



The American Judges Association (AJA) joins our colleagues in the National Council of Juvenile and Family Court Judges (NCJFCJ) in deploring the recent policy decision to separate children of all ages from their parents at the U.S. border, without any due process of law. We are heartened to read news reports that the worldwide and bipartisan U.S. condemnation of this practice has now produced an executive order that ends outright separation, by requiring “detaining alien families together where appropriate and consistent with law and available resources,” but we urge that the already separated families be immediately reunited and that due process be followed. The AJA, as the Voice of the Judiciary, also requests our nation’s leaders and lawmakers to provide permanent assurances that this policy is never implemented again.

To detain children and separate families without first affording them an opportunity to be heard in court is contrary to our country’s established rule of law. A federal judge recently opined in a lawsuit brought by a mother separated from her 7-year old son for over a month that to take children from their parents in the ways alleged is “government conduct that arbitrarily tears at the sacred bond between parent and child, and is emblematic of the ‘exercise of power without any reasonable justification in the service of an otherwise legitimate governmental objective.’”

The AJA is an association of judges, many of whom handle juvenile and family court cases. The goal in these cases is always to provide children with safety, stability, and permanence. To tear children from their parents and put them in group enclosures is the opposite of what children need. It is so traumatizing that we fear many of these children may never recover.

AJA has additional significant concerns regarding the immigration policy which has fueled these mass separations of more than 2300 children from their parents. One concern arises from AJA’s long interest and expertise in addressing domestic violence. The Attorney General’s recent “ruling” that people in flight from domestic violence may not seek asylum has piled trauma upon trauma by causing removal of children from domestic violence victims asking for asylum. Because immigration judges are not independent administrative law judges, but are subject to the directions of the executive branch, this “ruling” also ties the hands of the immigration judges. There are also too few immigration judges: this undermines the ability to hold timely hearings before families are ripped apart. And finally, it does not appear that the children directly affected by these immigration cases are being provided with any representation, or even an advocate.

The United States has always been a beacon for those that believe every human being has basic, fundamental rights, and it is an honor for each judge who is a member of AJA to uphold the rule of law which protects these rights. We urge the immediate reunification of these children and their parents, the permanent cessation of the separation practice, the restoration of asylum status for domestic violence victims, and prompt reform of the immigration system deficiencies we have identified above.