Chapter 4
The "Zero Tolerance Policy" to Separate Migrant Families: Context and Discursive Strategies to Foster Exclusion

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4.1 Introduction

In this chapter, we focus on one of the most visible deterrence strategies implemented by the Trump administration, the Zero Tolerance Policy (ZTP), a policy that separated migrant families arriving at the U.S.-Mexico border without papers by prosecuting the parents and putting the children into the care of the state. The ZTP is one of the multiple border control practices implemented by the United States which was designed to exclude migrants along racial, class, or gender lines, among other criteria. Through a detailed analysis of the timeline of the policy and the White House's statements about and reactions to news reporting around the ZTP, we examine how the implementation of family separation and the discourses surrounding it attempted to exclude migrant families by transforming them into racialized criminal others. We show how the Trump administration politicized intimacy by targeting families through its border control practices.

In this paper we are interested in establishing how and when the White House and other government agencies in the United States talked about the Zero Tolerance Policy. In order to address this aim, our research team carried out a search for documents, articles, tweets, research studies, and academic articles that "show the Trump administration presenting, reacting to, defending, or rejecting statements about 'Zero tolerance policy' or 'family separation'". We gathered 130 relevant documents including videos, tweets, newspaper articles, and long-form articles.

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We then analyzed a random subsample of articles to identify the distinct stages of the communication strategy employed by the White House that the documents supported. We classified the strategies and decided on preliminary codes (which became the different stages of ZTP messaging). We then codified the rest of the strategies following these codes, allowing for new codes if they emerged. We collected the data between January and March 2021, some time after the policy had formally ended.

In the first section we discuss the role of deterrence in relation to a State's border control practices, including the ZTP. Next, we provide a brief timeline of the policy and describe its deterrent effects and the consequences for migrants and for the right to be part of a family unit. In the next section, we present our methodology. The following section analyses the discourses used by the Trump administration to talk about the policy when it was in operation. We suggest that the administration oscillated between three different types of discursive strategies: (1) secrecy and denial; (2) owning up; and (3) defensiveness and blame shifting. By analyzing their responses within these frameworks, we aim to make sense of the way in which the administration swung back and forth between these strategies. Finally, we conclude by underlining the urgent need to adopt a human rights perspective when referring to highly vulnerable migrant families subjected to harsh policies that separate mothers and fathers from their children and other relatives while on the move.

4.2   Deterrence Policies on the U.S.-Mexico Border

Deterrence policies are a type of border control practice that the United States has deployed since at least 1994 (Campos-Delgado, 2021; FitzGerald, 2020). The objective of these policies is to make undocumented migration more difficult and dangerous, thus dissuading potential migrants from leaving their home countries. The "prevention through deterrence" strategy was introduced in 1994 and involved the U.S. government reinforcing the border through the use of fences, officers, and helicopters. Since then, the policy has extended much further. In 2001, the PATRIOT Act expanded the "zone of security" around Mexico (Mittelstadt et al., 2011) and, in 2005 the Secure Border Initiative (SBI) saw new fencing, ground surveillance radar, infrared cameras, and laser range finders added to the arsenal (Shaw-Taylor, 2011). In the same year, the Border Protection, Antiterrorism, and Illegal Immigration Control Act (HR 4437) made it a felony to be an undocumented person in the United States (Guttentag, 2021).

The United States has also expanded the border both within and outside of its territories, through the use of Border Patrol checkpoints that extend far into the interior of the country, and beyond it towards the southern border of Mexico. The Southern Border Plan, implemented in 2014 by the Mexican government -using U.S. funding from the Mérida Initiative- attempted to catch undocumented migrants heading for the United States while they were crossing Mexico. Similarly to the

United States, the Mexican government attempted to do this by establishing roadblocks in the southern states, increasing the capacity of detention centres (in terms of numbers, locations and powers), and making it difficult for migrants to ride on top of the freight trains, and hide in tractor-trailers, trucks or buses (thus forcing them to walk and take more secluded routes).

Each of these policy changes made undocumented migration more difficult and dangerous. The obstacles that Mexico and the United States have put in place have the effect of sending migrants into more dangerous areas where they are vulnerable to criminal and institutional violence and to environmental or natural hazards. Thousands of migrants have died in the more inhospitable areas of the Sonoran Desert while attempting to overcome the physical and technological barriers that the United States has imposed (see Spener, 2009; Slack et al., 2016). Likewise, in Mexico, hundreds of thousands of migrants have died or gone missing while attempting to find a way past the roadblocks and the power and influence of the cartels and Mexican police officers and immigration officials.

Although several rigorous academic studies have shown that deterrence policies are not effective in dissuading migrants from leaving their home countries in the first place (Massey et al., 2003), the United States and Mexico persist in implementing new ways of making the journey more difficult for undocumented migrants. The Trump administration followed this tradition by ratifying over 1064 immigration policies over a 4 year period (Guttentag, 2021). These have increased the obstacles for undocumented migrants and asylum seekers, often banning them outright from the country. Among the chief examples of the policies implemented by the government to prevent migrants and asylum seekers from entering U.S. territory are: the travel ban; the Migrant Protection Protocols (MPP) or Remain in Mexico (Kocher, 2021), particularly around the time of the first migrant 'caravans' (see París Pombo & Montes, 2020); the lowered cap on refugee admissions (Boghani, 2019); and the Asylum Cooperation Agreement (ACA). Other visible deterrence strategies have involved fixing or building new segments of the border wall, reinforcing the detection technology deployed and increasing the number of Border Agents patrolling the border area (Garrett, 2020).

The effects of these policies have been catastrophic for migrants and asylum seekers. The MPP forced thousands of asylum seekers to wait to be processed in the border towns of Mexico, surrounded by rampant violence and having to live in very insecure and unhygienic conditions. Some stayed in migrant shelters while many had to make do with the crowed camps, where clean water, sanitation, and protection are not guaranteed. Migrants have been victims of violent attacks, rape, trafficking, and murder, with 1554 documented cases of such abuses recorded by 2021 in Mexico (Human Rights First, 2021). The ACA has expedited the removal of asylum seekers to Guatemala, even if they originally come from other countries in Central America. Many of those who are sent back abandon their claims and choose to return to their countries of origin. In the following section, we focus on one of the most visible and mediatized deterrence strategies implemented by the Trump administration, the Zero Tolerance Policy or ZTP.

4.3   Trump's Migrant Family Separation Policy

The "Zero Tolerance Policy" officially came into force on 6 April 2018, when Jeff Sessions, the then U.S. Attorney General (9 February 2017 to 7 November 2018) released a memo stating that all people caught crossing the border between Mexico and the United States without documents would be prosecuted as criminals, instead of facing civil or administrative charges. The policy meant that parents and children would be separated because the law requires parents to be separated from their children if they are facing criminal charges.

The ZTP has explicitly dissuasive goals. The U.S. government wanted would-be migrants to know that if they attempted to cross the border irregularly and if they were caught, they would be prosecuted and *separated from their children*. The federal authorities ensured that they announced this via public forums, such as in press conferences and interviews. By making the consequences of migrating irregularly more severe, they hoped that families would decide to remain in their home countries or perhaps stay in Mexico. However, according to a report by the MPI, the policy did not deter families; the number of family arrests held steady in June 2018, after the policy had been in operation for a full month (Pierce et al., 2018). Deterrence had a negligible effect in this context.
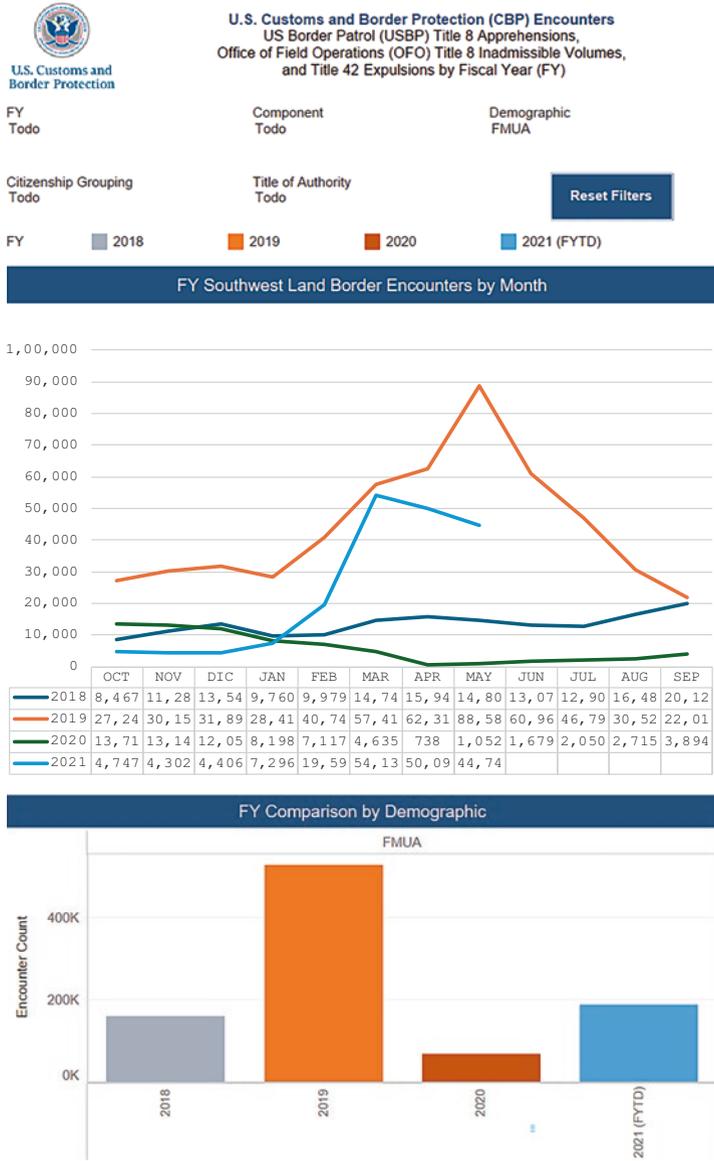
Recent illustrations of how ineffective these policies against family migration are can be identified not only in official statistics but also in testimonies and fieldwork observations collected along the Central American transit routes in Mexico. According to U.S. Custom and Border Protection (CBP) data, in the fiscal year (FY) 2018 a total of 161,113 'Family Unit Aliens' encounters on the 'Southwest Land Border' were recorded, while in FY 2019 a record high of 527,112 of these migrant family encounters were reported.[1] The FY 2020 witnessed a significant reduction probably due to the COVID-19 pandemic (70,994 encounters), but the data up to May 2021 showed a significant increase (189,185 encounters), already surpassing the figure for FY 2018 (see Fig. 4.1).

During 2021 and to date in 2022, in the Southern-Central Mexican city of Puebla, multiple cases have been recorded of Central American families being detained and separated by Mexican immigration authorities under the guise of a pseudo-humanitarian discourse.[2] We have observed and documented that these families are aware of the potential family separation actions carried out by the Mexican government, usually involving detaining and deporting adult males while mothers and their children are sent to other improvised spaces or to migrant shelters (Yrizar

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[1] According to the CBP, a "Family Unit represents the number of individuals (either a child under 18 years old, parents or legal guardian) apprehended with a family member by the U.S. Border Patrol." Data retrieved on 15 June 2012. Available at: https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters

[2] This empirical work and parts of the last section on "Family separation from a human rights perspective" were made possible thanks to funding from Dirección de Investigación y Posgrado at Universidad Iberoamericana Puebla and a collaborative project with Jeremy Slack and Oscar Misael Hernández supported by a ConTex Collaborative Research Grant since September 2020.

U.S. Customs and Border Protection (CBP) Encounters
US Border Patrol (USBP) Title 8 Apprehensions,
Office of Field Operations (OFO) Title 8 Inadmissible Volumes,
and Title 42 Expulsions by Fiscal Year (FY)

FY
Todo

Component
Todo

Demographic
FMUA

Citizenship Grouping
Todo

Title of Authority
Todo

Reset Filters

FY   2018   2019   2020   2021 (FYTD)

FY Southwest Land Border Encounters by Month

	OCT	NOV	DIC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
2018	8,467	11,28	13,54	9,760	9,979	14,74	15,94	14,80	13,07	12,90	16,48	20,12
2019	27,24	30,15	31,89	28,41	40,74	57,41	62,31	88,58	60,96	46,79	30,52	22,01
2020	13,71	13,14	12,05	8,198	7,117	4,635	738	1,052	1,679	2,050	2,715	3,894
2021	4,747	4,302	4,406	7,296	19,59	54,13	50,09	44,74				

FY Comparison by Demographic

FMUA

Encounter Count

400K

200K

0K

2018   2019   2020   2021 (FYTD)

Fig. 4.1 U.S. Customs and Border Protection (CBP) Encounters. Source: USBP and OFO official year end reporting for FY18-FY20; USBP and OFO month end reporting for FY21 to date. Data is current as of 6/3/2021

Barbosa et al., 2022). However, these formal and informal policies of family separation have failed to deter parents from trying to cross the border. Knowing the risks, some families opted to wait in Mexico City or Monterrey in the hope of achieving reunification by themselves.

Migrant family unity, or the right to family unity during international migration, has not been a priority of the U.S. and Mexican governments in recent years, at least not beyond the hollow rhetoric in tangible policy terms. Donald Trump and his team at the White House were aware of that, most notably among them his senior adviser, Stephen Miller. As noted by scholars conducting research work before the Trump administration came to power, on Latinx immigrant families in general, but particularly on Mexican ones (Abrego, 2014; Yrizar Barbosa & Alarcón, 2015; Cárdenas Montaño & Alarcón Acosta, 2017; Dreby, 2010; Menjívar et al., 2016; Sigona et al., 2019), the use of family separation practices by U.S. immigration authorities was a constant feature as well as a somewhat invisible consequence of what Goodman (2020) calls the long history of the "deportation machine".[3] More precisely, according to Wayne Cornelius (2020), the Trump administration used Section 1325 of U.S. Immigration law, which defined unauthorized entry to the country as a criminal offence, to separate migrant parents from their children.

More than 2600 children ended up being separated from their parents at the border during the period when the ZTP was officially in operation (Shahoulian et al., 2020). The American Academy of Paediatrics (Einbinder, 2018) stated that the toxic stress caused by the separation could lead to lifelong trauma for the children. Parents who have experienced the separation also commonly display symptoms of depression, heightened anxiety, and inability to sleep. For example, a Honduran man who intended to apply for asylum killed himself at a detention centre after being separated from his wife and son during ZTP (Einbinder, 2018).

4.4   Migrant Family Separation from a Human Rights Perspective

International transit migrants in Mexico, as well as Mexican emigrants, returnees, and immigrants in the United States, are extremely vulnerable due to restrictive policies that adversely affect their dignity and human rights, including their right to family life. These policies could be said to form part of what Menjívar and Abrego (2012) identified approximately a decade ago as "legal violence". International migrants, especially those who are irregular or unauthorized, are in a disadvantaged position with regard to their basic human rights, compared to non-migrants, relative to the power of the state (Bustamante, 2002). Transit migrants who are travelling

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[3] In fact, Goodman reminds us that a "zero tolerance" policy discourse was also used when the Department of Homeland Security (DHS) implemented Operation Streamline, which criminalized undocumented immigrants and reduced the number of voluntary departures (Goodman, 2020: 181).

with more than one family member, particularly those travelling with younger women and children are likely to have a higher level of vulnerability than more experienced single-adult males undertaking their journey without relatives or alone.

The increase in numbers of women and children among the transit migrant flows from Central America in recent decades is another signal that people attempting to cross borders have become more vulnerable (Rodríguez Chávez, 2016). Migrant shelters run by civil society organizations at both Mexican borders—with the United States but also with Guatemala—have been documenting the growing diversity in terms of national origins and family units, as well as the human rights' violations they all face along the route, even in 'medium to low-risk' places like Puebla and Tlaxcala (REDODEM, 2021).

The Universal Declaration of Human Rights (UDHR), the American Convention on Human Rights, and the International Covenant on Civil and Political Rights, as well as other instruments, treaties and organizations recognize both the right to family life and the importance of protecting families, regardless of whether or not they are migrant families. In addition to Articles 25 and 26, Article 16 of the UDHR recognizes that "The family is the natural and fundamental element of society and has the right to the protection of society and the State". However, the right to family life stems from Articles 11.2 and 17.1 (this is similar to Art. 16 of the UDHR) of the American Convention on Human Rights (ACHR), by establishing that: "No one may be the object of arbitrary or abusive interference with his private life, his family, his home, or his correspondence, or of unlawful attacks on his honour or reputation".

Regional or national institutions such as ECLAC (more commonly known in Spanish as CEPAL) and the CNDH (National Human Rights Commission) in Mexico have referred to different types of families, such as nuclear families without children (two people), homo-parental (parents of the same sex) or coexistence societies, to name but a few. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, a UN multilateral treaty, defines "members of the family" as "persons married to migrant workers or who maintain a relationship with them that (…) produces effects equivalent to marriage, as well as to the dependent children and other dependents recognized as family members". This same Convention also refers indirectly to the right to family life for migrants in Article 14, specifically in terms of protection by the state to attacks or unlawful interferences. In addition, Article 44 mentions that "State Parties (…) shall take appropriate measures to ensure the protection of the unity of the families of migrant workers" and facilitate reunification only with immediate relatives (spouses and "minor dependent unmarried children"), but there are no explicit references to potential family separation policies or other relatives, nor to different family configurations. It seems that, not just in places of destination but also of origin, transit or return, international human mobilities pose political and social challenges for the protection and configuration of family units and relatives, especially in terms of avoiding separation and promoting family unity despite harsh deterrence policies and fortified borders.

Recently, the Inter-American Commission on Human Rights (IACH, 2015) published a report that includes a chapter which openly focuses on the right to family life in immigration proceedings. This report includes several key aspects that should be highlighted in order to promote the adoption of a human rights perspective when dealing with draconian governmental actions such as the ZTP during the Trump administration. These aspects could also be highly relevant in other infamous cases in the region dealing with unauthorized migration flows, such as in Mexico under the López Obrador administration where *de facto* deterrence and contention migration policies negatively affect the human rights of international migrants and their relatives from Central American countries (and beyond the Americas). One key aspect relates to the importance of "recognizing a wide range of family forms", and it is acknowledged that "the existence of a family relationship is a question of fact, which must be analyzed on a case by case basis" (IACH, 2015: 161–162). A second important feature concerns evidence received by the IACH, "alleging that the right to family life is not sufficiently taken into account in removal proceedings, particularly where the removal of long-term permanent residents is at issue". A third aspect, invoking the Convention on the Rights of the Child, refers to measures that separate parents and children, which, it specifies, "should be extremely exceptional and be subject to judicial review" (IACH, 2015: 162–-163). Chapter 8 of this IACH report constitutes a major contribution to advancing the human rights perspective for all migrants, but also encourages the use of a critical perspective to challenge inhuman policies that directly or indirectly (formally or informally) separate migrant families.

Although the right to family life is embedded in most human rights conventions and pacts, states not only disregard and violate this right, but also weaponize family separation to deter and push back migrants and asylum seekers. This provides yet another illustrative example of the fact that, especially in the case of vulnerable, racialized, and undocumented people, human rights are not respected.

4.5   Three Stages of ZTP Messaging

An analysis of newspaper articles, tweets, and press conferences by the White House allows us to see how the White House under the Trump Administration changed the way they justified and talked about the ZTP on an almost daily basis, in response to how the media, politicians, and the public reacted to the news articles and the images of children in cages. The reactions of the White House swing from owning up to and taking responsibility for the policy and acknowledging its deterrent aims, to denying that they implemented it and blaming the Democrats for doing so during Barack Obama's presidency. We suggest that the actions of the White House can be categorized into three main discursive strategies or stages of ZTP messaging: (1) secrecy and denial; (2) owning up; and (3) defensiveness and blame shifting. These three strategies were not employed in a linear fashion, but rather, in the form of a spiral which sometimes involved jumping from stage three (defensiveness and blame shifting) back to stage one (secrecy and denial) within a single day.

Often, staff members from the White House adopted different positions on the same day. In the following section, we use this framework to analyze how the justifications changed and even became contradictory.

Separating these interlinked strategies allows us to see how the government attempts to "construct" perceptions about a given policy with regards to a national and (sometimes) international audience.

4.5.1   Secrecy and Denial

Secrecy and denial have been part of the U.S. government's strategy from its inception, and within certain agencies, secrecy is the standard operating procedure (Leonard, 2011). Governments can maintain secrecy to protect national security, to engage in international operations (Gibbs, 1995), to guard technological and scientific information (Relyea, 2003) or to avoid being "a slave of public opinion" (Gibbs, 1995: 216). Based on our analysis, the Trump administration initially pursued a strategy of secrecy to carry out a trial run of the Zero Tolerance Policy. However, as will be shown in this section, the government later reverted to the strategy of *secrecy* to keep the program running even after its formal cancellation.

Secrecy therefore characterizes the beginning and the formal end of the family separation policy saga. Although the policy officially started in 2018, a report by the Majority Staff Subcommittee on Immigration and Safety of the House of Representatives showed that, since 2017, the Trump administration had been planning this policy and that they had begun to ramp up the number of family separations unofficially. According to the Washington Post, in a classified memo, issued a month before the policy was implemented, some immigration and border officials told the then Department of Homeland Security (DHS) Secretary Kirstjen Nielsen that the "most effective way" to deter undocumented migration would be to prosecute migrants including parents traveling with children (Horwitz & Sacchetti, 2018).

The trial for the program started quietly in July 2017 in El Paso, Texas, and ran until October 2017. There was no official announcement. "This was happening before it was news, people didn't believe it," commented Lida Rivas, executive director of Las Americas Immigrant Advocacy Center (Riordan Seville & Rappleye, 2018). Families that were caught on the border were separated. While the mother and father were prosecuted, the children were reclassified as "unaccompanied" and were put into the care of the U.S. Department of Health and Human Services.

Interestingly, secrecy extended to other government offices too. For example, officers from the U.S. Department of Health and Human Services, the institution responsible for caring for the children, were not warned about the pilot program, and nor were they told to expect a higher influx of children than usual. Officers from this institution deduced that something had changed when they unexpectedly started receiving more "unaccompanied" minors than would have normally been the case for the time of the year (Shahoulian et al., 2020). Staff at the DHS were also surprised by the program. DHS officials stated that the order was so abruptly issued

that it bypassed official reviews. Consequently, the agency was not prepared to gather accurate data on the separations that would allow them to reunite children with their parents (Pelley, 2018). This shows that the policy of secrecy included not only public opinion but also other branches of U.S. bureaucracy.

In an attempt to maintain an image of competency, governments can use the tactic of "selective information dissemination" (Gibbs, 1995, which sometimes even involves deliberate misrepresentation (Morgenthau, 1967) including *denial*. This strategy acknowledges that public opinion is dynamic, constantly changing, and that it can be created and re-created by the government. In many cases, secrecy and denial complement each other. In the case of the ZTP, the *secrecy* was maintained with *denial*. When organizations that represented immigrants in El Paso started noticing that adult immigrants were worried about where their children had been taken, they realized that there had been some sort of policy change. They held a meeting with officers from the DHS in which they asked them what was going on. The officers denied that anything new or different was happening and the meeting ended. Days later, the pilot ended.

Although the policy officially ended on 20 June 2018, researchers and advocacy groups have documented instances of *de facto* family separations dating back for several years. Migrants were sometimes pushed back from the border line to Mexico and prevented from applying for asylum in the United States. They were forced to wait in dangerous border towns on the Mexican side, often living in makeshift camps and with the constant threat of cartel violence hanging over them. Many eventually gave up and tried to cross via an illegal crossing point, earning a misdemeanour. When these families are caught, the children are still separated from their parents and sent to different detention centers. The parents are usually swiftly deported while the children remain in detention (Garrett, 2020). Even after ZTP had formally ended, if parents who are caught with children have an outstanding warrant for non-violent offences like illegal re-entry, the child(ren) can still be taken away. Children are also separated from their main caregivers on the grounds that the authorities are tackling trafficking and separating "fake families". These caregivers are often the only guardians the children have ever known and separating them from their relations is traumatic for the children (Villagran, 2019).

During the pilot program, officials realized they were unable to track the families in a way that would eventually lead to family reunification. However, despite knowing this, they still pushed ahead with the national ZTP in May 2018. During this pilot period and the informal stage of ramping up family separations, around 800 children were separated from their parents, 26% of whom were under 5 years old (Shahoulian et al., 2020).

After the outcry about the ZTP diminished, families were still being separated under the Trump administration's migration control policies. However, as the "official" program had been scrapped, the news cycle moved on and secrecy was instituted once again. After the ZTP, families end up being separated through different mechanisms: criminal violence and institutional family separation. The former happens when families are sent back to Mexico under Title 42 and their asylum application is refused. In this case, many families stay in the border towns and live in

makeshift camps, on the streets, in migrant houses. Because of the insecurity and the seemingly never-ending wait in Mexico, some families choose to send their children and teenagers by themselves (or with a smuggler) to the United States to apply for asylum. Finally, the Trump administration was still directly separating families long after the ZTP had officially been abandoned (Delgado, 2019). Instead of prosecuting the parents and sending the children into the care of protective services, the DHS was rapidly deporting the parents and leaving the children in the United States (Garrett, 2020). We classify this stage as *secrecy and denial* as the media and politicians' attention shifted elsewhere and the policy was rarely mentioned again outside of civil society organizations.

4.5.2   Owning Up

The strategy of *owning up* was more visible before the pilot program started in El Paso and during the early days of the ZTP. The aim of this strategy seems to be threefold. First, the policy was explicitly intended to deter migrants from crossing the border. Secondly, the Trump administration used the visibility of the policy and the outcry it generated to try to leverage the Democrats to agree to an immigration policy. Finally, owning up to the policy might have been a vote winning strategy aimed at conservative groups that favour stricter border control policies inside U.S. territory.

Following the rulebook of deterrence policies, the ZTP intended to discourage migrant families from entering the United States clandestinely and from claiming asylum (Garrett, 2020). Immigration and border officials had suggested that the "most effective way" to deter undocumented migration would be to prosecute migrants including parents travelling with children (Horwitz & Sacchetti, 2018). The policy not only made undocumented migration harder, but it also further criminalized clandestine migration by associating the families apprehended at the border with crime. In speeches and/or public discourses delivered in Southern California and Arizona, Jeff Sessions declared:

> If you're smuggling a child, then we're going to prosecute you, and that child will be separated from you, probably, as required by law. If you don't want your child separated, then don't bring them across the border illegally. It's not our fault that somebody does that (Horwitz & Sacchetti, 2018).

In February 2017, at a Town Hall for Citizen and Immigration Services Asylum Officers, the asylum chief, John Lafferty told officers that they might need to "hold mothers longer" and "hold children" in different facilities. A month later, the DHS Secretary at the time, John Kelly, told CNN they were considering separating the families that they caught "to deter more movement along this terribly dangerous network" (Riordan Seville & Rappleye, 2018). On 7 May 2018, in another explicit statement intended to *deter*, Jeff Sessions, the Attorney General, claimed that "100 percent of illegal southwest crossings" would be prosecuted, thus triggering a law

that separates parents involved in criminal cases from their children. He stated that they did not want to separate families but that they would nonetheless do so, as "this is just the way works" (Griffiths, 2018). *Owning up* to the policy and communicating it to potential migrant families furthered the dissuasive objectives of the government.

According to the journalist Jonathan Blitzer (2020), Stephen Miller seized upon the idea of "separating parents and children once they reached the border, in the hope of deterring other families from travelling north". Blitzer further argues that the 'immigrant family separation idea' was suggested by an official employed at the U.S. Immigration and Customs Enforcement (ICE) back in 2013, and that Miller "forcefully defended family separation" for electoral purposes, thereby cementing his role as "the true driving force" behind Trump's agenda on immigration policies.

The Trump administration probably intended that the ZTP—or the "horrible law"[4] as President Trump called it—would force the Democrats to negotiate with him on immigration issues. It is not clear from the reports and the news articles if this strategy was formulated before the policy was implemented or if it was an opportunistic way of using the separated migrant families as 'political' pawns, as one activist described it (Griffiths, 2018). In addition to building the border wall, the deal would give deportation officers more authority to remove people, it would curb immigration based on family ties, and would eliminate the diversity visa lottery (Bennett, 2018). Sometimes, when talking about the policy, Trump would switch from *owning up* to *blame shifting* (the next strategy we discuss) while trying to achieve the same objective: forcing the Democrats to approve a restrictive immigration bill. Just hours before signing the executive order that (officially) stopped family separation, the White House was effectively telling the Democrats: "you need to fix this, our hands are tied" (Chillizza, 2018). In late June 2018, president Trump blamed his own administration's policy on the Democrats (who had a minority in both chambers of Congress) by explaining to reporters in the White House: "I hate the children being taken away, the Democrats have to change their law — that's their law" (Rhodan, 2018). This strategy is part of the negotiating stance that Trump was famous for taking. However, in this case, the people caught in the crossfire were children and their parents whose suffering was widely documented. Although the Trump Administration often reverted to defending the policy, they quickly started shifting the blame and denying their actions.

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[4] Full original tweet read: "Put pressure on the Democrats to end the horrible law that separates children from their parents once they cross the Border into the U.S. Catch and Release, Lottery and Chain must also go with it and we MUST continue building the WALL! DEMOCRATS ARE PROTECTING MS-13 THUGS".

4.5.3   Defensiveness and Blame Shifting

The strategies of defensiveness and blame shifting appeared -often alongside denial-throughout the 3 months when the policy was officially in operation. During this time, several actors from the White House denied either the existence of the policy or its deterrent intentions. In a stark illustration of how convoluted the White House's messaging was during the ZTP, often while one member of the White House team was denying the policy, another person close to the administration was defending it. Sometimes, members of the White House staff contradicted themselves in the same statement. For example, after pictures of children held in detention centres covered only by mylar blankets had been published (Higgins, 2018), Krisjten Nielsen, Secretary of the DHS during that time defended the policy at a White House press briefing on 18 June 2018. She denied that the ZTP was a family separation policy, and asked: "Why would I ever create a policy that purposely does this?". "This administration did not create a policy of separating families at the border," Nielsen told reporters. However, NBC reported that she did acknowledge that the Trump administration would separate those "who claim to be parent and child if we cannot determine that a familial or custodial relationship exists." (Wilkie, 2018).

At various points during the ZTP, the Trump administration claimed both that they were not responsible for the policy (*denial)* and that they could not stop it (*defensiveness*). Only the Democrats could do so (*blame shifting*). On 15 June, Trump tweeted:

> The Democrats are forcing the breakup of families at the Border with their horrible and cruel legislative agenda. Any Immigration Bill MUST HAVE full funding for the Wall, end Catch & Release, Visa Lottery and Chain, and go to Merit Based Immigration. Go for it! WIN! (tweet by Trump on 6/15/2018).

The next day, Nielsen stated that Congress had created the problem of migrant family separation and that only Congress could fix it. In this statement, Nielsen completely disowns the idea of the policy being dissuasive, arguing instead that the government was using loopholes caused by the Obama administration (Bennett, 2018; Re, 2018). This again demonstrates the use of *blame shifting* onto previous administrations for creating the loophole that allowed migrants to come into the United States and forcing the Trump administration to do something about it.

When we discussed the *owning up* strategy, we showed that during the policy's planning and implementation stages, it had explicit dissuasive aims, contrary to Nielsen's statement. This inconsistency became evident almost immediately, when, on the same day, Jeff Sessions appeared on Fox News stating that the policy was meant to separate children from their families as a warning to other potential migrants: "Yes, hopefully people will get the message and come through the border at the port of entry and not [come] across the border unlawfully". He admitted that fewer border crossings would be ideal from the administration's point of view (Re, 2018). A week earlier, in early June 2018, Trump had declared: "The United States will not be a migrant camp and it will not be a refugee holding facility. … Not on

my watch," (Bennett, 2018) sending a clear message that he wanted people to stop crossing without papers.

Following bi-partisan pressure and facing a huge public backlash, President Trump signed an executive order on 20 June 2018, to officially end the policy of family separation. When they were asked to reunite the children with their parents, ICE staff revealed that they were unable to locate the parents of most children. The reunification was chaotic and disorganized, with children being sent to the wrong place or made to wait for hours on buses while their parents were found. Reunification with the parents of around 600 children was complicated because the parents had been deported. To this date, not everyone has been reunified and an official report made to the House of Representatives states that many children might never be reunited with their parents (Shahoulian et al., 2020). In June 2021, under the Biden administration, the Interagency Task Force on the Reunification of Families, in collaboration with civil society organizations, identified 3913 children who were separated from their families at the U.S.-Mexico border between 1 July 2017, and 20 January 2021 (DHS Press Release, June 8).

4.6   Conclusion

Trump's Zero Tolerance policy (ZTP) of separating immigrant families after 2018 belongs to a much older and longer list of border control efforts to politically exclude people based on their skin colour, nationality, language, or other distinct cultural traits perceived as a threat mostly by white politicians, and by their constituencies, including powerful supporters and donors. This deterrent policy affected families from Central America and beyond. The ZTP under the Trump administration underscores the urgency and importance of promoting a wider and more robust human rights perspective in destination countries and societies, particularly when 'citizens or native people' in these places are unable to see how most international migrants are by no means a security threat and are in fact desperately needed by their local and national economies and societies. Family migrants, and especially people who have been forcefully displaced and are travelling with relatives across borders without authorization, are among the groups most vulnerable to human rights violations by the authorities and other state or non-state agents (including organized crime). While on the move, these migrants and their relatives deserve not only attention but also strong protection by all governments, institutions, communities and societies.

This chapter also shows how policies that are designed and implemented to violate human rights and weaponize violence and suffering against the most vulnerable populations are communicated to the press, citizens, and the migrants themselves. We showed how, despite the deterrent objective being clearly signalled by the administration since the initial memos, the way the wider population reacted affected how the Trump administration responded using the three discursive strategies. Although violent policies had already been in operation -and still are- on the

U.S.-Mexico border, this policy suddenly became visible, and was widely reported, and criticized because families and children were suffering. The powerful images of children held in cage-like detention centres stirred people into action. During a three-month period in 2018 there was sufficient public outcry to force President Trump to publicly recant the policy (even if family separations continue). As we have shown, the ZTP is just one of a long list of policies that aim to punish "politically undesired but economically needed" migrants and dissuade them from attempting to enter the United States. It is telling that the policy that became more heavily criticized and more swiftly repealed than any other was the one that affected people perceived as innocent while other policies that affected less "deserving" undocumented migrants have been in operation for decades.

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