

Biden admin reaches deal with migrants separated from their families under Trump

The families also sought financial compensation from the U.S. government, but the Biden DOJ walked away from those negotiations two years ago.



— Immigrant children, many of whom were separated from their parents, at a housing complex near the Mexico border in Tornillo, Texas, in 2018. *Mike Blake / Reuters file*

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By Julia Ainsley and Jacob Soboroff

The Biden administration and more than 4,000 migrants [who were separated from their families](#) at the U.S.-Mexico border by the Trump administration reached a legal settlement Monday that allows the families to live and work in the U.S. for three years while receiving housing, mental health and legal assistance to apply for asylum.

The settlement also prohibits the federal government from separating any migrant families crossing the border for eight years merely for violating U.S. immigration laws. Families could be separated only if the parents are considered a danger to their children or the public.

The deal, announced by the Justice Department, may end one of the darkest chapters in U.S. immigration policy, in which families crossing the U.S.-Mexico border illegally in 2017 and 2018 were systematically separated. Children younger than 18 were sent to the custody of the Department of Health and Human Services, while parents were prosecuted by U.S. attorneys in federal court.

Hundreds of American kids separated from family under 'zero tolerance' policy, advocates say

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But the settlement could be derailed by Republicans in Congress if they challenge the court's mandate to appropriate money to [reunify](#) and provide services to separated families.

U.S. District Judge Dana Sabraw of the Southern District of California is expected to approve the proposed settlement, but he may be asked to review objections. Those objections could come

from parties such as America First Legal, a conservative legal group run by Stephen Miller, the former Trump adviser who was considered the architect of the family separation policy.

The families also sought financial compensation from the U.S. government, but the Biden administration's Justice Department abruptly walked away from those negotiations two years ago when President Joe Biden was asked if **families would be receiving \$450,000 each** and he said it was "not going to happen."

Individual families are still seeking damages in civil court, where the Biden administration has been fighting them.

"While no settlement can ever wipe away this tragic episode in our country's history, the settlement is a much-needed step forward to help the thousands of families that were so brutally separated under the Trump administration," said Lee Gelernt of the American Civil Liberties Union, the lead counsel representing the families in the case. "The settlement will allow little children to finally see their parents after years of separation and permit suffering families to seek permanent status in the U.S. Critically, it will also prohibit such a cruel policy in the future. Whatever one thinks about border policy generally, there can be no disagreement that ripping babies and toddlers from their parents is morally repugnant."

Biden admin will resume deporting Venezuelan migrants

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On a call with reporters about the settlement, a Department of Homeland Security official said family separation was a “cruel and inhumane policy.”

That official added that more than 3,000 separated families [have been reunified](#) and hundreds more remain separated.

The agreement also covers more than 290 children who are U.S. citizens separated from noncitizen parents at the border by the Trump administration and who were not previously included in the lawsuit.



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