



LEFT BEHIND: HOW THE WELL-BEING OF CHILDREN IS AFFECTED BY PARENTAL DEPORTATION



Tweeting?

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Migration Policy Institute
September 21, 2015

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Release of Two Reports Today

- Literature Review
 - Implications of Immigrant Enforcement Activities for the Well-Being of Children in Immigrant Families: A Review of the Literature (Capps, Koball, Campetella, Perreira, Hooker, and Pedroza)
- Site Visit Report
 - Health and Social Service Needs of US-Citizen Children with Detained or Deported Parents (Koball, Capps, Perreira, Campetella, Hooker, Pedroza, Monson, and Huerta)
 - South Carolina: A suburban county and a rural county
 - Texas: The Rio Grande Valley (Cameron and Hidalgo counties)
 - California: Los Angeles county
 - Illinois: Chicago and neighboring suburban county
 - Florida: Miami and Palm Beach counties

Acknowledgments

- U.S. Immigration and Customs Enforcement:
 - Andrew Lorenzen-Strait
 - Local ICE offices in the sites
 - Detention centers (including local/contractor staff)
- Community contacts in the sites:
 - State and local social service agencies
 - Schools and Head Start programs
 - CBOs, community leaders, immigration attorneys
 - Consulates
- Participating families

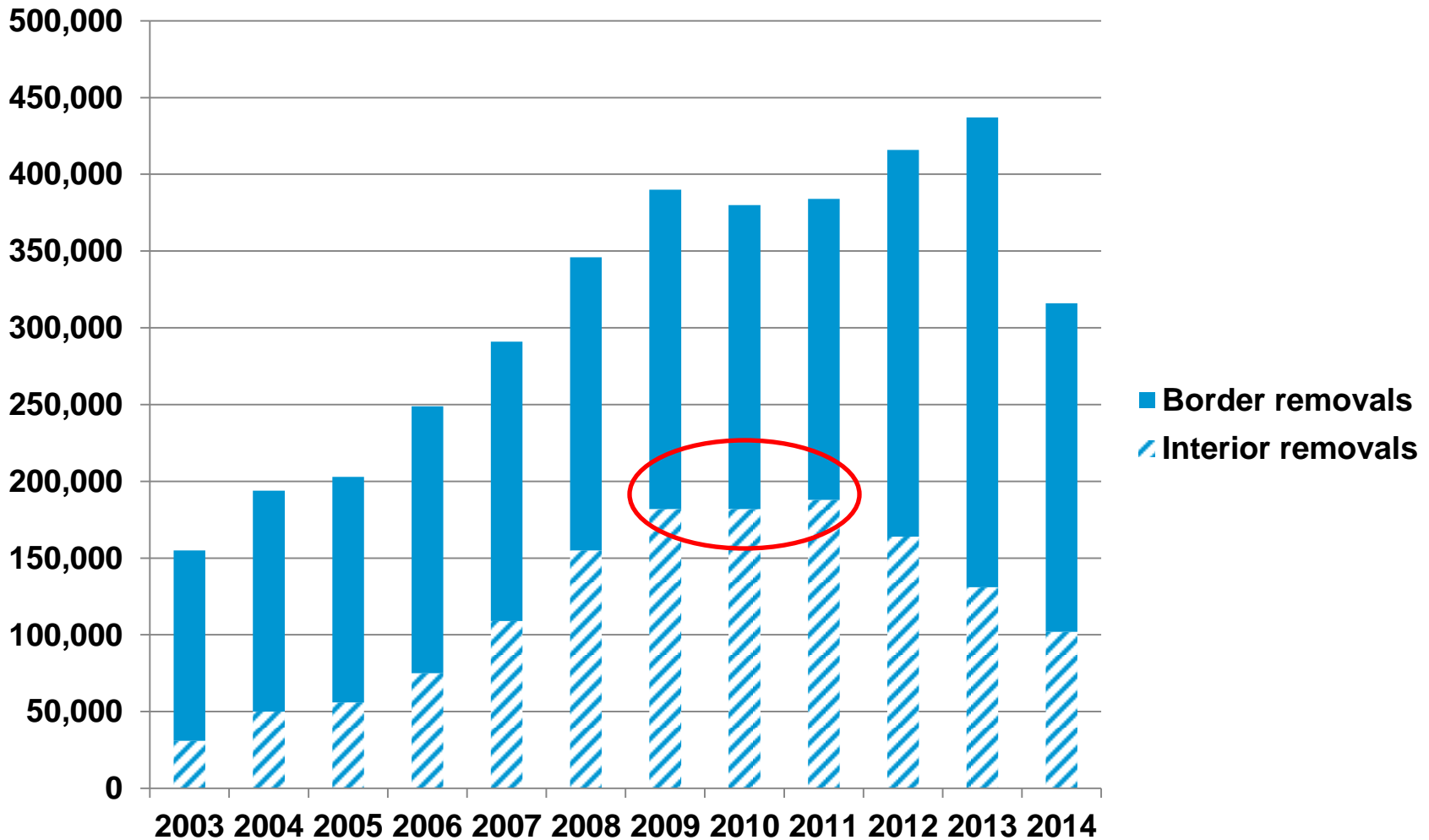
Policy Context

Policy Background

- ICE has deported more than 4 million individuals since 2003.
- This includes more than half a million parents of U.S.-citizen children (1/4 to 1/5 of the total).
- Most parents come into contact with ICE after they have been arrested and detained by local police for non-immigration crimes.
- Total deportations from the interior U.S. (and deportations of parents) are falling, though formal deportations from the border remain high.

Policy Background: Recent Decline in Deportations

Interior deportations peaked in 2011 (at 188,000) and have declined since.



Policy Background: Parental Deportations Also Down

- July 2010-September 2012: **205,000** noncitizens claiming a U.S.-citizen child were deported.
 - Estimated annual parental deportations: **90,000**
- Second half of 2013: **33,000** claimed to have a U.S.-citizen child.
 - Estimated annual parental deportations: **66,000**
- **91%** of deportations were men.
 - Vast majority of parents deported are fathers.
- **15%** of Border Patrol removals in 2010-11 were parents.
 - Estimated parents apprehended while re-entering illegally: **102,000** over 2 years
- New enforcement priorities and deferred action (DACA/DAPA) hold promise to further reduce deportations and protect families.

Policy Background: Enforcement Priorities Narrow

- ICE refined enforcement priorities in 2011.
- Priorities further narrowed in 2014:
 - Security threats and convicted criminals (felonies, major/multiple misdemeanors)
 - Prior removal orders (since January 2014 only as opposed to all prior orders)
 - Recent border crossers (crossed within 1 year as opposed to 3 years).

Policy Background: Deferred Action

- Deferred Action for Childhood Arrivals (DACA): Implemented 2012
 - Relief from removal, work permits for unauthorized youth (2-year periods)
 - Eligible youth: entered U.S. before age 15 and by June 2007; are ages 15-30; have a high school degree or are enrolled in school; did not commit serious crimes
 - Estimated **1.2 million** youth nationally are eligible.
- Deferred Action for Parents of Americans (DAPA):
 - Proposed in 2014 but not implemented due to legal challenge in 2015
 - Eligible parents: have US-citizen or LPR children, entered US by January 2010
 - Estimated **3.7 million** parents would be eligible.
- DACA expansions: Proposed in 2014 but temporarily stopped in court
- Unauthorized immigrant parents of US-citizen children remain vulnerable.

Experiences of Children with Detained or Deported Immigrant Parents

Mental Health

- Caregivers reported anger, depression, and behavioral problems among children following parents' detention
 - Witnessing the apprehension of a parent worsened the situation
 - Sometimes children thought their parent had disappeared
 - Families were reluctant to tell children of detention or deportation of parent
 - Families encountered difficulties visiting detained parents
- Non-detained parents reported depression and isolation

Economic Hardship

- Typically fathers, the primary breadwinner, were deported
- Mothers had difficulty making ends meet
 - Some mothers had little work experience
 - They had to combine childcare with work
 - Mothers were sometimes embarrassed or ashamed to ask for help
- Legal fees compounded economic hardship
 - Lawyers and immigration bonds
 - Unlicensed legal service providers (notarios) sometimes preyed on families

Housing Instability

- Loss of income primarily led to housing instability
- Families often moved in with relatives or friends
 - Led to overcrowding
- Some moved to smaller houses or apartments
 - Often lived in one or two rooms
- A few families ended up in scarce shelter space

Instability in Caregiving

- Parents experiencing financial and emotional strain sometimes left children with relatives or friends
 - In a few cases, a single parent was deported
- Parents often made these arrangements hastily
 - Some children ended up shuttled between multiple caregivers
- Hastily arranged caregiving led to other difficulties for children
 - Confusion over legal guardianship for benefit applications
 - Some caregivers became overwhelmed and mistreated the children

Performance in School

- School staff reported students with detained or deported parents experienced multiple problems
 - They lost track of long-term goals, such as college
 - Became disengaged from academics and peers
 - Exhibited behavioral problems in school
- Older students sometimes dropped out of school to care for younger siblings or to support their families financially

Return to Parents' Home Countries

- Few deported parents considered bringing their children to the home country
 - Mothers with young children were the exception
- Families believed that children were better off in the United States
 - Families were concerned about health, social services, and education in the home country
- Families hoped to be reunited with the deported parents
 - Some deported parents tried to re-enter the U.S. illegally
 - In a few cases, families moved to the border towns to visit the deported parent more easily

Barriers to Meeting Children's Needs



Lack of Access to Public Benefits

- Parents are barred but U.S.-citizen children are eligible
 - Lower (prorated) benefits; not worth the effort
- Fears of participating in public programs
 - Amplified by state legislation in South Carolina
 - Present even in “immigrant-friendly” California
- Application process barriers
 - Difficulties documenting income (informal work)
 - Forms ask for social security numbers (in South Carolina)
 - Nonparent guardians not “legal” so can’t apply
 - Housing instability and associated address changes
- Transportation barriers



Lack of Access to Health Care

- Unauthorized immigrant parents and children ineligible for full Medicaid/ACA/CHIP coverage, except in a handful of states
 - Children eligible in Illinois, parts of California
 - Otherwise eligibility limited to emergency services
- U.S.-citizen children eligible but face barriers (described earlier)
- Unauthorized immigrant parents limited to certain sources:
 - FQHCs and other low-cost clinics
 - Screening, immunizations at county health departments
 - Emergency rooms
- Low-income families have difficulty affording even small copays



Short Supply of Key Support Services

- Mental health care:
 - Limited options for mental health care generally
 - Few providers take Medicaid, offer reduced-price services
 - More care for children than adults
 - Limited linguistic and culturally competent providers
 - Preference for informal counseling (e.g., faith-based)
- Emergency support: limited sources, often only for first month
- Legal services: often expensive, sometimes fraudulent (e.g., *notarios*)
- Domestic violence:
 - Some providers don't serve unauthorized (TANF/Medicaid-funded)
 - Lack of linguistic, cultural competence
 - Uneven law enforcement participation in VAWA, U visas



Difficulty Coordinating Child Welfare Services

- Locating parents in detention, after deportation
- Getting parents to custody hearings, especially after deportation
- Varying jurisdictions; for instance in South Carolina:
 - Child welfare agencies: state-supervised, county-operated
 - Mexican Consulate in Raleigh, NC
 - ICE office in Atlanta, GA
- Diverse opinions and perspectives among child welfare actors:
 - E.g., judges, social workers, child advocates
 - Limited experience with immigrant cases
 - Frequent denial of international reunification, placement with unauthorized relatives

Promising Approaches to Meeting Children's Needs



Improving Access to Benefits

- Education and outreach about eligibility rules
- Staffing improvements: bilingual staff, call centers, training
- Application assistance by community-based organizations
- More points of access:
 - Health care providers like FQHCs
 - Head Start providers
 - Legal service providers
- Facilitating transportation:
 - Granting drivers licenses to the unauthorized (CA, IL)
 - Buses or vans
 - Early warning systems for roadblocks, traffic stops



Filling Gaps in Key Support Services

- Mental health:
 - Schools and early education providers: formal counseling & referrals
 - Faith and community-based organizations: informal, support groups
- Short-term financial needs:
 - Consulates
 - Parent centers in schools
 - Faith- and community-based organizations
- Legal services:
 - Detention visiting programs (Know Your Rights sessions)
 - Crackdowns on *notarios*
- Domestic violence:
 - Outreach offices within police departments
 - Facilitation of VAWA, U visa programs



Building Trust between Families and Service Providers

- Organizations with close ties to the community:
 - With “hometown” origins
 - Offering range of services and cultural/social events
 - Conducting outreach, advocacy across the community
- Faith-based organizations:
 - Combination of spiritual counseling and material support
 - Parents in detention: counseling, links to family, services after release
 - Links to formal services: education, health care, legal services
- Legal service providers:
 - Identification, communication with parents in detention
 - Know Your Rights presentations and *pro bono* services
 - Multi-service centers: links to broad array of services



Improving Handling of Child Welfare Cases

- Coordination with consulates:
 - Locate relatives
 - Conduct home visits
 - Plan for family reunification
- Specialized child welfare units
 - Experienced, knowledgeable staff
 - Centralized information, case-coordination, advocacy for children
- Handbooks, training materials for all child welfare system participants
- Coordination with ICE:
 - Parental Interest Directive (PID)
 - Field Office Directors or PID Points of Contact
 - Regular meetings at leadership level



U.S. Immigration
and Customs
Enforcement

ICE



- DHS combined 22 different federal departments and agencies into a unified, integrated cabinet agency when it was established in 2002
- DHS is charged with securing the nation from many different threats, including: preventing terrorism, enhancing security, managing our borders, administering immigration laws, securing cyberspace and ensuring disaster resilience.
- DHS has numerous offices and seven agency components:
 - U.S. Immigration and Customs Enforcement
 - U.S. Customs and Border Protection
 - U.S. Citizenship and Immigration Services
 - U.S. Coast Guard
 - Federal Emergency Management Agency
 - U.S. Secret Service
 - Transportation Security Administration



- Created in 2003 through a merger of the investigative and interior enforcement elements of the U.S. Customs Service and the Immigration and Naturalization Service.
- Two main directorates:
 - 1. Homeland Security Investigations (HSI)**
 - Investigates a wide range of domestic and international activities arising from the illegal movement of people and goods into, within and out of the United States.
 - 2. Enforcement and Removal Operations (ERO)**
 - Enforces the nation's immigration laws by apprehending removable individuals, detaining them when necessary, and removing them from the United States.



- On November 20, 2014, the President of the United States outlined several areas in which the Department of Homeland Security (DHS) will take action to increase border security, focus enforcement resources, and ensure accountability in our immigration system.
- ICE's revised civil immigration enforcement priorities:
 - **Priority 1:** Persons who pose a national security threat, have been convicted of a felony or aggravated felony, convicted of a criminal street gang offense or intentionally participated in gang activity, or were apprehended attempting to unlawfully enter.
 - **Priority 2:** Persons convicted of three or more misdemeanors or a significant misdemeanor, who illegally entered after January 1, 2014, or significantly abused the visa or visa waiver programs.
 - **Priority 3:** Persons issued a final order of removal on or after January 1, 2014.
- **98 percent** of FY 2014 removals fell within ICE's enforcement priorities* (a total of 309,477).

*Based on the previous enforcement priorities, in place for FY14



- Prosecutorial Discretion (PD) – The authority of a law enforcement agency to decide to what degree to enforce the law against a particular individual, to include taking no enforcement action at all.
- ICE may exercise PD on a case-by-case basis in various forms:
 - Targeting priority cases for apprehension and not others
 - Releasing from detention
 - Settling, dismissing, appealing, or joining a motion on a case
 - Granting deferred action, parole, or a stay of removal
- PD guidance accounts for negative factors (criminal history, gang affiliation, record of illegal re-entry) and humanitarian factors (violent crime victim, pregnant or nursing, poor health, primary caretaker of a minor or seriously ill relative).



- ICE operates the largest civil detention system in the U.S., housing approximately 400,000 individuals annually (average daily population in recent years was approximately 34,000 and currently is approximately 26,000).
- ICE detention is intended to ensure compliance with removal proceedings and is not meant to be punitive.
- The detainee population is approximately 90% male and 10% female.
- Approximately 96 percent of these individuals were apprehended by Border Patrol agents and then processed, detained, and removed by ICE.
- Currently, 98 percent of all detained individuals meet the revised enforcement priorities.



- On August 23, 2013, ICE issued a Directive entitled, *Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities*.
 - Establishes ICE policy and procedures to address the placement, monitoring, accommodation, and removal of certain parents, legal guardians, and primary caretakers of minors in the United States while safeguarding their parental rights.
 - Intended to complement agency guidance on enforcement priorities, detention standards, and other policies that govern the intake, detention, and removal of parents.



- The Parental Interests Directive applies to all parents but is particularly concerned with:
 - Parents or legal guardians who are primary caretakers
 - Parents or legal guardians who have a direct interest in family court proceedings*
 - Parents or legal guardians whose minor children (under 18) are physically present in the United States and are United States citizens or Legal Permanent Residents.

*Family Court or Child Welfare Proceedings are proceedings in which a family or dependency court or child welfare agency adjudicate or enforce the rights of parents or minor children through determination or modification of parenting plans, child custody, visitation, or support, or the distribution of property or other legal obligations in the context of parental rights.



- The Parental Interests Directive instructs ICE to weigh whether exercising **prosecutorial discretion** is warranted, considering all relevant factors including whether a person is a parent or legal guardian of a USC or LPR minor or the primary caretaker of a minor.
- If ICE receives credible information that a person is a parent or primary caretaker, ICE should reevaluate any custody determination in accordance with the law and ICE policy.
- It is generally preferable that prosecutorial discretion be exercised as early in the case as possible.
- ICE conducts a **Risk Classification Assessment** at intake. The RCA allows ICE officers to document whether an individual is a primary caretaker. The RCA will not recommend detention for an individual who has identified as a primary caretaker if not subject to mandatory detention.



- The Parental Interests Directive instructs ICE to **keep a detained parent in the area of responsibility (AOR) of apprehension** if the children or family court/child welfare proceedings are within that AOR – subject to exceptions for safety and security, individual risk factors, facility overcrowding, etc.
- ICE shall initially place the detained parent into a facility as close as practicable to the children and/or location of the family court or child welfare proceeding.
- ICE shall arrange for a **detained parent's appearance at his or her family court or child welfare proceeding**. If appearance in person is not feasible, ICE will work to facilitate alternative means of participation.
- ICE shall facilitate, to the extent practicable, any court-ordered **parent-child visitation**, including contact visitation and accompaniment by a court-appointed monitor.



- If a detained parent or legal guardian is subject to a final order of removal, ICE should **accommodate, to the extent practicable, the detained parent's efforts to make care arrangements** for their children, obtain travel documents, purchase airline tickets, and make other necessary preparations prior to removal.
- If a lawfully removed parent desires to participate in a family court or child welfare hearing in the United States, ICE may **facilitate the return** of the parent to the United States by grant of parole, on a case-by-case basis.
 - The sole purpose of the return must be to participate in **termination of parental rights proceedings**
 - The family court or child welfare authority has determined and confirms that the removed parent must be physically present at the proceedings.



- There is a **designated point of contact for parental rights in each ICE area of responsibility**. Responsibilities include:
 - Receiving and addressing public inquiries related to the parental rights or family ties of detained parents or legal guardians of minor children.
 - Find a POC for Parental Rights:
<https://www.ice.gov/contact/ero/>
- There is a **National Parental Rights Coordinator** who oversees implementation of the Directive, evaluates internal information gathering and sharing, and conducts internal and external training related to the Directive.



- Regular headquarters **review of detention decisions** when detainees identify as primary caretakers and are not subject to mandatory detention.
- **Check-in calls** with field Points of Contact for Parental Rights.
- Evaluation of **data gathering** mechanisms.
- Headquarters review of facilitation of return requests.
- **Child Welfare Court Process training** for field Points of Contact for Parental Rights.
- Women's Refugee Commission **Toolkit for Parents** in all over 72 hour facilities.
- **Ongoing outreach efforts to child welfare stakeholders**, including the creation of ICE Information for Child Welfare Professionals for every state and territory.



- The **Risk Classification Assessment (RCA)** allows ICE officers to document whether a detainee is a primary caretaker. An ICE supervisor will always be required to justify a decision to detain an individual determined to be a primary caretaker and who is not subject to mandatory detention.
- The **Online Detainee Locator System (ODLS)** is a public system available on the internet that allows family members, legal representatives, and members of the public, to locate persons who are in ICE detention. To use the ODLS, visit: <https://www.ice.gov/locator>.
- The **ICE Detention Reporting and Information Line at 1-888-351-4024**, allows detainees and their representatives or family members to communicate directly with ICE to answer questions and resolve concerns, including issues involving the separation of minor children from their parents.



- **Case Example 1:** Gentleman apprehended and detained by ICE. Days before executing removal, ICE learns that the detainee's children are in foster care. ICE conferred with child welfare worker who said notice had never been provided to father and case was proceeding to termination of parental rights hearing. Detainee granted a stay of removal and relocated to area near child welfare proceedings so that he can have an opportunity to regain custody of children.
- **Case Example 2:** ICE receives information from child welfare attorney that his client has an upcoming termination of parental rights hearing, but client is scheduled to be removed from country by ICE. Removal postponed and individual transferred to location near court to facilitate participation in court proceeding and parent/child visitation.



- **Parental Rights Coordinator:**

- Andrew Lorenzen-Strait, ERO Deputy Assistant Director
Andrew.R.Lorenzen-Strait@ice.dhs.gov, 202-732-4262

- **Case Inquiries – Email (to Field Office)**

- Go to ERO page at www.ice.gov to submit requests to the outreach mailbox of any ERO field office

- **Case Inquiries – Email (to HQ)**

- ERO Information at ICE Headquarters: ERO.INFO@ice.dhs.gov

- **Case Inquiries – Phone:**

- ICE Detention Reporting and Information Line at 1-888-351-4024 8AM to 8 PM EST, Monday through Friday.

- **How to find a client who may be detained with ICE:**

- Online Detainee Locator System <https://locator.ice.gov/odls/homePage.do>



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