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## The Separation Between Refugees – Immigrants and their Children During Transportation

### 1. Introduction

The family separation between immigrant (or refugee) parents and their children is a global phenomenon. From USA – Mexico border till Mediterranean borders (between Europe and Africa) the problem is identical. This research is focused on the dissociation that is taking place during transportation from the countries of origin to receiving countries. By all accounts, families are still splitting before their final destination. For people fleeing war and persecution being reunited with their family members is generally their priority upon arrival in the host country. Cross-border family separation is a significant social, emotional and financial burden for many refugees who have had to flee conflict<sup>2</sup>. In addition, for immigrants: «Family separations and the various family forms that immigration laws make possible affect the immediate economic and emotional wellbeing of immigrant families and can have longer-term consequences for integration» based on reports.<sup>3</sup>

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2 UNHCR. Refugee Family Reunification: UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union [Internet], UNHCR Bureau for Europe, February 2012, [cited 2021 May 4] Available from: <https://www.unhcr.org/4f54e3fb13.pdf>.

3 Baily CDR, Henderson SW, Taub AR, O'Shea G, Einhorn H, Verdelli H. The Mental Health Needs of Unaccompanied Immigrant Children: Lawyers' Role as a Conduit to Services: 15.

## 2. Methodology

About our search methods, we originally performed MEDLINE and PUBMED Searches, Articles, Meta-Analysis, Systematic Reviews, Books and Documents, Reviews and Cases Study for the last five years with keywords: family separation, family reunification, refugees, immigrants, children. Our basic working language is English but in our references there are Greek Laws and Italian reviews. During the update of this article, reconsideration was made to all the laws and articles that were used.

## 3. The United States case

Let us begin our research with the USA. Since 2014, the USA has constituted the main host country for immigrants from Central America, Honduras, El Salvador, and Guatemala.<sup>4</sup> For example, we know that 396,579 migrants apprehended at the U.S.-Mexico border in 2018 were trying to pass into the United States<sup>5</sup>, 40% of them were children and family members. Formerly, the typification of an undocumented migrant was a man, without family, stowed away in order to enter U.S.-Mexico border. This kind of economic migrants move abroad as stimulation to ameliorate their financial conditions and to avoid poverty. All the same, children and entire families are as of late escaping from El Salvador, Guatemala, Mexico and Honduras to rescue themselves from fleeing threats, criminal violence, where they face direct threats from unrestrained gangs and having low level of protection from their own governments, and economies that have collapsed for the poorest.<sup>6</sup> Many families migrated to the United States for better educational and quality-of-life opportunities for their children. According to The United Nations Office on Drugs and Crime (UNODC), that countries come under the world's highest levels of violent crime.<sup>7</sup> The reunification between separated-unaccompanied children and a family member in the USA is a forceful reason for them to cross the borders. Other motivations are increasing their life-enhancing, finding

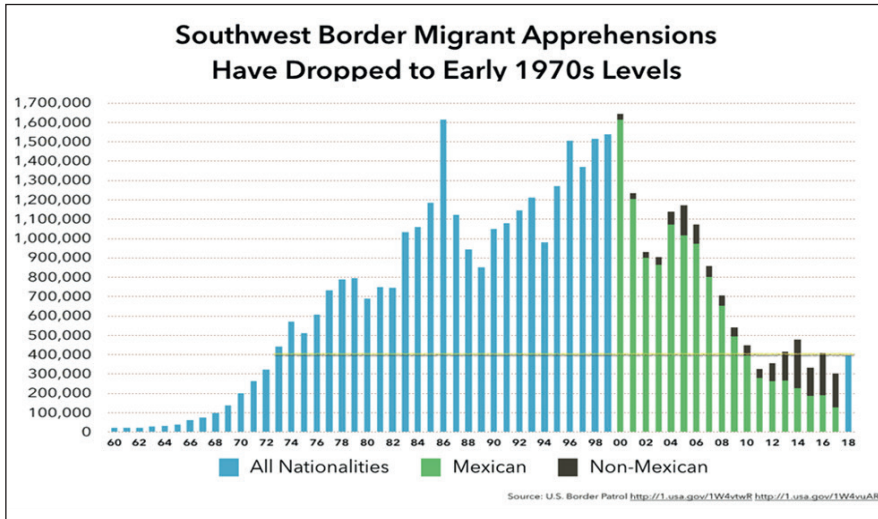
4 A Guide to Children Arriving at the Border: Laws, Policies and Responses [Internet]. American Immigration Council. 2016 [cited 2021 May 4]. Available from: <https://www.americanimmigrationcouncil.org/research/guide-children-arriving-border-laws-policies-and-responses>.

5 The U.S. Government's 2018 Border Data Clearly Shows Why the Trump Administration is on the Wrong Track [Internet]. WOLA. [cited 2021 May 4]. Available from: <https://www.wola.org/analysis/us-government-2018-border-data-trump-immigration-asylum-policy/>.

6 Data UNODC | [Internet]. [cited 2021 May 4]. Available from: <https://dataunodc.un.org/>.

7 de la Peña CM, Pineda L, Punsky B. Working with Parents and Children Separated at the Border: Examining the Impact of the Zero Tolerance Policy and beyond. *J Child Adolesc Trauma*. 2019 Jun; 12(2): 153–64.

international protection-related concern or both of them. Close to the majority of the children, who left their homeland, and most of the time members of their family behind, stated that one or both of their parents lived in the US<sup>8</sup>.



The ‘zero-tolerance’ immigration policy (ZTP) established by the Trump’s government and separated immigrants, who passing without authorization would be criminally prosecuted, from their children. The results for infants’ members of those families were catastrophic. Their babies, toddlers, youths, children, and adolescents placed in shelters, released to a sponsor or to a foster family. Paradoxically, this policy afflicted every foreigner who tried to enter the USA illegally. Independent of their criminal background or how many times trying to cross the borders, or their marital status or valid asylum claim. As Human Rights Watch mentioned: «In fact, parents traveling with children were specifically targeted under this policy, and asylum officers were instructed to consider illegal entry as a potential factor against the asylum claim of the applicants. The exact number of separated children and parents remains unknown because of the government’s negligence in keeping records. Under ZTP, after the parents were prosecuted and sentenced (usually to time served), to the jurisdiction of Immigration and Customs Enforcement, where, if they were properly screened and identified as asylum seekers, they would remain in immigration detention or sometimes released on bond, until their immigration case was resolved. If they were not adequately identified as asylum seekers, the immigration officer could decide on an expedited removal

<sup>8</sup> Q&A: Trump Administration’s “Zero-Tolerance” Immigration Policy [Internet]. Human Rights Watch. 2018 [cited 2021 May 4]. Available from: <https://www.hrw.org/news/2018/08/16/qa-trump-administrations-zero-tolerance-immigration-policy>.

and the parent could be deported shortly thereafter».<sup>9</sup> At the end of 2018, the Department of Health and Human Services (DHHS) in its report identified 2737 identified children who had been separated. However, DHHS added that there have been thousands since 2017, even before ZTP was officially an institute. The impact on the families were ranged. Sometimes visa allocations take a lot of months, parents go without their children, undocumented immigrants deal with bureaucracy, poverty, unemployment.<sup>10</sup> Sometimes parents were deported to their homeland without their kids, they were living in apart countries without learning news from their relatives for months or years because the point of contact – legal department wasn't has all the essential information to connect the separated family. Those who cannot return must decide between leaving their kids in the U.S. or agreeing to the transfer of their children back to the countries they fled from. In other cases, the family unity is never fulfilled.<sup>11</sup>

#### 4. Mediterranean Sea route

On the other hand, a lot of refugees from the African and Middle-Eastern countries try to pass into the European Union, illegally, following the Central Mediterranean Sea route, without safety, food, water or guarantee given on the length of the sea journey. In fact, a lot of documentaries, campaigns and reports mention the terrible conditions that refugees deal with during the journal on the boat. Drinking seawater, having no clue for the rest of the distance that the must be done, sleepless, weatherbeaten, with the worst-case scenario would be if the boat capsized. According to an Italian article tens of migrants are killed to reduce the weight of the boats when water gets in, or trying to escape from rape, battery, violence, or to obliterate people who protested.<sup>12</sup> Greek and Italian islands as Samos, Kos, Lesvos, Lampedusa are often counted among the first stops at the start of transport to Europe Until their journey ends a lot of times families lose their members. Some of them are dying or missing or being deported back to their home countries. The International Organization for Migration (IOM) published a report which

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9 Paradoxes of Family Immigration Policy: Separation, Reorganization, and Reunification of Families under Current Immigration Laws. Enchautegui ME. 2015. Law & Policy. Wiley Online Library [Internet]. [cited 2021 May 4]. Available from: <https://onlinelibrary.wiley.com/doi/10.1111/lapo.12030>.

10 Teicher MH. Childhood trauma and the enduring consequences of forcibly separating children from parents at the United States border. *BMC Med.* 2018 Aug 22; 16(1): 146.

11 Di Giovanni E. Separated Children's Migration in the Mediterranean Sea. An Ethnohistorical Perspective. *Coll Antropol.* 2016 Sep; 40(3): 165–9.

12 Di Giovanni E. Separated Children's Migration in the Mediterranean Sea. An Ethnohistorical Perspective. *Coll Antropol.* 2016 Sep; 40(3): 165–9.

broaches that the Mediterranean Sea is the area where most of the migrant deaths happened, out of the total worldwide migrant deaths in 2014–2016.<sup>13</sup> However, according to the NGO «Save the Children», in 2011, 2737 minors arrived at Lampedusa, 2599 of whom arrived without their families, in 2012 there were 2123 of them and by 2013 numbers had bordered on 792.812.<sup>14</sup>

For the record, across EU Member States the impact of family separation policies may be destructive. Greece is a case in point. Indeed, every pregnant woman in the territory of Greece can give birth at public hospitals for free pursuant to Greek law.<sup>15</sup> No matter if she has insurance, documents for her legal entrance into the country, if she is Greek or immigrant or refugee, it is her health right. But what about undocumented immigrants' mothers? The hardship for their newborns began when the doctor discharged the mother without her baby. In that case, newborns put into care until mothers' identity documents were issued, this course of action can last months or even years, as a result of Greek bureaucracy. Unfortunately, there was a child who was adopted after waiting for his mother one year in the institution. The main aim of this action was to protect infants from illegal adoption and human trafficking.<sup>16</sup> After pressure from the Greek Ombudsman to the Greek authorities a new law (Greek Law 4554/2018) was established by Greek government which stopped this kind of family separation, eternally.<sup>17</sup> As the American article («Separation of children from undocumented immigrant

13 Mediterranean Update – Migrant Deaths Rise to 3,329 in 2015 [Internet]. International Organization for Migration. 2015 [cited 2021 May 4]. Available from: <https://www.iom.int/news/mediterranean-update-migrant-deaths-rise-3329-2015>; Fatal Journeys Volume 2: Identification and tracing of dead and missing migrants, IOM Online Bookstore [Internet]. [cited 2021 May 4]. Available from: <https://publications.iom.int/books/fatal-journeys-volume-2-identification-and-tracing-dead-and-missing-migrants>; Weber L, Pickering S. Counting and Accounting for Deaths of Asylum Seekers en Route to Australia [Internet]. Rochester, NY: Social Science Research Network; 2014 [cited 2021 May 4]. Report No.: ID 2520383. Available from: <https://papers.ssrn.com/abstract=2520383>.

14 Children Come First, Intervento in Frontiera: Dossier I [Internet]. Resource Centre. [cited 2021 May 4]. Available from: <https://resourcecentre.savethechildren.net/node/16169/pdf/children-come-first-intervento-frontiera.pdf>.

15 Law 4368/2016, Article 33 on free access to health care services [Internet]. European Web Site on Integration. [cited 2021 May 4]. Available from: <https://ec.europa.eu/migrant-integration/librarydoc/law-4368/2016-article-33-on-free-access-to-health-care-services>.

16 Χωρισμός νεογέννητων από τις μητέρες λόγω έλλειψης επαρκών στοιχείων ταυτότητας [Internet]. Δικαιώματατουπαιδιού. [cited 2021 May 4]. Available from: <https://www.synigoros.gr:443/?i=childrens-rights.el.gonikosrolos.511648>.

17 Greek Law No. 4554 of 18 July 2018 on the regulatory framework for the guardianship of unaccompanied minors [Internet]. European Web Site on Integration. [cited 2021 May 4]. Available from: <https://ec.europa.eu/migrant-integration/librarydoc/greek-law-no-4554-of-18-july-2018-on-the-regulatory-framework-for-the-guardianship-of-unaccompanied-minors>.

parents: From USA to Greece») abstracts: «the law provides that the hospital should collaborate with the municipality and the police in order to confirm the mother's identity, record births, issue the infant's civil birth certificate, and discharge them from the hospital. Afterward, the municipality must assist the mother in settling the pending evidence of her identity through the procedures provided for by the law».<sup>18</sup>

## 5. The Rights and Conventions which protect family unity

That article wants to illustrate that family reunification is more than a prerequisite for the child welfare system, it is a human right. Every child, without considering their age, race, gender, wealth, or birthplace, has rights. Children and teens have exactly the same general human rights as adults plus the distinctive rights that recognize their special needs. Children are neither the property of their parents nor they are helpless objects of charity. On the other hand, parental rights refer to several things including physical and legal custodianship. The parental rights include the fact that parents deserve the ability to see and raise their children and the responsibilities they must back their children and their children's actions. According to the United Nations Convention on the rights of the child,<sup>19</sup> the child shall have the right to know and be cared for by their parents and to preserve their identity, including nationality, name, and family relations. If a child lives in a different country than their parents, governments must let the child and parents travel so that they can stay in contact and be together. Additionally, at Geneva Convention IV, as mentioned, children 15-year old and separated from families shall be entrusted to adults from a "similar cultural tradition," warring parties shall facilitate family reunifications, and governments shall register children's parentage.<sup>20</sup> At the UN Convention on the Rights of the Child obliges states to register children after birth to prevent statelessness – family separations (beyond domestic violence cases), provide relatives with contact information when separation occurs, reunite families, and support access to primary healthcare.<sup>21</sup> In the United States, American Academy of

18 Velonaki VS, Ouissa A-S, Kampouroglou G. Separation of children from undocumented immigrant parents: From USA to Greece. *Public Health Nurs Boston Mass.* 2020 Jan; 37(1): 3–4.

19 OHCHR | Convention on the Rights of the Child [Internet]. [cited 2021 May 4]. Available from: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

20 Treaties, States parties, and Commentaries – Geneva Convention (IV) on Civilians, 1949 [Internet]. [cited 2021 May 4]. Available from: <https://ihl-databases.icrc.org/ihl/INTRO/380>.

21 UN Convention on the Rights of the Child (UNCRC) [Internet]. UNICEF UK. [cited 2021 May 4]. Available from: <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>.



Pediatrics (AAP) and International Pediatrics Association (IPA) advocate for preventing family separations and provide health services for all the infants and children.<sup>22</sup> Indeed, AAP, IPA, and some other pediatric organizations could champion human rights with related NGOs and UN agencies to hold parties accountable in Europe, the Middle East, and Africa because it is an indisputable fact that all children, have the right to the best standards of health.<sup>23</sup> American Psychological Association (APA) also sent a letter in June 2018 to President Trump avowing the association's strong idea to the administration's policy of separating immigrant parents and children who were deported when they were entering the USA. The administration has since revoked the 'zero-tolerance' immigration policy but a lot of families continued to live separated and the policy of separating families did not stop, according to media reports.<sup>24</sup> Correspondingly, in Europe, the Dublin II Regulation, Article 8 of the European Convention on Human Rights (ECHR), Article 7 of the Charter of Fundamental Rights of the EU foster family unity once family members are in Europe. In Dublin II Regulation it is mentioned that family members separated within the Europe must reunite. The oxymoron is that, family reconnection is easier when family members are in third countries than when they are in Europe. Moreover, most of the refugees agonize to exert their family reunion rights without professional help. European countries do not help with this situation because they do not offer free advocacy for due process of family reunification, so the deterrent effect is incomplete applicants without prerequisite information and supporting documents that are determined by their civil society organizations and legal aid services. Accordingly, the requests have been forwarded to the appropriate bureau but they have rejected them.<sup>25</sup>

Familias Reunidas (Family Reunification) and Resiliency Training (FUERTE) are two programs that successfully help reunified families who are trying to reconnect.<sup>26</sup> Additionally, there are nonprofit organizations like «Protecting Immigrant Families Coalition» and «justice in motion». Justice

22 ipa-world.org [Internet]. [cited 2021 May 4]. Available from: <https://ipa-world.org/page.php?id=388>; AAP.org [Internet]. [cited 2021 May 4]. Available from: <https://www.aap.org/en-us/Pages/Default.aspx>.

23 Aggarwal NK. Protecting Health Rights of Migrant Minors in Violent Settings. *Pediatrics* [Internet]. 2019 Oct 1 [cited 2021 May 4];144(4). Available from: <https://pediatrics.aappublications.org/content/144/4/e20183840>.

24 Immigrant family separations must end, psychologist tells Congressional panel [Internet]. <https://www.apa.org>. [cited 2021 May 5]. Available from: <https://www.apa.org/news/press/releases/2019/02/immigrant-family-separations>.

25 Refugees UNHCR for. Refworld | Disrupted Flight: The Realities of Separated Refugee Families in the EU [Internet]. Refworld. [cited 2021 May 4]. Available from: <https://www.refworld.org/docid/58514a054.html>.

26 Delgado JR, Diaz LD, LaHuffman-Jackson R, Quion N, Walts K. Community-Based Trauma-Informed Care Following Immigrant Family Reunification: A Narrative Review. *AcadPediatr*. 2021 May 1; 21(4): 600–4.

in motion has human rights lawyers and organizations across Mexico and Central America to associate with U.S. lawyers and help find the parents deported without their children and support the reunification with resources to pursue justice.<sup>27</sup>

## 6. Fallout of family separation

The impact of separation, as a toxic experience during childhood, is intolerable for all the members of family. Children are based on their parents for protection, supportiveness, nutrition, and love. Children experiencing trauma can display signs of posttraumatic stress disorder including non-age appropriate bedwetting, social withdrawal, and language delay, psychosomatic complaints, behavior problems, anxiety disorder, sleep problems, depression, aggression.<sup>28</sup> Otherwise, separation can affect development and learning in young children, cause limitations of working memory, disrupt organizational skills, and affect IQ and suicidal ideation.<sup>29</sup> Families that have been separated at the border and placed in detention centers have limited access to medical care. These facilities are not equipped to care for children with medical needs because there is limited access to medical care, food and water.<sup>30</sup> There is not comfort in this hosting places, a lot people live together and the conditions can escalate the risk of communicable diseases such as tuberculosis, varicella, and measles.<sup>31</sup> The above ailments must be recognize and treated. Parents have the right to make medical decisions for their children.<sup>32</sup> But in a lot of cases, they did not use public health benefits and often have difficulty keeping doctor appointments due to lack of transportation and fear of immigration checks at hospitals. The incident of Marie Juarez's death was announced by many American articles. She was eight-month-old and sick when she was detained with her mother after passing the United States –Mexico border, having traveled from Guatemala. The infant died weeks after being released from

27 Family Reunification [Internet]. Justice In Motion. [cited 2021 May 4]. Available from: <https://www.justiceinmotion.org/family-reunification>.

28 Teicher MH. Childhood trauma and the enduring consequences of forcibly separating children from parents at the United States border. *BMC Med.* 2018 Aug 22; 16(1): 146.

29 Trauma Guide [Internet]. [cited 2021 May 4]. Available from: <https://www.aap.org/en-us/advocacy-and-policy/aap-health-initiatives/healthy-foster-care-america/Pages/Trauma-Guide.aspx>.

30 Stange M, Stark B. The Ethical and Public Health Implications of Family Separation. *J Law Med Ethics J Am Soc Law Med Ethics.* 2019 Jun; 47(2\_suppl): 91–4.

31 Migrant children's health endangered by family separation at US border [Internet]. [cited 2021 May 4]. Available from: <https://www.healio.com/news/pediatrics/20180814/migrant-childrens-health-endangered-by-family-separation-at-us-border>.

32 Stange M, Stark B. The Ethical and Public Health Implications of Family Separation. *J Law Med Ethics J Am Soc Law Med Ethics.* 2019 Jun; 47(2\_suppl): 91–4.



the South Texas Family Detention Center. She did not obtain early medical attention and she was not the only one. There are documents of neglect and abuse of children at some detention facilities, making them unsuitable for infants, children and adolescents.<sup>33</sup> Furthermore, evidence shows that the neuropsychiatric consequences of traumatic stress and the effects of early life stress on brain structure, function and connectivity, which occur throughout childhood when specific regions and pathways are strained by unpropitious situations like loneliness or family parting. The developing brain, mind and body must be protected from legislations, which were driven forward by separation and detention of children.<sup>34</sup>

Moreover, the emotional burden for parents is unsparing too. They mustst and a life without their offspring, their own identity as a mother and father, they do not exist anymore, trying every day to find out about their health, living conditions and news, aspire to get them back. Leaving family abroad may be a stressful situation with bad health effects, with startling impacts on women's health. Clinically significant symptoms of anxiety mental health conditions, suicide, depression, Post-traumatic stress (PTSD), can prevent the parent from being able to claim their children back. Family separation may lead to poorer well-being, the emergence of negative behaviours, like smoking, drinking alcohol or sedentary lifestyle.<sup>35</sup> The effective enjoyment of the right to their family reunification and their biological parents can remake their serenity.<sup>36</sup>

As UNICEF refers to the working paper «Family Unity in the Context of Migration»: Family unity protects children's lives, their development and their well-being. When they are together, migrant and refugee families acculturate better to host communities, promoting their acceptance and integration. Family reunification also minimizes trafficking and smuggling for undocumented immigrants and encourages the global efforts towards a safe, orderly and regular global migration management system.<sup>37</sup>

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33 Stange M, Stark B. The Ethical and Public Health Implications of Family Separation. *J Law Med Ethics J Am Soc Law Med Ethics*. 2019 Jun; 47(2\_suppl): 91–4.

34 Teicher MH. Childhood trauma and the enduring consequences of forcibly separating children from parents at the United States border. *BMC Med*. 2018 Aug 22; 16(1): 146.

35 Afulani PA, Torres JM, Sudhinaraset M, Asunka J. Transnational ties and the health of sub-Saharan African migrants: The moderating role of gender and family separation. *Soc Sci Med* 1982. 2016 Nov; 168: 63–71.

36 Paradoxes of Family Immigration Policy: Separation, Reorganization, and Reunification of Families under Current Immigration Laws. Enchautegui ME. 2015. *Law & Policy*. Wiley Online Library [Internet]. [cited 2021 May 4]. Available from: <https://onlinelibrary.wiley.com/doi/10.1111/lapo.12030>.

37 Working paper: Family unity in the context of migration [Internet]. [cited 2021 May 5]. Available from: <https://www.unicef.org/documents/working-paper-family-unity-context-migration>.

## 7. Conclusions

Family separation is societal problem for USA and European Union. Thousands of families used to part with their family members during their travel to host countries. Ripple effects are medical, psychological, legal and ethical both for parents and for children. According to the United Nations Convention on the rights of the child the kid has the right to know and be cared for by their nurturing parents. United States and Europe established legislations and bills to prevent that kind of parting and to promote the family's reconnection.

Documents mention that there is a negative impact family separation has on people seeking protection. Family unity is often the fundamental priority for refugees and immigrants and the only method for integration in the receiving country. It is our duty, every person is a part of the global community, to defeat that phenomenon, respect human rights, increase awareness about the helpless population of young refugees and to protect minorities.

### Funding information

I/We did not receive any specific grant from any funding agency in the public, commercial, or not-for-profit sectors for this article.

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## The Separation Between Refugees – Immigrants and their Children During Transportation

### Abstract

The family separation between immigrant – refugee parents and their children is a global phenomenon. This research is focused on the dissociation that is taking place during transportation from the countries of origin to receiving countries. Every year United States accept thousands of immigrants from Central America who are segregated under ‘zero-tolerance’ immigration policy (ZTP). However, the same issue afflicts refugees who are trying to cross the Central Mediterranean Sea to enter Europe. But then, United States

and European Union established legislations and bills to prevent that kind of parting and to promote the family's reconnection. The key strength is the impact of separation, as a toxic experience during childhood, is intolerable for all the members of family. Children experience trauma, which affects their mental and physical health. Additionally, parents develop depression, Post-traumatic stress disorder (PTSD) and become victims of suicide. Finally, family unity protects children's lives and supports family's integration in the host countries.

**Keywords:** family separation, family reunification, refugees, immigrants, children

## Rozdzielanie uchodźców-imigrantów i ich dzieci podczas podróży

### Streszczenie

Rozdzielenie rodziców imigrantów – uchodźców z ich dziećmi jest zjawiskiem globalnym. Niniejsze badania koncentrują się na rozdzielaniu rodzin podczas podróży z krajów pochodzenia do krajów przyjmujących. Każdego roku Stany Zjednoczone przyjmują tysiące imigrantów z Ameryki Środkowej, którzy są segregowani w ramach polityki imigracyjnej „zero tolerancji” (ZTP). Ten sam problem dotyczy uchodźców, którzy próbują przekroczyć Morze Śródziemne, aby dostać się do Europy. Stany Zjednoczone i Unia Europejska opracowały przepisy i projekty ustaw, aby zapobiec tego rodzaju rozłąkom i wspierać ponowne połączenie rodzin. Kluczową kwestią jest traumatyczny wpływ separacji na poszczególnych członków rodziny. Dzieci doświadczają traumy, która wpływa na ich zdrowie psychiczne i fizyczne. Rodzice popadają w depresję, cierpią na zespół stresu pourazowego (PTSD), co może prowadzić nawet do samobójstw. Jedność rodziny chroni zatem życie dzieci i wspomaga integrację rodziny w krajach przyjmujących.

**Słowa kluczowe:** rozdzielenie rodziny, łączenie rodzin, uchodźcy, imigranci, dzieci