

**The Psychosocial Impact of Detention and Deportation on  
U.S. Migrant Children and Families**

**A Report for the Inter-American Human Rights Court**

**August, 2013**

*Julia<sup>1</sup>, a Guatemalan indigenous Mayan woman, was detained in a raid at a Massachusetts factory where she was manufacturing backpacks for U.S. soldiers in Iraq (Brabeck, Lykes, & Hershberg, 2011). Julia's two-year-old son was with a babysitter when his mother was detained; he was waiting by the windowsill, as was his habit, for his mother on the day she did not return from work. Julia was transported to a Texas detention center. She was prohibited from placing a phone call to her family for the first few days there. She pleaded with immigration officials: her son had asthma, a condition for which he had previously been hospitalized, and the babysitter didn't know how to operate his oxygen machine. Julia recalled that she was threatened by immigration officials that her children would be taken from her if she continued to ask for "special treatment," and was informed that her processing could take anywhere from one month to one year to complete. Julia was separated from her son for nine days during her detention. According to Julia, the raid and resulting separation precipitated her son's tantrums and nightmares; difficulty sleeping, eating, and speaking; and extreme separation anxiety.*

**Unauthorized<sup>2</sup> Migrants and Their Children: A Population at Risk and under Stress**

Current estimates indicate that 82% of the children born to the United States' 11.1 unauthorized migrants are U.S.-born citizen children; this amounts to 4.5 million U.S. citizen children living in "mixed status families", that is, families wherein at least one member is authorized and one member is not (Passel & Cohn, 2011)<sup>3</sup>. Additionally, there are approximately 1.15 million unauthorized children in the U.S., comprising 10% of the total unauthorized population (Capps, Bachmeier, Fix & VanHook, 2013). Between July, 2010 and September, 2012, 205,000 deportees reported having at least one U.S.-citizen child, resulting in an estimated annual average of approximately 90,000 parental deportations (Wessler, 2012). A study conducted by the New York University School of Law Immigrant Rights Clinic found that between 2005-2010, 87% of processed cases of noncitizens with citizen children resulted in

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<sup>1</sup> Pseudonyms have been used to protect participant confidentiality.

<sup>2</sup> The language that is used in much public and media discourse to describe non-citizens in the U.S., i.e., "illegal alien," "illegal immigrant," "illegal," creates a blurring of boundaries between the "immigrant" and the "criminal," and is not neutral, reflecting rather the U.S.'s history with immigration, race, and ethnicity. In this report, we use "unauthorized," although we acknowledge that others who share the concerns articulated here use the term "undocumented." No single term fully reflects the complexities articulated and discussed in this report.

<sup>3</sup> While these numbers represent best estimates, it is difficult to accurately count the number of unauthorized migrants in the U.S. due in part to individuals "living in the shadows" out of fear of discovery and deportation. Researchers have used different methods to estimate the size of the unauthorized population; the numbers reported by Passel and Cohn (2011) were calculated using the "residual" method, i.e., an estimate of the authorized foreign-born is subtracted from the total foreign-born, and the residual is assumed to be unauthorized.

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deportation (NYU School of Law Immigrant Rights Clinic, 2012). An increasing body of social scientific literature, which includes both qualitative and quantitative methodologies, documents the adverse impact of U.S. immigration policies and their enforcement on U.S. migrant families and children.

From the cumulative risk perspective (Rutter, 1979), adverse effects from a single event, such as a parent's deportation, are more likely to result in negative outcomes when they occur against the backdrop of multiple risk factors. Deportation most typically occurs within the context of exploitation, stigma, discrimination, economic disadvantage, and social marginalization, factors which contextualize the lives of most unauthorized migrants and mixed status families in the U.S. (Henderson & Baily, 2013).

Specifically, although the majority of unauthorized adults (especially men) are employed, unauthorized families are typically low-income or poor, with 32% of adult parents and 51% of children in 2011 living below the federal poverty level (FPL), and 44% of unauthorized adult parents and 63% of children living below 138% FPL, the cutoff for Medicaid eligibility (Capps, et al., 2013)<sup>4</sup>. Only 30% of unauthorized adults are English proficient (as defined by the U.S. Census Bureau), and the vast majority (71%) lack health insurance. Unauthorized immigrant adults (compared to authorized) are more likely to experience economic hardship (Kalil & Chen, 2008), occupational stress (Yoshikawa, 2011), social isolation (Yoshikawa, 2011), decreased ability to access social service programs (Capps & Fortuny, 2006; Cleveland & Ihara, 2013), psychological distress (Furman, Ackerman, Iwamoto, Negi, & Mondragon, 2013; Human Impact Partners, 2013; Sullivan & Rehm, 2005), and acculturative stress (Arbona, Olvera, Rodriguez, Hagan, Linares, & Wisener, 2011). Migrant adults who fear deportation (regardless of legal status) are more likely to experience employment challenges, physical health problems, psychological distress, acculturative stress, and decreased access to services (Arbona et al., 2011; Cavazos-Regh, Zayas & Sptiznagel, 2007; Hacker, et al., 2011). They are also less willing to report a crime (Hacker et al., 2011), more likely to avoid public spaces (e.g., churches, organizations, schools) (Menjivar, 2011), and more likely to experience discrimination and racial profiling (Human Impact Partners, 2013).

In summary, unauthorized parents and their children experience a multitude of risk factors. Research has documented that children who experience multiple risks (e.g., family disruption, low socioeconomic status, high parental stress) are more prone to behavioral and emotional problems later in life (Appleyard, Egeland, Dulmen, & Sroufe, 2005). From the cumulative risk perspective (Rutter, 1979), a parent's detention and/or deportation may be expected to have an even more profound effect because it occurs against the backdrop of the challenges and risk factors described above (Henderson & Bailey, 2013).

The effects of growing up in a family wherein family members are at risk for deportation can also be understood from the perspective of toxic stress, that is, the notion that adverse experiences (such as those noted above) that upset a child, parent, and household, can result in

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<sup>4</sup> The federal poverty level is an inclusive term that connotes two measures used by the federal government: 1) the federal poverty threshold, which is used for statistical purposes, e.g., to count the number of Americans living in poverty, and 2), the federal poverty guidelines, which are used to determine eligibility for certain federal programs. (See: <http://aspe.hhs.gov/poverty/13poverty.cfm>.)

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biological, neurological, and psychological changes (Shonkoff, Boyce & McEwen, 2009). As noted in a recent report issued by Human Impact Partners (2013), a child's health and wellbeing is predicated upon the parent's ability to provide family and economic stability, to access needed services (e.g., childcare and medical care), and to maintain her/his own physical and emotional wellbeing. Research consistently finds that parental psychological and economic stress impacts parenting and child outcomes (Conger et al., 1994; Webster-Stratton, 1990). Thus, it is not surprising, given the multiple stressors unauthorized parents experience, that parent legal status is a predictor of multiple adverse outcomes for children, including emotional wellbeing, academic performance, and health status (American Psychological Association Task Force, 2012; Brabeck & Xu, 2012; Dreby, 2012; Human Impact Partners, 2013; Suarez-Orozco, Yoshikawa, Teranishi & Suarez-Orozco, 2011). Some research with children of unauthorized immigrants has found that they are more likely to report anxiety, fear, sadness, posttraumatic stress symptoms, anger, and withdrawal (Human Impact Partners, 2013; Potochnick & Perreria, 2010). In a nationally representative birth cohort study, Yoshikawa (2011) followed children of low-income mothers from birth to age six. While all low-income mothers experienced significant challenges, Yoshikawa (2011) found that stressors that were more associated with unauthorized status (e.g., occupational stress, psychological distress, lower social support, and lower access to center-based childcare) affected children's cognitive development at 24- and 36-months. Other researchers have found that children of unauthorized parents are at greater risk for developmental delay (Fuller et al., 2009; Ortega, et al., 2009) and school readiness (Crosnoe, 2006). U.S. citizen children with two undocumented parents or an undocumented mother are estimated to have 1.18 fewer years of education (Bean, Leach, Brown, Bachmeier, & Hipp, 2011). Children of unauthorized parents are also less likely to be medically insured (Capps et al., 2013; Ku & Jewers, 2013), less likely to have seen a physician in the past year (Human Impact Partners, 2013), less likely to be reported as being in good health (Human Impact Partners, 2013; Kalil & Ziol-Guest, 2009), and less likely to have good eating, sleep, and exercise habits (Human Impact Partners, 2013). Even when children are eligible for services, unauthorized parents may be reluctant to apply for public assistance or seek medical care for them (Ku & Jewers, 2013) due the fear of disclosing their status and being deported.

### **Untenable Decisions**

When an unauthorized parent of a U.S.-citizen child is arrested, that parent must make what Zayas (2010) calls a "Solomonic decision" (p. 809): He/she may move the child to a linguistically and culturally foreign environment, where the child likely loses access to the educational, health, and other benefits afforded to her/him as a U.S.-citizen, or he/she may leave the child in the U.S. in the care of others (Brabeck et al., 2011; Dreby, 2012; Lykes, Brabeck & Hunter, 2013). These "others" may include extended family or friends, but may also include the child welfare system. Family reunifications are complicated by legal status, increasing the likelihood that the child will remain in the child welfare system (Wessler, 2011). Placement with relatives also can be complicated by requirements of legal background checks for adults and careful consideration of housing conditions in a potential placement (Reed & Karpilow, 2002). Parents, then, must decide whether it is better for children to remain with the parent, but with potentially limited access to healthcare and educational opportunities, or to remain in the U.S. with its array of opportunities and supports, but without one or both parents' present nurturing and support (Zayas, 2010).

### **Research Findings on Welfare of Children and Adults during the Detention Process**

When detained, parents are typically not released pending deportation hearings, but rather, are held in detention as they await the hearing, leaving no time to see family or to make preparations, including for childcare (Androff, et al., 2011). Sometimes detained migrants are transferred to a facility far away from their family members (McLeigh, 2011). A study following workplace raids in three communities found that fear, lack of access to telephones, and being detained left approximately 500 children in the care of others without information on the whereabouts or conditions of their parents (Capps, Castaneda, Chaudry & Santos, 2007). This kind of sudden “disappearance” of a family member can be particularly traumatic for migrants who experienced state-sponsored kidnapping and murders in their countries of origin (Brabeck, et al., 2011). Following arrest, many parents are reluctant to disclose that they have children, for fear that the children will be permanently removed from their custody (Capps, et al., 2007). Amnesty International (2009) and the investigative branch of Department of Homeland Security (DHS) (2006) found instances of mistreatment and neglect of detainees, e.g., inadequate healthcare and lack of due process for reporting human rights violations. Phillips, Hagan, and Rodriguez (2006), drawing on a random sample of Salvadoran deportees (upon arriving in El Salvador following deportation from the U.S.), reported that 25% of the deportees reported racial slurs during arrest, 26% reported racial slurs during detention, 31% reported being denied access to adequate food and water in detention, 45% reported being denied access to a phone during detention, and 20% reported some form of force (e.g., shoving, throwing to the ground) during arrest; among these instances of force, 84% involved excessive force. According to the authors, deportees were 1.5 times more likely than citizens to report force during arrest (Phillips et al., 2006).

The nature of detention, compounded by the uncertainty of its length, is regarded as a major contributing factor to mental deterioration, despondency, suicidality, anger, and frustration (Physicians for Human Rights & Bellevue/New York University, 2003). In 2003, the Bellevue/NYU Program for Survivors of Torture and Physicians for Human Rights interviewed 70 asylum seekers in U.S. detention centers. They documented high levels of psychological distress, which worsened during the course of detention, and inadequate or non-existent mental health services within detention centers (Physicians for Human Rights & Bellevue/NYU, 2003). Researchers have also documented that female detainees in Arizona experienced inadequate prenatal and mental health care (Southwest Institute for Research on Women, 2009).

Unfortunately, children’s basic rights may also go unprotected during arrest and detention. A report issued by the Center for Public Policy Priorities on workplace raids found that noncitizen children in deportation proceedings have experienced maltreatment by Immigration and Customs Enforcement (ICE) officials, failure of ICE to notify Child Protective Services, denied access to a lawyer, denied access to country of origin consulates, holding for unreasonable periods of time, and removal to unsafe conditions (Benjet, et al., 2009). Thus, the process of arrest and detention results in negative consequences for physical and mental health for detained adults and children.

### **Research Findings on the Short- and Long-term Impact of Detention and Deportation on Children and Families**

Not only is there detrimental impact on the wellbeing of immigrant individuals as they either anticipate or experience detention or deportation, there is also deterioration of the family members and of the community of those left behind. Studies are beginning to document the short- and long-term effects of detention and deportation on children and families of the deported individual. This mounting empirical research confirms what social scientists, mental health professionals, and advocates have predicted, based partly on the much more established literature on the impact of parental incarceration on child and family wellbeing. Specifically, this latter research reveals that children with an incarcerated parent are 3-4 times more likely than those without an incarcerated parent to engage in delinquent behavior, and 2.5 times more likely to experience mental health problems (e.g., anxiety and depression) (Makariev & Shaver, 2010). Later in life, the children of incarcerated parents are more likely to have substance abuse problems and to be unemployed (Murray & Murray, 2010), and to experience poor romantic relationships, divorce, and separation from their own children (Murray, 2007). In the wake of parental incarceration, family members must deal with the sequelae of traumatic separation, loneliness, stigma, how to explain the separation to children, strained parenting, reduced family income, unstable childcare arrangements, and home and school instability and transitions (Murray et al., 2012).

*The trauma of sudden and imposed family separation.* The detrimental effects of forced and unexpected parent-child separation, even when children are well cared for in a safe environment, have long been documented in the psychological and psychiatric literature (e.g., Freud & Burlingham, 1943). Unlike separations involved in voluntary migration decisions, which may include economic benefits but social/emotional costs, forced separations due to deportation incur the social/emotional cost without the economic benefit (in fact, economic situations typically deteriorate further following deportation) (Dreby, 2012). Deportations involve a double or triple trauma for children, who may witness the forcible removal of the parent, suddenly lose their caregiver, and/or abruptly lose their familiar home environment (McLeigh, 2011). From the attachment theory perspective (Bowlby, 1969), a child's sense of security is rooted in relationships with familiar caregivers; this secure base is a necessary foundation for developing social, cognitive, and emotional regulation skills that are fundamental throughout life. The physical separation between a parent and child, particularly when unexpected as in the case of deportation, disrupts this essential secure base, risking internalizing symptoms (depression, anxiety), externalizing behaviors (withdrawal, aggression), and social and cognitive difficulties (Makariev & Shaver, 2010).

The Urban Institute and National Council of La Raza (NCLR) explored the short- (two month), intermediate- (six month), and long-term (one year) impact of worksite raids on three communities where a total of 500 children, mostly U.S. born citizens, temporarily or permanently lost parents (Capps, et al., 2007; Chaudry et al., 2010). Chaudry et al. (2010) reported that the most common short-term effects to children's psychological wellbeing following a parent's arrest included eating (e.g., loss of appetite) and sleeping changes (e.g., nightmares); this was followed by crying and feeling afraid. Anxiety, withdrawal, anger/aggression, and clinginess were less common but still reported by many respondents.

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These hardships were especially prevalent among children whose household structure and primary caregiving relationships changed after a parent's arrest (Chaudry et al., 2010). At follow-up, Chaudry et al. (2010) reported that the more frequently cited behavioral and emotional changes (eating, sleeping, crying, fear, and anxiety) reduced over time, but less frequently cited changes (withdrawal and angry/aggressive behaviors) persisted at similar or higher levels in the longer terms. Additional short- and long-term consequences for children following a parent's arrest included developmental difficulties (e.g., speech delay) and behavioral and academic decline at school. Similar results were found by Brabeck, Lykes, and Hershberg (2011) who conducted interviews with Guatemalan and Salvadoran immigrant families impacted by detention and deportation.

From the theoretical perspective of ambiguous loss (i.e., the parent is physically absent but psychologically present) (Boss, 2006), when ambiguity and loss are experienced simultaneously, individuals may internalize stress and experience negative psychological symptoms (e.g., depression and anxiety). Children whose parents are deported may experience confusion over whether their parent is a "criminal", messages that the loss should be kept a secret, and confusing explanations about what happened, all of which compound the loss and increase the likelihood for adverse psychological effects. Unfortunately, while such adverse effects can be profound, they may not be considered "exceptional and extremely unusual hardship" under the current immigration policies (e.g., the Antiterrorism and Effective Death Penalty Act (AEDPA) (Hagan, Castro & Rodriguez, 2010).

*Financial, health, and psychological consequences for the deported individual.* Deportees often face high levels of stigma upon their return to their countries of origin. Although not always the case (McMillan, 2011), they are sometimes seen by communities of origin or their own families as failures and as criminals, despite any evidence to this effect (Barrios & Brotherton, 2011). They typically face employment difficulties and feel demoralized (Barrios & Brotherton, 2011). Research has also found that deportation is associated with more frequent drug use and less interaction with medical or treatment services (including HIV testing, medical care, and substance abuse treatment) (Brouwer, et al., 2009). As a result of the employment challenges and inability to fulfill the provider role, as well as the stigma, shame, and depressive symptoms, many deported fathers lose contact with their children in the U.S. In this way, deportation severs paternal bonds, and forces many single mothers into very difficult positions as both family caretakers and providers (Dreby, 2012). For female deportees, deportation increases the risk for physical and sexual assaults, and increased prostitution in the context of financial insecurity and ineffective law enforcement (Robertson, et al., 2012).

*Changes in family structure and stability.* A parent's deportation can lead to a permanent change in family structure and in the extreme cases, family dissolution (Dreby, 2012). From the perspective of Social Control theory and Strain theory (Cullen & Agnew, 2006), a parent's detention and deportation disrupts family processes and family resources; specifically, income, parental involvement, and parental supervision all decline, while school and housing instability increase. Dreby (2012) found that ¼ of families in her sample that experienced deportation were unable to keep the family together post-deportation. Although changing trends in migration have led to increased numbers of female deportees, overwhelming deportees continue to be male (Brotherton & Barrios, 2011; Kohli, Markowitz & Chavez, 2011). Thus, as Dreby points out

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(2012), when parental deportation results in a single parent household, it's typically a single *mother* household, and often that single mother has a tenuous legal status herself. Unlike a single breadwinner whose husband was laid off or injured, these newly single mothers are not going to receive worker's compensation or unemployment benefits to help make ends meet (Dreby, 2012). Children in a single parent household are 4.2 times more likely to live in poverty, and the poverty rate is double for single mother households compared to single father (Women's Legal Defense and Education Fund, 2010). For the remaining family members, loss of the deported person's income can lead to housing insecurity, food insecurity, psychological distress, and slipping from low-income into poverty. Additionally, the loss of the deported parent can create a crisis in childcare, and older siblings may be increasingly relied on for care of younger siblings (Dreby, 2012).

*Economic costs for families.* As alluded to above, caregiver detention and/or deportation have important implications for the family's economic wellbeing. Parents often lose employment and income, and even detained parents who are granted work release experience subsequent difficulty finding employment. Related economic hardships include difficulty paying bills, increasing debts, housing instability, food insecurity, inability to send remittance money, and apprehension about applying for public assistance (Chaudry et al., 2010). Economic crises are especially prevalent among families who have not yet paid off the debt incurred in migration (Brabeck, et al., 2011; Menjivar & Abrego, 2012).

*Consequences for the "de facto" deportees.* While children left in the U.S. face abundant challenges, children who return with parents to the host country—children Luis Argueta calls “de facto deportees”—also face a myriad of difficulties. According to the Pew Hispanic Center (2012), 300,000 U.S. citizen children have returned to Mexico alone since 2005 (Passel, Cohn & Barrera, 2012). These children often feel like exiles, and experience difficulties with language and discrimination (Boehm, 2011). As noted previously, they are deprived of the benefits of U.S. citizenship, including access to healthcare, educational opportunities, and social service programs (Hagan et al., 2011). The transition between schooling systems can be a challenge, particularly if returning to a rural area (Zuinga & Hammam, 2006). As a result of these cumulative experiences, children may begin to lose their aspirations and dreams, and may have lower educational and vocational readiness, as well as untreated mental health disorders (Zayas, 2010). They may be returned to living situations of extreme poverty, as documented in a 2012 article in the Guatemalan newspaper, *La Prensa*, which described the experiences of an 11-year-old U.S.-born girl who returned with deported parents to a remote Guatemalan village; as a result of the extreme change in standard of living, she began to experience health problems, dietary issues, academic regression, and loss of English fluency (Ventura, 2012).

*Impact on the broader community.* The aftermath of deportation impacts entire communities as it instills fear of family separation and distrust of anyone assumed to be associated with the government, including local police, school personnel, health professionals and social service professionals (Dreby, 2012; Menjivar & Abrego, 2012). Unauthorized adults drive less (Human Impact Partners, 2013), unauthorized crime witnesses and victims are reluctant to disclose information to the police (Hacker et al., 2011; Human Impact Partners, 2013; Sladkova, Garcia Mangado, & Reyes Quinteros, 2011), and children of unauthorized parents may be kept out of school (Androff et al., 2011; Capps et al., 2007). Thus, while smaller

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numbers of individuals are directly impacted and suffer the worst consequences of deportation, the entire community suffers adverse effects (DeGenova, 2010; Dreby, 2012). Importantly, this fear extends beyond the unauthorized population, to include authorized Latino immigrants who still fear deportation, experience discrimination, and, as a result, feel less optimistic about the future for their children and more mistrusting of their government (Becerra, et al., 2013). Additionally, the psychological and financial sequelae of detention and deportation extend to family members living in the country of origin, who also experience the sudden panic of losing contact with their family member, and often go for weeks or months with no information regarding loved ones' whereabouts (Brabeck et al., 2011).

Finally, growing up in a climate of fear, distrust, and “in the shadows” impacts a child’s (including U.S. citizen children’s) self-concept and relationship with the US, its government, and authorities more generally. Research has found that children in immigrant families begin to associate all immigrants with illegal status, and to associate being “illegal” with being a criminal; as a result they may reject their own immigrant heritage. Moreover, children may conflate police with ICE officials, thereby growing up seeing the police as a threat and not a resource (Dreby, 2012; Hacker, et al., 2011). These mixed messages may be confounded by the ways in which adults may try to protect children, either by avoiding direct communication with children about status, detention, and deportation, or by interpreting the events in ways that may not be entirely accurate, e.g., “deported people are criminals but we are not at risk because we haven’t committed a criminal act” (Lykes, et al., 2013).

### **Conclusions**

In this document, we have reviewed the considerable evidence that confirms that current U.S. immigration policies and their enforcements have detrimental effects for migrant adults, children, families, and communities, both in the U.S. and abroad. At the same time, it is critical to note that in the midst of these abundant and extreme challenges, unauthorized migrants and their families fight for family unity, improved lives for their children, and the betterment of their communities. Despite the harsh treatment they may receive, many maintain strong ties and patriotic attitudes toward the U.S. and its citizens (McMillan, 2011). Many migrants, including those who are unauthorized, learn to successfully navigate two cultures, two languages, and family obligations on both sides of the U.S. border. They have demonstrated resilience, figuring out ways to make their income flow in three directions: paying off debt incurred in migration, covering bills and expenses in the U.S., and sending remittance money home (Brabeck, et al., 2011). Despite parents’ contributions to their children’s wellbeing, the research presented herein confirms that U.S. immigration policies and practices harm these children, adults, families, and communities. The specific requests presented in accompanying briefs are critical to redressing at least some of these injuries to these children and their families, as they seek the dignified life promised them by the U.N. Declaration on Human Rights and its conventions.

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