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MASS HEARINGS, UNCERTAIN FUTURES FOR MIGRANTS SEPARATED FROM THEIR CHILDREN

At a federal immigration court in Texas, parents suspected of illegally crossing the border search for answers

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MCALLEN, Texas – Norma Leticia Ulloa Montoya was arrested after rafting across the Rio Grande with her sons and illegally entering the U.S. A day later, she was sent to federal court here, separated from her children, 9 and 6 years old. It was unclear when she would see them again.

Ms. Ulloa joined more than 70 other migrants in a crowded courtroom in this South Texas city, including about a dozen other Central American parents. They faced misdemeanor charges for illegally entering the U.S., an offense that carries a maximum 6-month jail sentence.

“If one pleads guilty, does one have a right to stay in this country with their babies?” she asked U.S. Magistrate Judge Peter E. Ormsby through a translator. Judge Ormsby said he didn’t know if she or any other migrant in the courtroom could stay in the U.S., or when they might see their children again.

Her question strikes at the heart of a debate that has emerged after the Trump administration adopted a zero-tolerance policy last month to illegal immigration at the border, pursuing criminal charges against offenders, including parents with minor children. The goal is to slow the number of people trying to sneak across.

Homeland Security Secretary Kirstjen Nielsen, Attorney General Jeff Sessions and others in the Trump administration have said federal law requires them to separate children when their parents are being prosecuted and facing jail time. As a result, several hundred children have been separated from their parents who illegally crossed the border and have been placed in the care of the Department of Health and Human Services’ Office of Refugee Resettlement, according to federal immigration officials.

“If people don’t want to be separated from their children, they should not bring them with them,” Mr. Sessions said last week in an interview with conservative radio host Hugh Hewitt. “We’ve got to get this message out.”

Immigration and Customs Enforcement said it provides parents with information to track their children’s whereabouts within HHS and works with the agency to verify family relationships and coordinate deportation when possible.

During Ms. Ulloa’s hearing, Judge Ormsby sought to reassure the parents in the room, saying that the government’s intent was to protect and care for the children while their parents navigated the courts.

The administration's policy has spurred backlash among immigrant-rights advocates and some lawmakers, mostly Democrats, who have called for its end. Earlier this month, Sen. Jeff Merkley (D., Ore.) tried to visit a migrant holding facility in south Texas and was initially denied access. He described the situation as cruel and unnecessary.

The American Civil Liberties Union is challenging the separation of families at the border in federal court in San Diego on the grounds that it violates due process. A federal judge has ruled that the case can proceed but hasn't made a decision on the ACLU's request to temporarily block the government for separating families.

A decades old court settlement governing the treatment of immigrant children and a more recent court ruling both bar the government from jailing children. A separate federal law bars most unaccompanied migrant children from being quickly deported, and requires that they be turned over to Health and Human Services, where officials find a sponsor in the U.S. to house them while their immigration case is decided in court. That process could take years.

The U.S. Border Patrol said its agents made more than 40,000 arrests in May along the border. Arrests at the border plummeted in the months after President Donald Trump took office, but steadily rose again in recent months. More than 17,000 of those arrests were in Texas's Rio Grande Valley, driven in part by the flow of Central American migrants, including families and unaccompanied children.

Assistant federal public defender Azalea Aleman-Bendiks said her office determined that more than 400 children had been separated from parents whose criminal cases were heard in McAllen during a 2½-week period ending the first week of June.

Hundreds of migrants passed through Judge Ormsby's courtroom last week, filling most of the room's six wooden benches. The hearings were conducted in English, with the immigrants listening to a Spanish translator through a headset. Each guilty plea took roughly a minute. The proceedings slowed only when a headset malfunctioned or a public defender provided brief counsel. Most of those brought before the judge simply responded "si," "no" or "culpable," meaning guilty in Spanish, when asked a series of questions by the judge or a federal immigration prosecutor.

On Wednesday, Diego Nicolas Gaspar of Guatemala initially pleaded not guilty to rafting across the river the day before near Hidalgo with his 11-year-old son. He changed his plea to guilty in the hopes of being quickly reunited with his son.

"This is a tragedy that is happening right before us," Ms. Aleman-Bendiks said during the hearing. "We request that the court order the government to produce information on reunification."

Judge Ormsby said he wasn't sure if he had the authority to demand that information because "the minor children are not under the jurisdiction of this court."

Government prosecutors asked the judge to sentence everyone with no criminal or immigration history in the U.S. to 10 days in jail as a deterrence. Judge Ormsby instead sentenced them to time served and returned them to the custody of immigration authorities.

He had tried to assure multiple groups of migrant parents over three days last week that he believed arrangements would be made to get them back with their children. "I hope

because your case is being resolved quickly, that will happen,” he told a group of parents Thursday.

On Friday, the Border Patrol said families could be brought back together at detention facilities, if the children hadn't yet been placed with Health and Human Services. But the agency said it couldn't guarantee that would happen, and an agency official said he didn't know how many parents and children had been reunited so far.