Families on the Precipice: Navigating the Separation, Detention, and Reunification of Families at the U.S. Border

Saturday, August 4, 2018

Hyatt Regency Chicago, Comiskey Room

9:00 a.m. to 10:00 a.m.

Children and families have become the target of the current administration’s border enforcement strategies, raising significant legal and moral questions about America’s immigration enforcement regime. Please join our expert panelists for an in-depth discussion on the latest issues resulting from the forced separation of migrant families at the southwest border. Although incidents of family separation occurred in the past, the practice became a key element of the Trump administration’s implementation of its “zero tolerance” policy, requiring prosecution of all those apprehended crossing the border between ports of entry. As a result, the numbers of separated families increased exponentially. Following weeks of bipartisan outrage, on June 20th, President Trump signed an Executive Order to end this systematic policy. Nonetheless, the order has raised a host of new concerns including the prospect of prolonged family detention and the failure of an effective system to reunite those families already divided. In response, a federal district judge in California issued a class-wide preliminary injunction halting the separation of families in most instances and ordered the reunification of children with their parents within a specified time frame. Seventeen states also filed a lawsuit challenging this policy and its ongoing effects on families and states’ rights. This panel will discuss these policies and the legal ramifications on parental rights, children’s rights, the immigration court system, and the ongoing failure of the government to return separated children to their parents unless they submit to deportation. We will also discuss the ABA response and what concerned lawyers can do to help.

The panel will be moderated by Angela Vigil, Executive Director of Pro Bono Practices at Baker & McKenzie LLP. Panelists include Maria Woltjen, Executive Director of the Young Center for Immigrant Children’s Rights at the University of Chicago Law School, Anne Chandler, Executive Director of the Tahirih Justice Center, Kimi Jackson, Director of ProBAR, and Uzoamaka Emeka Nzelibe, Clinical Associate Professor of Law at Northwestern University.

ABA President Hilarie Bass will give an opening statement.
At its core, America has long defined itself as a nation of immigrants, a definition that reflected not only our diversity, but a shared belief in opportunity, liberty, freedom of religious and political expression, and a generous and welcoming spirit. Within the last year, that definition and those values have been sorely tested by the Trump administration’s efforts to radically reshape immigration policy and America itself. Our expert panelists will offer an in-depth analysis of the impact of the Trump administration’s attempts to restructure immigration law and policy, placing these issues into the broader context of the fight over American values. The topics under discussion include the rise of restrictive policies that prosecute migrants and severely limit refugee admissions, ban visitors from predominantly Muslim nations, and end long-term immigration programs for immigrants brought to the U.S. as children and immigrants from countries that have been devastated by civil war and natural disasters. We will explore the impact of these policies on the future of legal migration, refugee resettlement, and the creation of a new class of undocumented individuals. We will also examine these issues in the context of “zero tolerance” policies at the border, family separation and detention, and the increased rhetoric around dangerous criminals crossing the border, all at a time when Customs and Border Protection has recorded the lowest level of unauthorized migration on record. This panel will discuss the recent Supreme Court decision in Trump v. Hawaii upholding the Administration’s most recent travel ban, the Supreme Court decision in Jennings v. Rodriguez relating to prolonged immigration detention, the termination of Temporary Protected Status for numerous countries, the ongoing battle to save DACA, plus the litigation challenging many of these harsh and abrupt changes.

The panel will be moderated by Mary Meg McCarthy, Chair of the Commission on Immigration and the Executive Director of the National Immigrant Justice Center. Panelists include Mary Giovagnoli, Commission on Immigration Advisory Committee member and Executive Director of the Refugee Council USA, Oscar Chacón, Executive Director of Alianzas Americas, and Mark Fleming, Associate Director of Litigation with the National Immigrant Justice Center.