

Vulnerable Youth: Collateral Consequences of U.S. Immigration Policies and Practices

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Vulnerable Youth

This is a preliminary draft of a chapter in
Marjorie S. Zatz and Nancy Rodriguez,
*Vulnerable Youth: The Impact of the
War on Crime and the War on the
Border on Youth.*

Context for this project

- Early stages of this project
- Outgrowth of two of my research areas:
 - Race, gender and juvenile justice
 - Multiple vulnerabilities
 - Impacts of parental incarceration on youth (with Rodriguez)
 - Immigration, communities and social policy
 - NSF workshop in Fall 2009 and forthcoming edited book (Kubrin, Zatz and Martinez, Punishing Immigrants: Policy, Politics and Injustice), NYU Press)
 - Immigration, crime and victimization: Realities and Rhetoric

The larger project

- Examining policies and practices which result in separation of children from their parents through parental incarceration, detention, and deportation
- What are the consequences for youth, families, communities, and institutions with which the youth interact?
- How are these consequences structured along gender, race and class lines? (what are the patterns?)
- What are the stresses and strains created for the various systems with which the youth interact (e.g., juvenile justice, social welfare, educational, churches, etc.)?

Some relevant figures--

- 11.2M undocumented persons resided in the U.S in 3/2010 (down from peak of 12M in '07)
- 1 in every 6 undoc'd immigrants is < age 18
- 64% of children in families headed by undoc'd immigrants are U.S. born citizens
- Workplace immigration arrests increased from 500 to 3,600 per year from 2002-06 (then decreased)



Deportation data

- Pre 1996: <70,000 immigrants deported annually;
- FY 2005: 206,000 deportations
- FY 2008: 357,000 deportations
- FY 2009: 389,000 deportations
- FY 2010: 392,000 deportations

Apprehensions of children

- In 2007:
 - 90,000 children were apprehended by Border Patrol; most repatriated immediately
 - 78,000 unaccompanied children were held in U.S. gov't custody; this is 20% more than prior year
 - 75% of detained unaccompanied minors are male
 - Majority are from Honduras, Guatemala, El Salvador (only 10% from Mexico)

Key Recent Federal Laws and Cases

- 1996 Antiterrorism and Effective Death Penalty Act
- 1996 Illegal Immigration Reform and Immigrant Responsibility Act
 - Expanded category of aggravated felonies to include nonviolent theft, nonviolent drug offenses, forgery, receipt of stolen property, perjury, fraud, deceit where loss > \$10,000, tax evasion where loss > \$10,000
 - Eliminated immigration hearings for legal permanent residents facing deportation on aggravated felony convictions
 - Can be deported for past convictions, even if served time already
 - Authorized state and local law enforcement to make immigration arrests under 287g) agreements
- Flores v Meese, 1997 (settlement Aug 2007)

State Immigration Legislative Activity*

Year	Bills introduced	Laws enacted	Vetoed	Resolutions	Total
2005	300	39	6	0	39
2006	570	72	6	12	84
2007	1,562	78	12	50	228
2008	1,305	139	3	64	203
2009	>1,500	202	20	131	333
2010	>1,400	208	10	138	346

*Source: National Conference on State Legislatures

Arizona - Immigration Related Bills Enacted by Year*

2010: 11	2003: 5 (1 vetoed)
2009: 4	2002: 2
2008: 7 (2 vetoed)	2001: 5
2007: 17 (3 vetoed)	2000: 1
2006: 15 (5 vetoed)	1999: 3
2005: 7 (3 vetoed)	1998: 5
2004: 2	1997: 3
* Sources: http://www.azleg.gov ; NCSL	

Consequences of Increasingly Restrictive Policies on Youth

- Increased surveillance of border, efforts to identify unauthorized residents/laborers, workplace raids mean:
 - Reduction in parents traveling back and forth across the border to visit children/bring children with them
 - Crossings in most dangerous parts of desert or through large scale, organized human traffickers and smugglers



This leads to...

- Unaccompanied minors crossing the border alone or separated from family during crossing (rape, assault)
- Vulnerability to abuse by smugglers and traffickers
- Children separated from family during immigration proceedings
- Children held in detention



Conditions for children in detention (WRC)

- Border Patrol facilities:
 - Fall short of conditions mandated by Flores v. Meese (cold, dirty blankets, inadequate food and water, lack of recreational facilities, children housed with adults, lack of medical care, physical abuse by guards)
- ICE:
 - Improved since 2003 when custody transferred to Div. of Unaccompanied Children's Services but still:
 - Overcrowding
 - Inadequate legal representation, guardian ad litem not always assigned
 - Parents fear deportation when picking up their children

When families are detained

- Children raised in U.S. fall behind in schooling
- Inadequate recreation facilities
- Similar mental health consequences to those of unaccompanied children plus:
 - Family separation within facility by age and gender – separation adds to anxiety
 - Inadequate meal time to feed small children
 - Parental roles (protection, comfort, discipline) undermined; parental despair increases children's depression & anxiety

More parents detained and deported

- Children left behind without chance to say goodbye or make arrangements for their care
- Parents may lose custody of minor children
- Economic hardships for children and remaining care givers



When parents are detained and deported (Urban Institute Study)

- Traumatic family separation, fragmentation
- Remaining family members may go into hiding
- Following raids, schools, churches, neighbors caring for children
- Children exhibit psych distress, mental health disorders, abandonment issues; trauma of seeing parents taken away; cultural barriers may prohibit children/mothers asking for help or knowing how to drive, make financial transactions, etc.
- Economic hardship and instability
- Interruptions of schooling

Deportations of legal permanent residents

- 10% of those deported today are lawful permanent residents with prior felonies or who overstayed visas
- Since 1996: Impact 100,000 children, at least 88,000 of whom were U.S citizens
- Of these, half were under age 5 when their parent was deported
- If deported for aggravated felony, re-entry bar is permanent, splitting families or forcing U.S. citizen children to go to a country that is foreign to them



When parents are undocumented

- Families fear deportation
- Parents may fear talking with teachers, taking children to doctors, and asking for services for which the children are eligible and entitled
- Families & communities fear calling on police for assistance
 - Undocumented immigrants estimated to be victims of > 200,000 violent crimes and 1 M property crimes annually
 - Especially serious problem for victims of intimate partner violence; aggravated further if batterer is a legal resident and may get children if mother is detained/deported

1.5 Generation



1.5 Generation Children

- Raised in U.S but...
- Unable to afford college (ineligible for resident tuition & financial aid) or get good job
- Reduces their future employment possibilities; future contributions to local, state, national economies are also reduced
- Excluded from new health care bill



Next steps

- Primary data collection (interviews with lawyers/advocates/social service providers)
- Review of Congressional Record
- More explicit linkage of consequences with specific policies
- Attention to specific processes, dynamics, mechanisms



Interview Themes include:

- Overall: Legal, economic, medical, psych, education needs
- Sweeps/fear of sweeps on indiv's, families, communities
- Effects on children's schooling and health care provisions
- Effects on victims/witnesses cooperation with police (particular focus on violence in home)
- Detentions – of youth, of family members
- Dangers of unaccompanied minor border crossings
- Changes in family dynamics

Thank you!

- COMMENTS?
- QUESTIONS?
- SUGGESTIONS?