



## RESOLUTION ON MAKE SPACE AND US IMMIGRATION POLICY

Through our [Make Space campaign](#), launched on 31 May 2017, PEN International and PEN Centres around the world have asserted their commitment to promoting the voices and rights of displaced and exiled writers. For many PEN members personally, leaving our homes, families and cultures has been a necessary but painful step to protect ourselves and our free expression.

A crucial part of the Make Space campaign, in addition to strengthening the role of displaced writers in creating global literature, is to speak out on global migration – to defend it as a fundamental right, and face down proponents of hate who demonise and discriminate against migrants. It is within this context that we raise our serious concern in relation to the separation of migrant children from their families at the border of the United States of America, part of the “Zero Tolerance” policy of Attorney General Jeff Sessions which has been likened to torture.<sup>1</sup>

### **The separation of migrant children from their families at the US border**

The “Zero Tolerance” policy has led to infants, toddlers, school age children, and teens being mercilessly torn from their families, imprisoning them in detention camps - an action which has been ruled unlawful.<sup>2</sup> The ruling ordered the administration to ensure that children under five are returned to their families. An international and national outcry forced President Donald Trump to sign an Executive Order to end the separation policy on 20 June 2018.<sup>3</sup> According to reports, just under 3,000 children currently in custody are separated minors and approximately 100 children under the age of five in custody have been separated from their families<sup>4</sup>.

While the shocking news of babies being kept in cages – so called “Tender Age Shelters”- appears to have broken the back of this policy, this crisis is not over. The indefensibly inhumane action of tearing children from their families on the part of the United States is not mitigated by court action. The current administration has actually been separating families since October 2017, long before the “Zero Tolerance” policy was officially enacted: and now 2,500 – 3,000 children are reportedly dispersed throughout the United States. The court-ordered return of children separated from their parents or guardians is an arduous and often impossible process, made so by the lack of records kept by US Immigration and Customs Enforcement (ICE) at the time of the children’s removal from their families.<sup>5</sup>

In reality, data collected by the Department of Homeland Security demonstrates that there is no flood of immigrants from Mexico and Central America: in fact, they reveal that this year’s immigration figures, cited as 300,000, are the lowest number since 1972.<sup>6</sup>

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<sup>1</sup> <https://www.amnesty.org/en/latest/news/2018/06/usa-family-separation-torture/>

<sup>2</sup> <https://www.theguardian.com/us-news/2018/jun/27/us-immigration-must-reunite-families-separated-at-border-federal-judge-rules>

<sup>3</sup> <https://www.telegraph.co.uk/news/2018/06/20/donald-trump-says-will-sign-executive-order-end-child-separation/>

<sup>4</sup> <https://www.nbcnews.com/politics/immigration/trump-admin-asks-more-time-reunite-kids-parents-separated-border-n889301>

<sup>5</sup> <https://www.cnn.com/2018/07/10/politics/immigration-deadline-family-reunification/index.html>

<sup>6</sup> <https://www.dhs.gov/immigration-statistics/special-reports/legal-immigration>

The current policy has caused a chaotic and inhumane situation with no clear and effective procedures in place to reunite children with their parents, many of whom have been deported or illegally imprisoned, and do not have the resources to find their children. These children and their families have suffered, in many cases, irreparable harm.

These restrictive policies are a fundamental threat to human rights. They threaten the free flow and exchange of ideas that are critical to freedom of expression. These policies essentially silence those people's voices and disregard the vital role that immigrant voices play. We see this as a crisis of humanity that demands a response from all of us.

**The Assembly of Delegates of PEN International calls on the US authorities to:**

- Immediately return all children separated at the border to their families, including reuniting families in cases where the parents were deported,
- Put a permanent end to the forced separation of children from their parents or guardians
- Keep migrant families arriving at the border intact, house them in family units in decent, well-run facilities in line with international standards, and stop the prolonged detention of migrants at the US border
- Re-instate honouring current international and federal asylum laws

**Calls on all states in the context of our Make Space campaign to:**

- Recognise the specific protection challenges and persecution facing writers and journalists which mean they may need to go into exile or claim asylum;
- Facilitate the timely and appropriate refugee status determination of journalists and writers and prioritise appropriate journalists and writers (e.g. with major health or trauma needs) for resettlement in third countries as particularly vulnerable refugees
- Create more complementary pathways to resettlement in order to address the need for protection of writers which is not being met by existing mechanisms. The International Cities of Refuge Network (ICORN) and other similar temporary relocation programmes provide good models, but more financial support and cooperation is needed;
- Strongly condemn xenophobia against refugees and migrants – particularly when expressed by government leaders and officials;
- Protect the human rights of all refugees and migrants, regardless of status – be they considered “regular” or “irregular” migrants;
- Pay particular attention to safeguarding the rights of women and girls, protecting them from all forms of violence and exploitation, and promoting their full, equal and meaningful participation in decision-making on refugee and migrant issues;
- Ensure that all refugee and migrant children are receiving education within a few months of arrival, to ensure their rights to free expression;
- Strengthen the opportunities for migrants to make positive contributions to economic and social development in their countries of resettlement;
- Fulfil the cultural rights of displaced writers and communities by ensuring access to local culture, supporting their cultural practices and freedom of expression, and enabling cultural expression as a means to produce intercultural dialogue and exchange.

**Calls on PEN Centres to:**

- Actively and strongly advocate for respect for the human rights of migrants and stand up to anti-migrant rhetoric and hate in all its forms
- Agree to institute a special programme within the Make Space campaign so that the members and Centres of PEN International may make substantive humanitarian progress in responding to this and all global migration crises