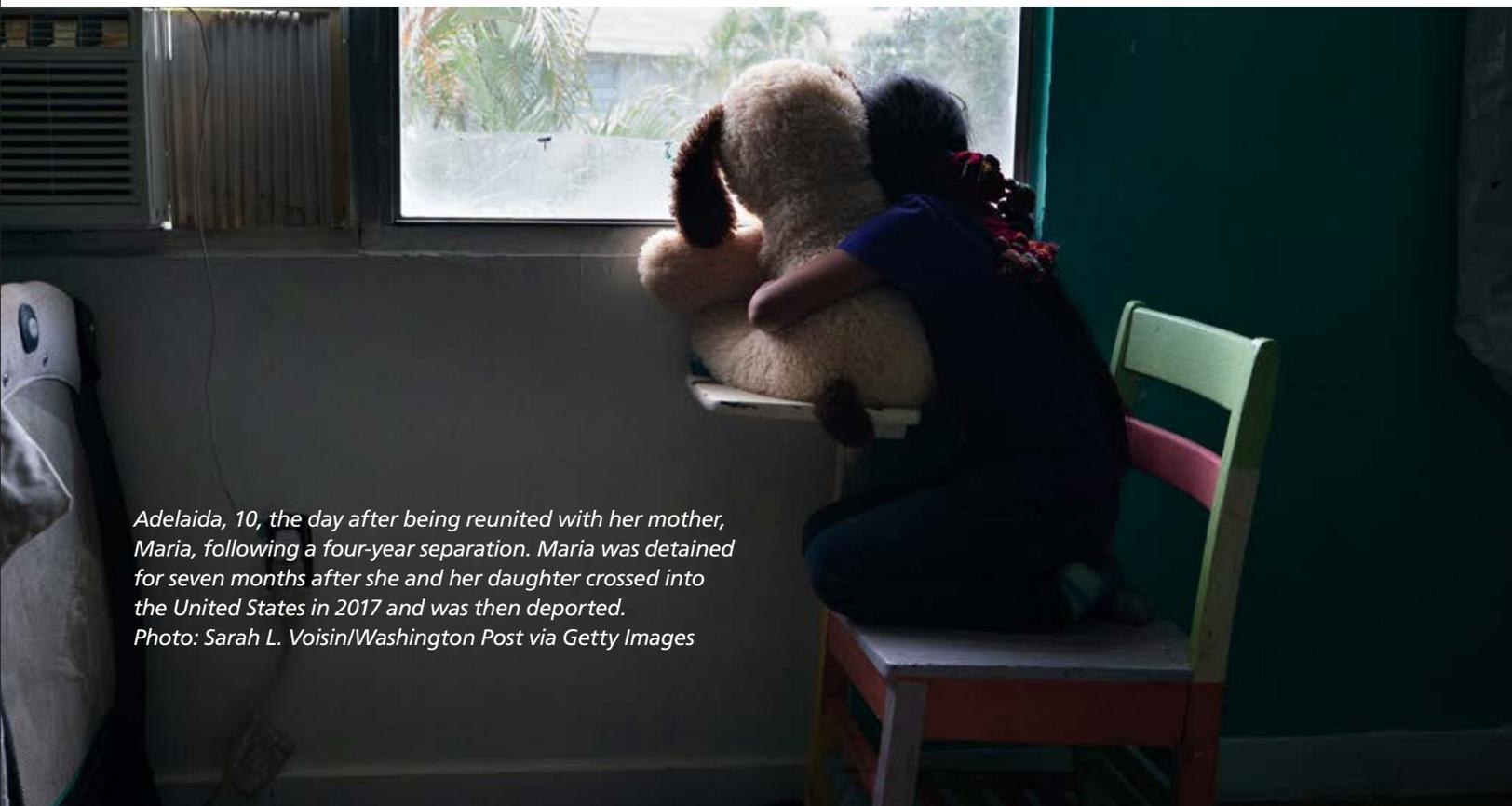
PHR researchers conducted a content analysis of 13 psychological evaluations by PHR-affiliated expert clinicians who interviewed parents deported after being forcibly separated from their children by the U.S. government in conjunction with the "Zero Tolerance" policy. These forensic evaluations are conducted in accordance with the principles and methods of the *UN Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (known as the "Istanbul Protocol"). The parents were all clients of a collaborating partner, *Al Otro Lado*, a civil society organization based in Tijuana, Mexico that provides legal representation to refugees, asylum seekers, and other migrants. At the end of the evaluation interview, the clinicians asked a few additional questions concerning parents' wishes regarding accountability and redress.

"I don't know if I will ever be able to recover from what I have experienced."

A mother separated from her child by U.S. immigration officials

According to the affidavits reviewed by PHR, all 13 parents interviewed had arrived with their families to seek asylum in the United States and were forcibly separated from their children, almost all in unexpected and chaotic ways. U.S. immigration officials conducted the separations in a brusque and cold manner, and did not offer information about the reason for the separation or the process, causing great distress to both parents and children. In 10 out of 13 cases, parents describe not being given proper information, or any information at all, about why they were being separated, where their children would be taken, or for how long. In all but one case, the government initially failed to provide information to parents about where their children were, for weeks or even up to two months. Most of the parents were deported to dangerous situations. Over half of the parents (7 out of 13) reported that they continue to live in constant fear of persecution and hiding from gangs or cartels who threatened them before.

Although in most cases the separation had taken place several years before, the parents' despair was evident in the reporting of current symptoms at the time of the PHR evaluation. Almost universally, parents noted continued disturbances in sleep, nightmares, loss of appetite, loss of interest, fear for the future, constant worry, hopelessness, and loss of the ability to concentrate. One mother said, "I don't know if I will ever be able to recover from what I have experienced."



Adelaida, 10, the day after being reunited with her mother, Maria, following a four-year separation. Maria was detained for seven months after she and her daughter crossed into the United States in 2017 and was then deported.

Photo: Sarah L. Voisin/Washington Post via Getty Images

Parents called for a formal public apology by the government, an investigation, financial compensation and funding for rehabilitation, legal reforms, and, importantly, permanent immigration status in the United States, to ensure they would not be separated from their children again.



A U.S. immigration official checks the documents of an Ecuadorian woman and her daughter after they crossed the border into Texas in September 2019.

Photo: John Moore/Getty Images

Almost all of the affidavits documented a diagnosis of post-traumatic stress disorder (PTSD) (11/13), which means that their symptoms persisted for more than a month and continue to interfere with their daily life, while the remaining two parents displayed symptoms of PTSD just below the clinical level. Other diagnoses, according to PHR clinicians, included: major depressive disorder (10/13), generalized anxiety disorder (5/13), trauma related disorder (1), and adjustment disorder with mixed anxiety and depressed mood (1). Indications that the forced separation event played a significant role in mental health outcomes included symptoms directly related to the separation event, such as nightmares and flashbacks about the separation event, crying or other forms of distress when describing the separation or talking about their children, or being triggered by related stimuli. Many parents subjectively described the separation event as the worst thing they had ever experienced, even compared with other severe forms of trauma, such as assault. In virtually every case encountered, PHR's expert evaluators noted that the trauma suffered by the parents and the children warranted further intervention and ongoing therapeutic support, because the events were causing "significant distress" and ongoing functional impairment.

As in the 26 cases documented in PHR's 2020 report on family separation, PHR concludes that each of the 13 cases documented for this study constituted torture and temporary enforced disappearance. In response to these U.S. government abuses and subsequent psychological effects, parents called for a formal public apology by the government, an investigation such as a truth commission, financial compensation and funding for rehabilitation expenses, legal reforms to prevent repetition, and, importantly, permanent immigration status in the United States, to ensure that they would not be separated from their children again. These measures are all strongly supported in international human rights law, which requires states that inflict torture to ensure prompt and effective remedies for victims and survivors. Reparation is not a policy choice; it is the fulfilment of the U.S. government's obligation owed to victims as a result of its unlawful breach of international and domestic law. International treaties ratified by the United States require that states provide remedy, rehabilitation, and redress to survivors of torture and enforced disappearance and to their affected family members.

For the full report, go to phr.org/deported-parents

Recommendations

The U.S. Administration, Department of Justice, and Department of Homeland Security should:

Provide redress to victims who suffered harm through forced separations, in line with U.S. law and international treaty obligations:

- Immediately reunify all families separated by the U.S. government, through consultation with indigenous-led groups and other family advocacy organizations, and with legal counsel for the families;
- Work closely with Congress to ensure that families have a pathway to remain permanently in the United States with their children so they will have security from the traumatization of another separation, and because the harm they suffered should qualify them for immigration status as a form of restitution;
- Provide redress through prompt, fair, and adequate monetary compensation as damages for the physical and mental harm families suffered, for medical and rehabilitation expenses, loss of earnings or earning potential, and as compensation for legal assistance and costs for bringing the claim to court;
- Ensure that reparations are timely by returning to global settlement negotiations to settle the lawsuits with the families; and
- Fund rehabilitation of family members according to the World Health Organization definition as including medical, social, educational, and vocational measures for restoring the individual to the highest possible level of functional ability. Rehabilitation should be based on a baseline clinical evaluation, conducted in accordance with international standards such as the Istanbul Protocol. Rehabilitation should take a strengths-based approach, protect victims' confidentiality, be tailored to their cultural background and personality, and allow them to participate in the selection of the service provider. The government should consult with indigenous groups on technical assistance for mental health assessments and interventions.

Ensure accountability for rights violated through forced family separations:

- Recognize the illegality and unconstitutionality of the forced family separations, both in court and in a formal public apology issued by the White House, and immediately end all legal defense of the prior administration's practice of forced family separation;
- Consult with families regarding their wishes to support a full investigation that would document what happened during the forced separations, such as through a truth commission and possibly through criminal prosecutions, in order to prevent repetition and to ensure full acknowledgment of government actions; and
- Train health and legal professionals and law enforcement, judicial, and immigration personnel to use the Istanbul Protocol to strengthen understanding of the physical and psychological impacts of torture, the needs of survivors, and the standards for effective investigation, including training in preventing re-traumatization during investigations and adjudication.

Protect families from future violations through reforming policies and practices:

- Prohibit the separation of families arriving together at the U.S.-Mexico border and hire child welfare experts and health professionals to handle the majority of intake and processing needs at the border, especially those of families and children, as the United States has done with refugee resettlement;
- Ensure that any lawful separation in extreme cases, solely for the safety and well-being of the child, takes place through a trauma-informed process which ensures interpretation in the child's and parents' primary language, provides a written decision and opportunity to appeal in court, and ensures interagency record-keeping for reunification or release to a sponsor; and
- Avoid costly, inhumane, and unnecessary immigration detention by using legal authority, including parole, to release people seeking asylum to live with family and community while their cases are pending; scale up effective, appropriate community-based case-management services operated by trusted nonprofit service providers.



Physicians for
Human Rights

For more than 35 years, Physicians for Human Rights (PHR) has used science and the uniquely credible voices of medical professionals to document and call attention to severe human rights violations around the world. PHR, which shared in the Nobel Peace Prize for its work to end the scourge of landmines, uses its investigations and expertise to advocate for persecuted health workers and facilities under attack, prevent torture, document mass atrocities, and hold those who violate human rights accountable.



Shared in the 1997
Nobel Peace Prize