



DEPORTATION AND CHILDREN

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Although family courts and child welfare systems were created to protect families and to serve the best interests of children, recent immigration enforcement efforts have created an environment in which immigrant victims of domestic violence no longer feel safe seeking relief through those venues. The once untenable possibility that an immigrant victim of domestic violence could be deported while seeking protection through a court or child welfare agency has recently become all too real. Because of this new reality, and because it can be devastating for children when a parent is removed or deported, the Resource Center on Domestic Violence: Child Protection and Custody has prepared this fact sheet and resource guide to help inform victims of domestic violence and advocates about the risks of parental deportation, identify ways in which parents can protect their children by preparing for the possibility of deportation, and provide a list of resources for immigrant victims of domestic violence.

THE FACTS

- 01** One out of every four children in the United States has immigrant parents. One in four of those children have at least one undocumented parent. Four out of five of those children are United States citizens, with that number rising to nine out of 10 for children under six years old.ⁱ
- 02** Fifty-one percent of immigrants in America today are women.ⁱⁱ Nearly 60 percent of undocumented women work in the informal economy, including as domestic workers or caregivers.ⁱⁱⁱ
- 03** An estimated five million undocumented women and 1.5 million undocumented children live in the United States. Together, they make up approximately half of the undocumented population.^{iv}
- 04** Between 2009 and 2013, almost four million non-citizens were deported. An estimated half million of those deportees were parents of U.S.-citizen children.^v
- 05** Thirty percent of undocumented parents report that their children are afraid either all or most of the time that one of their parents will be deported, and almost 75 percent of undocumented parents report observing symptoms of post-traumatic stress disorder as a result of this fear.^{vi}

- 06** More than 90 percent of immigrants that are detained and deported are men, typically resulting in the loss of the family breadwinner. According to one study, family income drops an average of 70 percent during the six months following a parent's detention.^{vii}
- 07** Children whose parents have been taken into custody or deported may demonstrate a number of health problems, including anxiety, depression, poor school performance, a disruption of sleep or eating habits and, among boys, increased aggression.^{viii}
- 08** Children whose parents have been detained or deported suffer social hardships, including financial and residential instability, family dissolution and reliance on public benefits.^{ix}
- 09** Spouses and partners of detained or deported parents often experience depression and social isolation, increasing the risk of poor cognitive and behavioral outcomes for their children.^x
- 10** Deportation may exacerbate existing domestic difficulties, sometimes speeding the process of separation or divorce, leading to permanent disruption of families and loss of custody or contact with children.^{xi}
- 11** Deportation can lead to family dissolution when children are placed in foster care. In such cases, family reunification can be delayed because parents held in detention or living abroad are unable to attend court hearings. Although rare, parental rights may be terminated because parents cannot comply with case plans that require them to visit with their children regularly, take parenting classes, or obtain gainful employment.^{xii}
- 12** When family courts and child welfare agencies lack expertise in immigration issues, court rulings and case plans may be erroneously based on anecdotal evidence regarding the risk of deportation, lack of economic resources and general instability in immigrant families.^{xiii}

ⁱ Federal Interagency Forum on Child and Family Statistics. Children of at least one foreign-born parent, 2011. Available at <http://www.childstats.gov/americaschildren/tables.asp>.

ⁱⁱ United States Census Bureau. 2015 American Community Survey 1-Year Estimates. Selected Characteristics of the Native and Foreign-Born Populations. Available at: https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_15_1YR_B05003&prodType=table.

ⁱⁱⁱ Passel, Jeffrey and D'Vera Cohn, A Portrait of Unauthorized Immigrants in the United States, Pew Research Center, April 2009. Available at <http://www.pewhispanic.org/2009/04/14/iv-social-and-economic-characteristics/>. See also, National Employment Law Project, Immigration Status and Pay Documentation, 2008, Available at http://nelp.3cdn.net/56610295228b59f19a_1km6ibvof.pdf.

^{iv} Passel, Jeffrey and D'Vera Cohn, A Portrait of Unauthorized Immigrants in the United States, The Pew Hispanic Center (2009). Available at <http://pewhispanic.org/files/reports/107.pdf>.

^v Migration Policy Institute Press Release. *Deportation of a Parent Can Have Significant and Long-Lasting Harmful Effects on Child Well-Being, As a Pair of Reports from MPI and the Urban Institute Detail*. September 21, 2015. Available at migrationpolicy.org.

^{vi} Yohikawa, Hirokazu and Jenya Kholoptseva, *Unauthorized Immigrant Parents and Their Children's Development*, Migration Policy Institute, (March 2013).

^{vii} *Implications of Immigrant Enforcement for the Well-Being of Children*. Available at ASPE-ChildrenofDeported-Lit-Review-FINAL.pdf.

^{viii} AAP Policy Statement: Providing Care for Immigrant, Migrant, and Border Children. Council on Community Pediatrics. *Pediatrics*. 2013 Jun; 131(6):e2028-34. Doi:10.1542/peds.2013-1099. Epub 2013 May 6. Available at aap.org; Migration Policy Institute Press Release. *Deportation of a Parent Can Have Significant and Long-Lasting Harmful Effects on Child Well-Being, As a Pair of Reports from MPI and the Urban Institute Detail*. September 21, 2015. Available at migrationpolicy.org.

^{xi} Migration Policy Institute Press Release. *Deportation of a Parent Can Have Significant and Long-Lasting Harmful Effects on Child Well-Being, As a Pair of Reports from MPI and the Urban Institute Detail*. September 21, 2015. Available at migrationpolicy.org.

^x Migration Policy Institute Press Release. *Deportation of a Parent Can Have Significant and Long-Lasting Harmful Effects on Child Well-Being, As a Pair of Reports from MPI and the Urban Institute Detail*. September 21, 2015. Available at migrationpolicy.org.

^{xii} *Implications of Immigrant Enforcement for the Well-Being of Children*. Available at ASPE-ChildrenofDeported-Lit-Review-FINAL.pdf.

^{xiii} *Implications of Immigrant Enforcement for the Well-Being of Children*. Available at ASPE-ChildrenofDeported-Lit-Review-FINAL.pdf.

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WHAT ARE YOUR RIGHTS?

The National Immigrant Law Center's "Know Your Rights" guide is available in multiple languages at <https://www.nilc.org/issues/immigration-enforcement/everyone-has-certain-basic-rights/>.

HOW CAN YOU PREPARE?

"Protecting Assets and Child Custody in the Face of Deportation," available at <http://www.appleseednetwork.org/wp-content/uploads/2017/03/Custody.first-draft-from-firm.3.8.17-KC-final.pdf>; "Guide for Practitioners Assisting Immigrant Families," available at <http://www.aecf.org/resources/protecting-assets-and-child-custody-in-the-face-of-deportation/>; and ILRC's sample Family Preparedness Plan, available at https://www.ilrc.org/sites/default/files/resources/family_preparedness_plan.pdf, help immigrants facing possible deportation plan for the custody of their children and other important topics.

WHERE CAN YOU FIND INFORMATION?

Immigrant rights organizations and leaders created an online resource describing the current state of affairs and providing links to resources, available at <https://www.informedimmigrant.com>.

A literature review of the implications of immigration enforcement activities for the well-being of children in immigrant families is available at <http://www.urban.org/sites/default/files/publication/76006/2000535-Implications-of-Immigration-Enforcement-Activities-for-the-Well-Being-of-Children-in-Immigrant-Families-A-Review-of-the-Literature.pdf>.

WHO CAN HELP?

Many legal service entities provide immigration services at no charge or reduced fees for victims of domestic violence or other crimes. Immigrant victims of domestic violence, dating violence, sexual assault and stalking may be eligible for special immigration remedies under the Violence Against Women Act or asylum laws. Immigrant children who have been abused, abandoned or neglected may also be eligible for Special Immigrant Juveniles (SIJ) Status.

Directories of legal service providers are available at www.immigrationlawhelp.org, <https://www.immigrationadvocates.org/nonprofit/legaldirectory>, and <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers-map>. Legal assistance is also available at ILRC: <https://www.ilrc.org/>; NILC: <https://www.nilc.org/>; the Tahirih Justice Center: <http://www.tahirih.org/what-we-do/>; and ASISTA: www.asistahelp.org.

For immigration cases involving domestic violence, resource centers dedicated to assisting immigrant victims of domestic violence with non-legal matters include, but are not limited to Casa de Esperanza: <https://casadeesperanza.org/>; Asian Pacific Institute on Gender Based Violence: <http://www.api-gbv.org/>; and the Tahirih Justice Center: <http://www.tahirih.org/what-we-do/>.

For technical assistance with child protection or custody cases involving domestic violence that are affected by immigration enforcement, please contact the Resource Center on Domestic Violence: Child Protection and Custody by calling (800) 527-3223 or emailing info@rcdvcpc.org. You can also visit our website at www.rcdvcpc.org.