

# Separating children from parents at the border isn't just cruel. It's torture.

We already knew it was inhumane. It also violates international law.

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In two speeches last week in the border states of Arizona and California, Attorney General Jeff Sessions [announced](#) that as a matter of enforcement, if an unauthorized migrant brings a child across the United States-Mexico border without documentation, “we will prosecute you, and that child will be separated from you as required by law. If you don't like that, then don't smuggle children over our border.”

This means undocumented children and parents will be separated — a tactic meant to deter migrant parents, including many asylum seekers, such as those who've traveled through Central America in a caravan in recent weeks, from crossing the border in the first place. Human rights organizations such as Amnesty International have argued that this policy change is inhumane, and it is. But evidence from developmental neuroscience suggests it is more than inhumane.

It's also, by definition, torture.

Under federal law, which adopts the United Nations definition, [torture is](#): “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as ... punishing him or her for an act he or she or a third person ... has committed or is suspected of having committed.” And though in theory any action inflicting such suffering is banned, that is what is inflicted by separating parents and children in border detention.

Children arriving at the U.S. border in search of asylum are frequently a particularly vulnerable population. In many cases fleeing violence and persecution, they also encounter hunger, illness and threats of physical harm along their hazardous journey to the border. This combination of experiences puts migrant children at high risk for [post-traumatic stress disorder and depression](#). Such anxiety and mood disorders can be debilitating and intractable, particularly when they start in childhood. By the time many migrant children arrive in the United States, they have already faced harrowing events, increasing the likelihood that they'll be traumatized by parental separation. Parenting is, after all, a crucial ingredient in our species' recipe for survival. It is so crucial that children's brains have evolved to need it the same way that their bodies require nutrition and rest. Various studies demonstrate that being close to parents can

buffer children against feelings of [stress](#) and [threat](#). While children are remarkably flexible about who parents them — biological or adopted parents, other family members or even significant nonfamily members — they are inflexible about their need for caretaking.

*[Yes, DACA is ‘amnesty.’ Just call it that, then do it.](#)*

The strongest evidence for the importance of close caregivers comes from children who have experienced caregiver deprivation. Even when their physical needs are met, children raised in institutional orphanages commonly exhibit stunted growth, cognitive impairments, heightened anxiety and stress-related health problems that often persist even after being adopted into highly nurturing homes. Even mere instability of caregivers early in life is disruptive to children’s development. For example, youth in foster care who experience multiple transient placements are significantly more likely to [drop out of high school](#), [be unemployed](#) as adults and develop [mental and physical illnesses](#).

The science leads to the conclusion that the deprivation of caregiving produces a form of extreme suffering in children. Separating migrant children from parents, then, increases the likelihood that their experience in immigration detention will cause lasting mental and possibly physical health problems.

Yet last year, [citing](#) cost, the Trump administration defunded a family detention program that catered to mothers with young children and pregnant women. Absent these family detention centers, there’s a risk that once they’re separated, children could wind up in facilities incapable of adequately safeguarding them while simultaneously depriving them of their most vital coping resource — their parent. That’s one reason a Texas judge [held](#) in 2016 that the Texas Department of Family and Protective Services could not license an immigration detention center as a child-care facility.

By contrast, safe and healthy alternatives to separating asylum-seeking parents and children not only are practiced in other Western industrialized countries, but they’re also meant to take child welfare into account. The European Commission’s 2016 [proposal for standards](#) for the reception of applicants for international protection calls for conditions “adapted to the specific situation of minors, whether unaccompanied or within families, with due regard to their security, physical and emotional care and are provided in a manner that encourages their general development.” Moreover, research findings clearly support that families need to be kept together. One [study](#) in Belgium concluded that “refugee adolescents separated from both parents experienced the highest number of traumatic events compared to accompanied refugee adolescents.”

If the United States won’t meet this standard, the effect will be punitive and will place the burden of a complex international challenge on the most vulnerable migrants — children. In any context, exhibiting this kind of cruelty is un-American, but particularly so in this situation. The practice of separating families at the border is morally reprehensible and — based on the science — goes against international and U.S. law, because the suffering it inflicts constitutes torture of children.