



Written by [Raven Clabough](#) on June 20, 2018

NY Plans to Sue Trump Administration Over Separation of Immigrant Families

New York's Democratic Governor Andrew Cuomo (shown) announced on Tuesday that the state intends to file a multi-agency lawsuit against the Trump administration for violating the "constitutional rights" of illegal-immigrant families by separating them at the border.



Governor Cuomo is directing the Office of Temporary and Disability Assistance, the Department of Health, and the Office of Children and Family Services to initiate legal action against the federal government's "Separation of Families" policy.

"The Trump Administration's policy to tear apart families is a moral failing and a human tragedy," reads the statement from Cuomo. "We will not tolerate the Constitutional rights of children and their parents being violated by our federal government. New York will act and file suit to end this callous and deliberate attack on immigrant communities, and end this heartless policy once and for all."

According to Cuomo's statement, more than 70 children are currently staying in federal shelters in New York and the number is expected to increase.

The *Daily Wire* observes that Cuomo did not express the same ire when President Obama was in office, despite the fact that his administration exercised immigration policies that were equally controversial. Also, apparently Cuomo is unaware that illegal immigration is a crime, and that his administration regularly separates children from their parents through the state's prison system and the Child Protective Services (CPS) system. CPS removes thousands of New York kids from their parents each year, many of whom are later returned to their parents because the charges against them were false in the first place.

The *New York Times* [reported](#) in 2015 that Homeland Security officials were detaining families together in order to deter them from coming to the United States. In February of that year, a federal court ruled that strategy to be unconstitutional.

And still the Obama administration continued to detain women and children behind fences for months following that determination. The *Times* wrote in June 2015, "But many women and children remained stalled behind bleak walls and fences month after month with no end in sight. Mothers became severely depressed or anxious, and their distress echoed in their children, who became worried and sickly."

Furthermore, the federal judge found that the Obama administration had been holding migrant children in "widespread deplorable conditions" in Border Patrol stations. Judge Gee claimed that the administration "wholly failed" to provide "safe and sanitary" conditions required for children.

Brandon Darby of *Breitbart* recently tweeted [photos](#) taken in 2014 of the conditions in which migrant



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children were held under the Obama administration, noting, “The chainlink partitions in the holding facilities at border are the exact same ones we showed you during the Obama Admin. Why didn’t you care then?”

But as noted by *Daily Wire* editor-in-chief Ben Shapiro, Obama’s policies of holding women and children together in detention as a deterrent “drew no ubiquitous comparisons to Nazi Germany or Japanese internment from the mainstream media.”

And now that President Trump has adopted an alternative policy that does not keep children and their parents in detention facilities together, his administration faces the threat of lawsuit and accusations of racism.

Critics of the Trump administration are claiming that the president created the Separation of Children policy, but the policy is the only option the administration has based on rules that were established long before his administration. The Ninth Circuit Court of Appeals found that accompanied children could not be held in custody under the terms of the Flores Agreement established in 1997, which ruled that unaccompanied minors could not be held in custody beyond 20 days. As such, the federal government has only two options: either release whole families that have crossed the border illegally, or separate children from their parents.

Critics are also claiming that immigrants seeking asylum are being subjected to the same punishments, which is entirely untrue. Ben Shapiro writes:

Immigrants who come to points of entry to seek asylum aren’t actually illegally in the country — they’re not arrested. They’re processed through ICE, and their children stay with them. If, however, illegal immigrants cross the border illegally, the Trump administration now treats them as criminals. If they choose deportation, they aren’t separated from their kids; if they choose to apply for asylum, they stay in the country longer than 20 days, and their kids have to be removed by operation of law.

While no one enjoys watching children being separated from their parents, the Trump administration is merely enforcing the country’s immigration laws. Claims that the president is separating families as a deterrent are deliberate misrepresentations. The deterrent is arrest and deportation. The separation is an uncomfortable side effect of a policy that was forced into place by the courts. And, of course, this could be avoided altogether if immigrants entered the country legally. But Trump’s critics do not want to admit that.



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