

# Facing Our Future

## Children in the Aftermath of Immigration Enforcement

Ajay Chaudry

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# CONTENTS

Acknowledgments .....	v
Executive Summary .....	vii
1. Introduction .....	1
2. The Separation of Parents and Children Following Immigration Enforcement ...	13
3. The Effects of Immigration Enforcement on Family Well-Being .....	27
4. Consequences for Children: Child Behaviors, Changes, and Adjustments .....	41
5. Community Responses to Raids and Other Arrests .....	55
6. Facing Our Future: Conclusions and Recommendations .....	69





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# EXECUTIVE SUMMARY

**T**he United States is engaged in an intense debate about immigration policy, particularly with regard to unauthorized immigrants. Debates rage about the economic contributions of immigrants to the U.S. economy, job competition, tax payments and fiscal costs, and the integration of immigrants in communities and the larger society. Largely absent from the discussion are the children of immigrants. Today there are an estimated 5.5 million children with unauthorized immigrant parents, about three-quarters of whom are U.S.-born citizens. The nation builds its own future by investing in the futures of children, spending billions of dollars annually on education and health care, preventing abuse and neglect, and supporting when necessary their basic needs for housing and food. Yet, unlike other children in this country, the children of unauthorized immigrants live with the fear that their parents might be arrested, detained, or deported. The federal government spends billions each year to arrest, detain, and deport immigrants, many of whom are parents. By one estimate, in the last 10 years, over 100,000 immigrant parents of U.S. citizen children have been deported from the United States.

This report examines the consequences of parental arrest, detention, and deportation on 190 children in 85 families in six locations across the country. Building on our 2007 report *Paying the Price: The Impact of Immigration Raids on America's Children*, the current study documents the effects on these children after their parents were arrested in worksite raids, raids on their homes, or operations by local police officers. We researched impacts on children in the days and weeks after parental arrests, in the intermediate and long term while parents were detained or contested their deportation, and in some cases, after parents were deported.

We interviewed arrested parents or their spouses shortly (2 to 5 months) after arrest, in the long term (9 to 13 months after arrest), and sometimes twice, both shortly after arrest and in the long term. We used semi-structured protocols that included standardized assessments of child behavior, parental mental health, family food sufficiency, housing characteristics, and other conditions. We also interviewed community respondents in each site, including public officials, teachers, social workers, attorneys, consular officials, and staff at community organizations. Our study populations included immigrant families mostly from Mexico, Guatemala, El Salvador, and Haiti. We recruited families to reflect a range of circumstances and experiences.

## Worksite Arrests and Other Forms of Enforcement in Our Study Sites

Our site selection captured a range of community characteristics and enforcement circumstances. Four of our six study sites experienced large-scale worksite raids by U.S. Immigration and Customs Enforcement (ICE) agents. One site involved arrests in homes and other locations by ICE Fugitive Operation Teams (FOTs), which seek immigrants with outstanding deportation orders or who have committed immigration-related crimes. The sixth site included arrests of immigrants in their homes and workplaces as well as on the street by local police officers trained to enforce federal immigration laws under the 287(g) program—so named for the section of U.S. immigration law that authorizes it.

Two of the worksite raid sites—Grand Island, Nebraska, and New Bedford, Massachusetts—were included in our earlier study, *Paying the Price*. For the current study we conducted interviews with affected families and community interviews more than a year after the raids. The other two worksite raid sites that we studied—Van Nuys, California, and Postville, Iowa—experienced raids in the first half of 2008. In these sites we interviewed families and conducted community interviews twice—in 2008, a couple of months



after the raids, and again in 2009 about a year later. The four sites included between 100 and 400 arrests each, which received considerable media attention and resulted in community-wide responses.

Our other two study sites involved smaller numbers of arrests over long time spans, and these arrests received less media attention and weaker community responses. We visited Miami in December 2008, where we interviewed Haitian families that had a parent arrested at home or in another setting by ICE FOTs during the previous two years. About 30,000 of the more than 500,000 immigrants on ICE's fugitive list are Haitian; many of this group applied for asylum and were rejected, or overstayed a valid visa. Our sixth site was Rogers-Springdale in Northwest Arkansas, which we visited in May 2008, six months after the local police signed 287(g) agreements with ICE to enforce immigration laws. Police screened immigrants in the county jails for their legal status and conducted a number of operations in the community—including raids on homes, roadblocks to check drivers' licenses, traffic stops for minor offenses, and a raid on a local Mexican restaurant chain. More than 400 immigrants were arrested in this six-month period.

## Findings

The children in the study experienced severe challenges, including separations from parents and economic hardships that likely contributed to adverse behavioral changes that parents reported.

### Family Separation

Parent-child separations pose serious risks to children's immediate safety, economic security, well-being, and longer-term development. Such separations were common in our study, though for a majority of children at least one parent was able to remain, either because they were not arrested or because they were released under supervision. About half of the families had parents released on the day of their arrest, often with electronic monitoring devices (EMDs) affixed to their ankles. In many cases parents were detained for an extended period following their arrests, including nearly a quarter where a parent was detained for more than a month and a handful where separations lasted more than six months, though our sample likely *underrepresents* these cases because we could not interview parents in detention. The

most common change in family structure that resulted from parent separation following arrest was that two-parent families became single-parent families, although in a few cases children stayed with other relatives or friends for an extended period when either a single parent or both parents were detained.

Between the time of the earlier worksite raids in Grand Island and New Bedford and the 2008 Van Nuys and Postville worksite raids, ICE issued humanitarian guidelines for large-scale worksite raids, which mandated release of single parents and those with needy children. These guidelines reduced the frequency of family separation, especially in the Van Nuys raid. The application of ankle bracelets with tracking devices allowed ICE to continue to monitor arrestees without requiring detention. This clearly was a better outcome from the families' point of view, though parents faced some stigma and some other difficulties while wearing the ankle bracelets. Yet, in Postville—where many parents were also charged criminally for identity theft—and in the non-worksite arrests in Miami and Rogers-Springdale, children faced prolonged separations from at least one parent in a majority of cases.

In the long term, at least 20 families in our study experienced the deportation of a parent and were forced to confront painful decisions about whether children would leave the country with the deported parent or remain in the United States with either the other parent or another relative. In eight of these families, some or all of the children went with one or both parents to the parents' countries of origin, and in 12 cases, children remained in the United States, separated from one of their parents. The whole family left to join the deported parent in some of these cases, while in others the parents and siblings were split between countries. Our time frame was not long enough to assess the impacts on children who faced separations following deportation or, in most cases, to know the ultimate outcome regarding deportations and longer-term separations. Finally, in a few cases, parents returned illegally to the United States to be reunited with their children and families. The return journeys were rough, and one parent died the day after he was reunited with his family.

### Family Economic Hardship

Most families in our sample lost a working parent, because they were detained, deported, or released but not allowed to work. Following job loss, households experienced steep



declines in income and hardships such as housing instability and food insufficiency. Many families experienced prolonged hardship in part due to extended efforts to contest deportation that took months and often more than a year to adjudicate.

*Job and income loss.* After the worksite raids, families lost workers who almost always had full-time jobs, consistent employment histories, and earnings that made their families generally self-sufficient. Families with workers at the meatpacking plants in Grand Island and Postville averaged \$650 per week in income before the raids. Each of the families in Grand Island, New Bedford, and Postville lost all, or nearly all, of its income in the first few months following the raids, and the Postville families still had almost no income more than nine months after the raid. It was difficult to find new jobs in small communities like Postville, and families relied on informal supports, private charity, and public benefits to survive. EMD bracelets represented an additional barrier to work for families in Postville, Van Nuys, and Miami due to the stigma. Across all six sites, average incomes after the raids or other arrests were half or less than what they had been before.

*Housing instability.* Lost incomes in our sample were associated with housing instability. Many families started out in crowded conditions, but conditions worsened when families needed to move in with other relatives to control costs. One in four families moved in with others to save on housing costs. Of the eight families that had owned their homes before the parental arrest, four lost their homes afterward. Across our study sites, many children wound up moving often. Such instability can have adverse consequences for children, especially when coupled with other hardships and added family stress.

*Food hardship.* Families in our study reported food hardship at levels many times greater than those found in nationally representative samples. Nearly three out of five households reported difficulty paying for food “sometimes” or “frequently” in the months following parental arrest. Parents offered less variety of food to their children and cut back on their own consumption so that their children could eat. Nearly two out of three parents reduced the size of their meals, over half ate less than before, and more than a fifth reported having experienced hunger because they did not have enough to eat. These food-related hardships persisted in our long-term sample, in some cases for more than a year.

## Child Behavior Changes

*Widespread changes in child behavior.* In the short term, six months or less after a raid or other arrest, about two-thirds of children experienced changes in eating and sleeping habits. More than half of children in our study cried more often and were more afraid, and more than a third were more anxious, withdrawn, clingy, angry, or aggressive. A majority of children experienced four or more of these behavior changes. These behavioral changes subsided somewhat over time but were still widespread more than six months after the raids or other arrests, with shares on most of these indicators still above 40 percent. Younger children experienced greater difficulties eating and sleeping, excessive crying, and clinging to parents, while aggressive and withdrawn behavior was more common among the older children.

*Behavioral changes were more common following parent-child separation and following parental arrests in the home.* Children who were separated from detained parents were more likely to experience behavioral changes in both the short term and the long term. In the short term, about three out of four of the children separated from parents experienced changes in eating habits, while these changes were experienced by only half of the children who were not separated from their parents. About two-thirds of the children separated from their parents began crying, and about half of them exhibited fear. Of the children who were not separated from parents, about half cried more than before and about a third felt afraid. In the long term, children who did not see their parents for a month or more exhibited more frequent changes in sleeping habits, anger, and withdrawal compared with children who saw their parents in the first month after arrest.

The children in our sample who saw their parents arrested in home raids had even greater changes in sleeping and eating patterns, and much higher degrees of fear and anxiety. Children whose parents were arrested at home exhibited multiple behavioral changes more often than children whose parents were arrested elsewhere.

*Children’s experience in schools.* Schools provided stability and a safe haven for many of the children in our sample, helping them adjust to life after their parents’ arrests. As we found in our previous study, *Paying the Price*, schools across all sites worked with parents and community leaders to prevent children from going to empty homes. Despite efforts by school officials to keep children in school, many children initially



experienced disruptions in the short run, including missed days of school. Some of the children's grades slipped in the short term. However, more often, parents and teachers told positive stories about children's long-run adjustments and the school's role in offering stability and structure for children. Students appear to have benefited from school routines and the support they received from teachers and school personnel—including counseling for a significant number of students in New Bedford and Postville. In several cases students who had struggled at first recovered their academic performance or saw improvements in the long term.

### Community Responses

Aside from schools, significant responses to the raids and other arrests were made by churches and faith-based organizations, community-based organizations (CBOs) and non-profit service providers, lawyers, and, to a lesser extent, public human services and child welfare agencies.

*Humanitarian assistance.* In the immediate aftermath of the large worksite raids in three sites—Grand Island, New Bedford, and Postville—communities mobilized assistance for affected families quickly, developing what might be considered disaster-relief operations. Sources of support varied, but in general these relief efforts were expensive, possibly surpassing \$1 million in Postville. A confluence of participants were usually involved, including churches, community organizations, nonprofit service providers (e.g., United Way agencies), state and local government agencies, employers, and labor unions. These relief efforts were complicated because of the families' many needs (e.g., housing, utilities, food, and other basic needs) and the need to coordinate services across multiple providers, and because in many cases these needs lasted a long time.

Unlike *Paying the Price*, our current study also focuses on impacts and community responses in sites where immigrants were arrested in smaller-scale operations. Without a well-publicized raid as a catalyst, there was no such mobilization in Rogers-Springdale and Miami, leaving families there without an emergency response safety net. Family hardship was just as high, if not higher, in these two sites, but the levels of assistance to affected families were much lower.

*Legal assistance.* Among our study's workplace raid sites, legal assistance and efforts to contest deportation appear to have been most effective in New Bedford and Van Nuys. In these two sites many of those arrested have contested their deportations, a significant number have been successful, and

many of their cases continue to be adjudicated. The Rapid Response Network of Los Angeles assembled 45 attorneys to help defend the Van Nuys arrestees from deportation. These attorneys challenged the legality of the raid itself, leading to the temporary dismissal of deportation cases against almost half of all the arrestees. Following the New Bedford raid, Greater Boston Legal Services and legal staff at Catholic Social Services assembled a group of attorneys to represent the arrested workers, and a local philanthropist contributed to paying the bonds for many of the immigrants placed in detention. More than 100 of the New Bedford arrestees were still in the United States contesting their deportation two years after the raid.

Fewer people were able to contest their deportation in Postville, because most had also been charged criminally; however, more than a dozen had received relief from deportation a year and a half after the raid. Legal assistance was least successful in Grand Island, the earliest of our raid sites, where more parents took voluntary departure and fewer contested their deportation. It may be that over time, owing to national and state-level organizing efforts, lawyers became somewhat better equipped to assist immigrants caught up in raids. It is also likely that assembling legal responses to worksite raids proved more difficult in the smaller, more isolated communities of Postville and Grand Island than it did in Los Angeles and New Bedford (which is near Boston and Providence). It may also be that some legal remedies—such as U-visas, which can be issued for victims of crime—became more widely used. This was certainly the case in Postville, where most of those who succeeded in contesting their deportation received U-visas.

In our two nonworkplace raid sites, however, there was no organized legal response. Also, legal remedies were much less of an available option. Almost all of the Haitians arrested in Miami were on a final deportation order list, meaning that relief from deportation was very difficult. Immigrants in Rogers-Springdale were in some cases arrested for working illegally, but most were brought in on traffic violations and other criminal charges. Once they were charged criminally, obtaining immigration relief became much more difficult.

### Conclusion

The U.S. Department of Homeland Security (DHS) has continued to promote a policy of strict enforcement in the



absence of progress on immigration reform legislation. The President, the Secretary of Homeland Security, ICE's leadership, and congressional leaders have all emphasized that strict enforcement would be a pillar of any credibly reformed system. Although comprehensive reform remains as elusive as it has been over the past several years, the new DHS leadership initiated some important smaller-scale changes in immigration enforcement.

- Humanitarian guidelines delineating terms for parental release during large-scale worksite raids were expanded to include smaller-scale raids (down to 25 arrests).
- Large worksite raids have ended for now, with the last small raid in Bellingham, Washington, in February 2009.
- Worksite enforcement is focusing instead on electronic verification of worker eligibility, audits of employers' personnel records, and fines against employers.
- The 287(g) program was revised, with stricter federal oversight and a focus on arresting and detaining serious criminals.
- Some greater discretion has been exercised in the detention of FOT arrestees, with a large group released under supervision recently in New Jersey.

In addition, the DHS is considering reforms to the detention system, including releasing more arrestees with supervision, detaining people in more humane conditions, and allowing better communication with attorneys and family members.

Overall, the number of arrests, detentions, and deportations of unauthorized immigrants has remained consistent at the historically high levels seen since 2006. ICE's FOTs continue their operations, and the number of 287(g) programs has expanded slightly. ICE has reemphasized its commitment to deporting immigrants with criminal records and has concentrated resources toward this aim, though what amounts to a "serious criminal offense" has yet to be defined.

Given that any overall abatement in the need for enforcement is not likely and that in many cases arrested unauthorized immigrants will have children, most of whom are U.S. citizens from birth, the nation must act to protect these children. Balancing enforcement imperatives against the best interests of children is a challenge the country must face squarely, whether or not the immigration system is more comprehensively reformed.

## Policy Recommendations

We make several recommendations to address the hardships of children within the context of ongoing enforcement of immigration laws. These include changes in U.S. immigration law, in immigration enforcement strategies, and in how community and public agencies respond to the needs of children affected by immigration enforcement.

### *Changes to current immigration laws.*

1. Congress should modify immigration laws to take into account the circumstances and interests of children, especially U.S. citizen children, during deportation proceedings. Arrested parents should be allowed to argue hardship to U.S. citizen children before immigration judges, even when they do not meet other conditions for relief. Minor children who are U.S. citizens should be allowed to petition for their parents to become legal permanent residents (through a court-appointed legal guardian who can advocate for their interests).

### *Changes in immigration enforcement strategies.*

2. ICE should maintain the de facto moratorium on worksite raids and instead concentrate on electronic verification, audits of employers, and other mechanisms to enforce laws against hiring immigrants illegally.
3. ICE should develop alternatives to detention for parents who represent neither a danger to the community nor a flight risk. ICE should consider expanding use of supervised release, including ankle bracelets, to nonworksite enforcement operations—as it appears ICE has done in some FOT operations. As DHS and ICE review detention policies, they should prioritize keeping families together and outside of detention settings whenever possible.
4. ICE should allow family members greater access to arrested immigrants during their processing and detention. ICE should minimize the transfer of detainees to remote locations and support children's communication and visitation with detained parents, as recommended by recent reports from the DHS Office of Inspector General and the U.S. Government Accountability Office.
5. ICE should allow parents who have a potentially valid claim the opportunity to work while contesting their deportation, by issuing work permits early on and by expediting U-visas for parents who are legitimate victims of crimes. Allowing parents to work would substantially reduce family economic hardship, the burden on



faith-based and other community-based providers, and use of public benefits for U.S. citizen children.

*Changes in community responses and services to affected children and families.*

6. DHS and the U.S. Department of Health and Human Services (DHHS) should work together to develop strategies to support state and local governments and nonprofit organizations to ensure the well-being of children when their parents are deported. Such plans should provide for education, health, and family stability.
7. The special role of schools and early childhood programs should be strengthened through policies that ensure early alerts from ICE and local law enforcement. Schools and early childhood providers should develop plans to protect children immediately following raids or other arrests to provide safe havens and responsive learning environments. The U.S. Department of Education and DHHS should work with ICE to offer technical assistance or federal guidance on best ways to ensure a positive learning environment for children in the aftermath of enforcement activities and provide resources for counseling children in schools.
8. Lawyers, community leaders, immigrant-serving organizations, faith-based organizations, and other trusted community members and institutions should educate parents about the best ways to respond when they are detained and asked whether they have children. This can be based on guidelines already developed by national groups and those used in states with large immigrant populations.
9. State and local child welfare agencies, along with foundations, experts, and advocates, should consider appropriate avenues to protect and advance the interests of children whose parents are caught up in immigration enforcement. The U.S. Children's Bureau in the Administration of Children and Families in DHHS should support work to identify positive practices and provide funding for technical assistance if best practices are identified.
10. National, state, and local networks of deportation defense lawyers should be established, perhaps through the American Bar Association and the American Immigration Lawyers Association. Such networks will be hardest to develop, yet most essential, in smaller cities and rural areas. Their services should be extended to immigrants caught up in both worksite and non-worksite raids.
11. Both legal and humanitarian assistance should be coordinated by and offered through trusted community institutions such as faith-based and immigrant-serving organizations. Such organizations should be prepared to continue assistance over the long term. We also recommend that government agencies work closely with these organizations to plan service delivery to affected families, including benefits for eligible U.S. citizen children.
12. Nongovernmental institutions such as churches, CBOs, foundations, and advocacy organizations, alongside state and national governments, should consider strategies for developing and coordinating health, education, and other essential services for citizen children who cross back and forth between nations as a result of parental deportation.



# 1. INTRODUCTION

Immigration persists as a national concern, engendering contentious debate, with most of the attention revolving around the estimated 12 million unauthorized immigrants living in the United States. Between 1990 and 2008 the number of unauthorized immigrants has risen from fewer than 5 million to nearly 12 million.<sup>1</sup> Recent legislative attempts in Congress—in 2006 and in 2007—failed to attract consensus on how to reform the immigration system or what to do about unauthorized immigrants. Immigration reform has been controversial with strongly held and competing viewpoints on issues such as the rule of law, the labor market demand for immigrants, their economic contributions, their fiscal costs and contributions, and how their integration affects local communities and schools.

Largely absent from the discussion and nearly invisible in the portraits of the illegal immigrant population have been the millions of children living with unauthorized parents.<sup>2</sup> In 2008, an estimated 5.5 million children (more than 7 percent of all children living in the United States) had unauthorized parents. Almost three-quarters of these children were U.S.-born citizens.<sup>3</sup> Like other U.S. children, these children grow up needing economic security, a stable home environment, strong and supportive families, and access to quality schools, health care, and social services. Their parents, even when they are unauthorized, work hard to provide these necessities for their children. Like all U.S. children, the nation invests in their future and relies in turn on their families to provide the primary support for

raising them and developing their potential, and thereby the nation's. Yet unlike other U.S. children, the children of the unauthorized live under constant threat that their parents might be arrested and deported, leaving them vulnerable to family separation, instability, economic hardship, dramatic changes in their life courses, and potentially severe psychological and behavioral impacts. This report focuses on children who have experienced the arrest of at least one of their parents in a worksite raid or other immigration enforcement action.

## Immigration Enforcement

Absent consensus on immigration reform, the unauthorized immigrant population in the United States and their families have been subject to increasingly strict enforcement. Hundreds of thousands of children have experienced the arrests of their parents in recent years; a report by the U.S. Department of Homeland Security (DHS) estimated that over 100,000 parents with U.S. citizen children were deported over the past 10 years—most likely a significant underestimate since parents often do not divulge the presence of children when they are arrested.<sup>4</sup>

<sup>1</sup> Jeffrey S. Passel and D'Vera Cohn, 2009, *A Portrait of Unauthorized Immigrants in the United States*, Washington, DC: Pew Hispanic Center.

<sup>2</sup> The parents and many other family members discussed in this report were or are for the most part in the country illegally. There has been controversy over whether they should be called “illegal” or “undocumented.” They are most often both. We use the term “unauthorized” in this report because it makes the fewest assumptions about their status. As discussed in later chapters, many have entered and live and work here illegally. Some are immigrants who have invalid documents, and some are found after adjudication to have legitimate claims for legal residence or may be pursuing such claims.

<sup>3</sup> An estimated 4 million children with unauthorized parents were U.S.-born citizens. Passel and Cohn, 2009, p. 7.

<sup>4</sup> U.S. Department of Homeland Security, 2009, *Removals Involving Illegal Alien Parents of United States Citizen Children*, OIG-09-15, Washington, DC: DHS, Office of Inspector General.



Our report describes the experiences of nearly 200 of these children in six sites where recent immigration enforcement activities have taken place. These enforcement activities include four large-scale worksite raids—each involving more than 100 arrests—as well as scattered, smaller-scale arrests of immigrants in their homes, on the street, and in other locations in two other sites.

The enforcement activities in our six study sites took place between December 2006 and May 2008, a period of heightened immigration enforcement. From federal fiscal years (FY) 2005 to 2009 the budget for U.S. Immigration and Customs Enforcement (ICE), the agency within DHS responsible for interior enforcement, grew from \$3.6 to \$5.9 billion and its personnel rose from 15,000 to 19,000. Of the total budget of about \$6 billion in FY 2010, \$2.5 billion is dedicated to “detention and removal operations”—including most of the activities we describe in this report.<sup>5</sup>

The number of immigrants in ICE detention on an average day rose by 45 percent from about 21,000 in FY 2005 to about 31,000 in FY 2008.<sup>6</sup> The total number of unauthorized immigrants deported annually increased from 206,000 in FY 2005 to 357,000 in FY 2008.<sup>7</sup> Although most of the immigrants detained and deported are apprehended through border enforcement efforts in areas near the Southwestern border, those arrested by ICE in the interior of the country through raids of worksites, homes, and other locations number in the tens of thousands each year.<sup>8</sup>

During our study period (2006–08), ICE increased its immigration enforcement activities, and in this report we

focus on three forms of enforcement:<sup>9</sup> worksite raids, arrests by fugitive operations teams (FOTs) in homes and other locations, and arrests by state and local police officers through the 287(g) program.

*Worksite enforcement.* In FY 2005, a total of about 1,300 unauthorized immigrants were arrested at worksites; by FY 2008 this total had increased to 6,300.<sup>10</sup> Because of the large scale of these operations—which have at times involved a few hundred arrests—they have attracted widespread media attention. Despite the large numbers of people arrested in a single location, worksite raids have led to fewer arrests of unauthorized immigrants than other forms of enforcement activities we studied.

*Fugitive operations teams.* In one site, we studied arrests that had been made by FOTs, which have been active in arresting immigrants in homes and other locations. “Fugitives” are defined as immigrants who have “failed to leave the United States based upon a final order of removal, deportation, or exclusion; or who have failed to report to ICE after receiving notice to do so.”<sup>11</sup> Between FY 2003 and FY 2008,

<sup>5</sup> ICE, 2009, “ICE Fiscal Year 2010 Enacted Budget,” *Fact Sheet*, November 5, <http://www.ice.gov/doclib/pi/news/factsheets/2010budgetfactsheet.doc>.

<sup>6</sup> ICE, 2008, “Detention Management,” *Fact Sheet*, November 18, <http://www.ice.gov/pi/news/factsheets/index.htm>. A recent report estimates that 379,000 immigrants in 2008 (and a similar number in 2009) passed through ICE detention or were supervised under threat of deportation. Dora Schriro, 2009, *Immigration Detention Overview and Recommendations*, Washington, DC: U.S. Department of Homeland Security, Immigration and Customs Enforcement, October 6.

<sup>7</sup> ICE, 2009, *ICE Fiscal Year 2008 Annual Report*, [http://www.ice.gov/pi/reports/annual\\_report/index.htm](http://www.ice.gov/pi/reports/annual_report/index.htm).

<sup>8</sup> Kristen McCabe and Jeanne Batalova, 2009, “Immigration Enforcement in the United States,” Washington, DC: Migration Policy Institute; Schriro, 2009, p. 12.

<sup>9</sup> These are not all of the enforcement activities under ICE’s responsibility, and our report is not a review of all of ICE’s enforcement activities. We did not study two other major programs that identify unauthorized immigrants when they come into contact with state and local law enforcement authorities. The first of these—the Criminal Alien Program—places ICE officers in state and local jails, where they identify unauthorized immigrants and put them in deportation proceedings (see ICE, 2008, “Criminal Alien Program,” *Fact Sheet*, November 19, [http://www.ice.gov/pi/news/factsheets/criminal\\_alien\\_program.htm](http://www.ice.gov/pi/news/factsheets/criminal_alien_program.htm)). This program has resulted in a large number of referrals and deportations (over 200,000 in FY 2008), but it nets only criminals who are already serving time in state and local jails—and so does not result in any arrests. The second—Secure Communities—is a program just created in 2008 that allows state and local officers to screen immigrants for legal status via FBI and DHS databases, using their fingerprints; ICE plans to extend this program to all state and local jails in the coming years (see ICE, 2009, “Secure Communities,” *Fact Sheet*, September 1, [http://www.ice.gov/doclib/pi/news/factsheets/secure\\_communities.pdf](http://www.ice.gov/doclib/pi/news/factsheets/secure_communities.pdf)).

<sup>10</sup> DHS, 2009, “Worksite Enforcement Overview,” *Fact Sheet*, April 30, <http://www.ice.gov/pi/news/factsheets/index.htm>.

<sup>11</sup> ICE, 2009, “ICE Fugitive Operations Program,” *Fact Sheet*, August 19, [http://www.ice.gov/pi/news/factsheets/NFOP\\_FS.htm](http://www.ice.gov/pi/news/factsheets/NFOP_FS.htm). Some fugitives are criminals who have orders of removal; however, the majority of those who have been arrested in recent years are people who have a deportation order because they missed a deportation hearing or failed to leave after being ordered deported.





the number of FOT arrests nationally increased dramatically from just 1,900 to over 34,000—and there were a total of nearly 100,000 arrests during this six-year period.<sup>12</sup>

*Arrests by state and local police with 287(g) agreements.* One of the study sites was a setting for arrests made by local law enforcement officers through the 287(g) agreements—so named for the section of immigration law that allows state and local law enforcement officers to become trained and then work under ICE supervision to enforce immigration laws.<sup>13</sup> In 1996, as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA),<sup>14</sup> Congress empowered ICE to delegate authority to make immigration arrests to state and local law enforcement agencies (as long as the agencies entered into formal agreements). This 287(g) program experienced rapid growth during our study period from just eight agreements in 2006 to 66 by 2009. As of November 2009, 1,075 officers had been trained and about 130,000 potentially deportable immigrants had been identified, mostly through screening of inmates in state and local jails.<sup>15</sup>

Immigration enforcement policies also changed during the period of our research and have continued to change since. For changes that occurred during our research—such as a new humanitarian policy to release parents of young children more expeditiously pending adjudication when they are picked up during worksite raids, or to make greater use of electronic monitoring devices (EMDs) to track released arrestees—we have sought to provide evidence about their implementation and effects.

In addition, the report provides information to inform ongoing and future policy reviews. Since we were in the field in 2008 and early 2009, the new Obama administration has reviewed a number of enforcement policies and

made some significant changes in the enforcement of immigration laws. Large-scale worksite raids have all but ended, with the last major raid in February 2009 in Bellingham, Washington. Instead, the administration has focused on electronic verification of workers' legal status, increased audits of employer records and pressure on employers to fire unauthorized workers, and fines against employers who hire them. However, the administration has continued FOTs and other operations to pursue immigrants who have committed crimes or who have outstanding deportation orders.

## Goals of the Study

In 2007, we published *Paying the Price: The Impact of Immigration Raids on America's Children*, a report focusing on the short-term impacts of three large-scale worksite raids on immigrant families, communities, and schools, along with public and community response efforts that took place within six months after the raids.<sup>16</sup> Like that initial exploratory work, our current study relies primarily on structured interviews with community respondents and families with children that had at least one parent arrested, detained, or deported.

We have extended our previous work by capturing long-term raid impacts and community responses, monitoring changes in worksite raid implementation over time, studying multiple types of enforcement activities beyond worksite raids, representing the diversity of populations and communities affected by the raids, documenting more thoroughly family and child well-being after enforcement actions, and understanding how enforcement and community contexts affect community responses.

## Capturing Long-Term Consequences and Community Responses

We returned to two of the original worksite raid sites (Grand Island and New Bedford) for follow-up interviews more than one year after the raids. We visited two new (2008) worksite raid sites (Van Nuys and Postville), twice—within a couple of months after the raids and 10 months to


<sup>12</sup> Margot Mendelson, Shayna Strom, and Michael Wishnie, 2009, "Collateral Damage: An Examination of ICE's Fugitive Operations Program," Washington, DC: Migration Policy Institute.

<sup>13</sup> Anita Khashu, 2009, *The Role of Local Police: Striking a Balance between Immigration Enforcement and Civil Liberties*, Washington, DC: Police Foundation.

<sup>14</sup> Public Law 104-208.

<sup>15</sup> ICE, 2009, "Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act," *Fact Sheet*, November 13, [http://www.ice.gov/pi/news/factsheets/section287\\_g.htm](http://www.ice.gov/pi/news/factsheets/section287_g.htm).

<sup>16</sup> Randy Capps, Rosa Maria Castañeda, Ajay Chaudry, and Robert Santos, 2007, *Paying the Price: The Impact of Immigration Raids on America's Children*, Washington, DC: National Council of La Raza.



one year later. In all four sites we interviewed a subset of affected families as well as leaders in the community twice.

### Monitoring Changes in Worksite Raid Implementation over Time

There has been considerable evolution in the way that worksite raids are carried out. During the earlier raids (Grand Island and New Bedford), ICE deported many people quickly or detained them for a period of time, though a few parents were released on their own recognition or with bonds. In the more recent raids (Van Nuys and Postville), a significant number of parents were released almost immediately with EMDs on their ankles. Our study samples included many parents with EMDs on their ankles at these two sites. In Postville, a majority of the arrested immigrants were convicted of misuse of Social Security Numbers (SSNs) and held for five months.

### Studying Multiple Types of Enforcement Activities beyond Worksite Raids

Two study sites—Miami and Northwest Arkansas—were included to capture other types of enforcement activities. In Miami, the study respondents or their spouses or partners were arrested in their homes through FOT operations or at immigration hearings or appointments. The Miami study population was comprised of Haitian immigrants, most of whom were on ICE’s list for deportation because their asylum claims had been rejected or they had overstayed their visa status. In Northwest Arkansas, local law enforcement agencies had entered into 287(g) agreements with ICE to enforce immigration laws and had arrested immigrants at worksites, during traffic stops, on the street, and in one case, just outside an elementary school. Because both of these types of enforcement activities result in arrests spread over a long period of time, rather than a massive number of arrests all at once, they often attract less attention and receive less of a community response than more dramatic worksite raids.

### Representing the Diversity of Populations and Communities Affected by the Raids

The vast majority (almost 90 percent) of unauthorized immigrants arrested and detained by ICE and local law

enforcement agencies are from Mexico and Central America.<sup>17</sup> We also sought to include at least one non-Latino population and chose Haitians in Miami—a large unauthorized population that has been affected by thousands of arrests and deportations in recent years. To obtain diversity of community size, we included two of the nation’s largest metropolitan areas (Miami and Van Nuys—which is part of Los Angeles); two medium-sized metropolitan areas (New Bedford and Rogers-Springdale); one small city (Grand Island); and Postville—a small town with an official population of just over 2,000 people. Our sites are also regionally diverse: one is in the Northeast, two in the Midwest, two in the Southeast, and one on the West Coast.

### Documenting More Thoroughly Family and Child Well-Being after Enforcement Actions

In our previous study, *Paying the Price*, we documented short-term family separations, economic hardship, and the need for social assistance following three large-scale worksite raids. The current study built on this previous work by documenting specific impacts on families and children. We still primarily relied on one-on-one conversations with arrested parents or their spouses, partners, or other relatives. The current study included the domains in the first study as well as others. The primary domains included family separation, economic hardship, changes in children’s behavior, schooling interruptions, and parents’ mental health. Where possible we added more structured questions to enhance data analysis across sites and other dimensions of our sample.

### Understanding How Enforcement and Community Contexts Affect Community Responses

In our initial exploratory study we found significant variation in the ways that organizations—including state and local government agencies, nonprofit human services providers, legal assistance groups, schools, and community-based organizations (CBOs)—responded to enforcement actions. In the current study, we also analyzed how the responses varied by community context: for instance, large cities versus rural areas and areas with more positive or negative attitudes toward immigration. We also looked at how

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<sup>17</sup> Schriro, 2009, p. 6.



community responses differed following worksite raids versus FOT home raids and local policing operations.

## Research Questions

To achieve our research goals, the study and report focus on the following central questions:

1. What are the effects of enforcement actions on parent-child separation? How do these differ in the short, intermediate, and longer terms?
  - In the short term—the days and weeks following arrest,
    - How many parents are released, detained, or deported?
    - How long do parent-child separations last, and what are the consequences for children?
  - In the intermediate and longer terms,
    - How many families remain in the community where they were arrested? In another U.S. community?
    - How many parents leave the country, either voluntarily or by deportation?
    - When parents leave the community or the country, do they take their children with them?
2. What are some of the specific effects of enforcement actions on children's well-being?
  - How does family income change?
  - What types of material hardship do families face? How are their housing stability, food sufficiency, and other material conditions affected?
  - How do children respond to the stresses? Are there noticeable changes in children's behavior at home or in school?
3. What types of services and social support did immigrant families receive in the immediate and longer-term aftermath of parental arrests?
  - How were community (public and private) services delivered, and what kinds of response models were developed?
  - What lessons can be learned from the successes and challenges of providing community and public services intended to benefit children?

## Organization of the Report

The remainder of this introduction outlines the characteristics of the six study sites, provides an overview of the study meth-

ods, describes the sample of families with children that we interviewed, and discusses the study's limitations. The second chapter of the report discusses the different enforcement operations in the study sites. This chapter also addresses the effects of enforcement activities on parent-child separations when a parent is arrested, detained, or deported. Chapter 3 discusses other enforcement impacts on families, including changes in family income, housing instability, and food hardship. This chapter also describes the assistance that families received to cope with some of these difficulties. Chapter 4 describes in detail the consequences for children in terms of behavioral changes at home and at school. Chapter 5 focuses on community response efforts, including both legal efforts to contest deportation of parents and humanitarian assistance to families and children over the short, intermediate, and longer term. The final chapter discusses the study's main findings and conclusions, describes recent policy changes, and makes recommendations for developing effective and humane immigration enforcement policies.

## Study Sites

ICE conducted large-scale single-day raids on manufacturing plants in four of our study sites: Grand Island, New Bedford, Van Nuys, and Postville. The other two sites—Miami and Rogers-Springdale—were sites where other enforcement actions took place over extended periods (table 1.1). In Miami, FOTs, along with local police and Border Patrol agents, arrested immigrants at their homes; other immigrants were arrested during their immigration appointments and hearings with immigration officers. In Rogers-Springdale, the local police entered into a 287(g) agreement with ICE to enforce immigration laws, conducted joint worksite raids with ICE, and arrested immigrants during routine policing operations.

### Grand Island, Nebraska

Grand Island is a small city of about 45,000 people located 100 miles west of Omaha, Nebraska, and just off of Interstate 80, one of the nation's main East-West highways. More than 10 percent of the city's population is foreign born, and Latino immigrants are dispersed across the city. Mexico is the largest country of origin among Latino immigrants, but there are many recent arrivals from Guatemala, including indigenous Maya K'iche who speak neither

TABLE 1.1. *Characteristics of the Six Study Sites*

	<b>Grand Island, Nebraska</b>	<b>New Bedford, Massachusetts</b>	<b>Van Nuys, California</b>	<b>Postville, Iowa</b>	<b>Miami, Florida</b>	<b>Rogers-Springdale, Arkansas</b>
Region	Midwest	Northeast	West	Midwest	South	South
Metro area	Rural	Providence, RI	Los Angeles, CA	Rural	Miami, FL	Fayetteville, AR
Total population <sup>a</sup>	45,000	94,000	3.8 million <sup>b</sup>	2,300	352,000	47,000/64,000 <sup>c</sup>
Foreign-born population	6,000	20,000	1.5 million <sup>b</sup>	750	206,000	9,000/13,000 <sup>c</sup>
Primary origins of sample	Guatemala, Mexico	Guatemala, Honduras, El Salvador	Mexico, El Salvador	Guatemala, Mexico	Haiti	Mexico
Location of raid/arrests	Worksite	Worksite	Worksite	Worksite	Home, at appointments	Local policing operations, at appointments
Date of raid or arrests	December 2006	March 2007	February 2008	May 2008	Ongoing	Ongoing, starting in fall 2007
Date(s) of our visit(s)	June 2007, June 2008	May 2007, May 2008	April 2008, May 2009	July 2008, March 2009	December 2008	May 2008

a. Population from American Community Survey, 2005–2007 3-year average, for all sites except Postville. 2000 Census population for Postville.

b. Total and foreign-born populations for Los Angeles City.

c. Total and foreign-born populations for Rogers and Springdale, respectively.

English nor Spanish well. The surrounding area is agricultural and in town there are several manufacturing plants including the meatpacking plant, employing about 3,000. This plant was raided in December 2006 as part of a single-day raid on six Swift and Company plants simultaneously, netting over 1,297 arrests—the largest worksite raid conducted by ICE. Two hundred seventy-three unauthorized workers were arrested at the Grand Island plant. Before the raid, workers at the plant were unionized and earned \$10–\$15 hourly for full-time work, and many enjoyed significant overtime pay. Swift and Company was bought out by a Brazilian company in summer 2007 and the plant has remained in operation.

### New Bedford, Massachusetts

New Bedford is near the Providence and Boston metropolitan areas and has a population of almost 100,000, of whom just over 20 percent are immigrants. Located on the New England coast between Rhode Island and Cape Cod, the city is a seaport with an old and declining manufacturing base. Portuguese, Brazilian, and Cape Verdean immigrants form the nucleus of the long-term immigrant community, yet there are many recent arrivals from Central America—including the Hondurans, Salvadorans, and Guatemalans (mostly Maya K'iche as in Grand Island) who worked at the Michael Bianco sewing plant that made backpacks for the U.S. military. That plant was raided in March

2007 following investigations of alleged worker abuses, and 361 immigrants were arrested. Most of those arrested held sewing jobs that generally paid \$7–\$9 per hour, which was low relative to the cost of living in the area. The plant initially closed soon after the raid and was later sold to Eagle Industries of Missouri, which started new sewing operations at the factory.

### Van Nuys, California

Van Nuys is a suburban area within the City of Los Angeles, located in the San Fernando Valley, just northwest over the hills from downtown and Hollywood. Los Angeles is the second-largest city in the United States, with a 2005–2007 population of 3.8 million, 40 percent of whom are foreign born. Los Angeles has immigrants from all over the world, but more than half come from Mexico or Central America—600,000 from Mexico alone.<sup>18</sup> Van Nuys is a working-class community that includes several major manufacturing plants, including the Micro Solutions Enterprises plant that was raided by ICE in February 2008. The raid was based on a warrant for eight employees suspected of holding falsified documents. The vast majority of the 138 arrestees were immigrants from Mexico or El Salvador. Micro Solutions makes supplies for computer printers and is still in business.

<sup>18</sup> American Community Survey, 2005–2007 three-year average, American Factfinder, <http://factfinder.census.gov>.



## Postville, Iowa

Postville is a small town in rural northeast Iowa, located almost 200 miles northeast of the state capital of Des Moines and nearly 200 miles south of Minneapolis. According to the 2000 Census, Postville had a population of just 2,300 (about a third of whom were immigrants), making it by far our smallest study site. However, unofficially there were more than 1,000 Latino immigrants in Postville, mostly workers at the town's largest employer: the Agriprocessors kosher meatpacking plant. Agriprocessors reportedly employed over 1,000 people—half the town's official population—just before it was raided in April 2008. The majority of the 389 arrested immigrants were Guatemalans, while others were from Mexico and Russia. Postville also had a large orthodox Jewish population that included plant managers and other employees.

Agriprocessors was investigated before and after the raid for a range of violations including fraudulent business transactions, underage hiring, worker physical and sexual abuse, withholding of pay, and environmental infractions. Agriprocessor's vice president and senior manager was convicted on 72 counts of fraud in November 2009 and faces significant potential jail time. The company, which also operated a kosher plant in Nebraska, filed for bankruptcy in November 2008 and closed for a period of weeks. In fall 2009 a Canadian company bought the plant and kosher meatpacking operations continue, but at about a third of the capacity before the raid. Postville has been devastated by the plant's bankruptcy and near closure, and the surrounding, mostly agricultural, area has few other employment or economic development options.

## Miami

Miami is the other major city in our study, with a 2005–2007 population of 350,000—over half of whom are immigrants. The greater Miami area is much larger, with a population of over 5 million—an estimated 200,000 of whom are of Haitian origin.<sup>19</sup>

<sup>19</sup> The statistics about the Haitian population and Little Haiti presented here are taken from Ana Cruz-Taura and Jessica LeVeen Farr, 2008, "Miami, Florida: The Little Haiti Neighborhood," pp. 47–56 in *The Enduring Challenge of Concentrated Poverty in America: Case Studies from Communities across the U.S.*, edited by David Erickson, Carolina Reid, Lisa Nelson, Anne O'Shaughnessy, and Alan Berube, Washington, DC: The Federal Reserve System and The Brookings Institution.

Our study focused on Little Haiti, a poor community in Miami which has been a major settlement area for Haitian immigrants since 1980. Haitians in Miami-Dade County had a poverty rate of 30 percent, and the overall population of Little Haiti had a poverty rate of 44 percent in 2000. Many Haitians are employed in tourism and related industries, which are often seasonal, part-time, and low paying. Retail and food industry jobs, which are also low paying, are also common among Haitians in Miami. Although both English and Spanish are commonly spoken across Miami, most Haitians speak a Creole dialect of French, for which interpretation and translation are often difficult to obtain.

Haiti is the poorest country in the Western Hemisphere, has had a significant amount of political unrest and violence, and was struck by four hurricanes in 2008. However, unlike some Latin American and Caribbean nations, its nationals are not generally eligible for asylum or temporary protected status (TPS) due to political upheaval or natural disasters. As a consequence, there are a large number of Haitians living in Miami who are unauthorized and subject to arrest and deportation. Most of our study participants lived in the Little Haiti section of Miami, although a few lived farther north in the Miami metropolitan area. Little Haiti and other communities in Miami have been subject to a wave of sweeps by FOTs and other enforcement activities since 2005, which appear to have begun to decline very recently.

## Rogers-Springdale, Arkansas

Rogers and Springdale are neighboring cities in the Fayetteville metropolitan area, located in the northwest corner of Arkansas, adjoining the states of Oklahoma and Missouri. The metropolitan area has a 2005–2007 population of just over 400,000, with about 10 percent immigrants—half of whom are from Mexico. Rogers has a population of about 50,000 and Springdale, about 60,000. Rogers is located near the corporate headquarters of Wal-Mart, and Springdale is home to Tyson chicken processing. Employment growth in manufacturing (mostly food processing) and construction spurred rapid immigration to the area during the 1990s and since 2000.

In the fall of 2007, Rogers and Springdale, along with the surrounding counties of Benton and Washington, signed agreements with ICE that allowed local police officers to be

trained to enforce immigration laws. After about one month of training, 19 officers from the four jurisdictions (Rogers, Springdale, and the two surrounding counties) returned and began checking the legal status of arrestees in the county jails, during traffic stops and other routine policing operations, and in small worksite raids. Most of the several hundred arrested immigrants were from Mexico or other Latin American countries.

## Study Methods

The central goal of the current study is to assess changes in children’s well-being over time in the aftermath of immigration enforcement activities, within the context of each community. This goal guided the development of our research protocols.

## Research Protocols

We worked with an advisory committee (table 1.2) of ten experts from the fields of immigration law, child development, child psychiatry, education, sociology, and demography to design the study approach and protocols for data collection. Board members and staff from the foundations

supporting our work also provided input on approach and protocol development for our research.

We developed two protocols—one for community respondents and the other for interviews with arrestees or their spouses/partners:

- *Community interview protocol.* The community interviews were guided by semi-structured protocols, which allowed for comparison across interviews within sites as well as across sites, but also encouraged open-ended responses. Community interviews centered on questions about the local economy and social characteristics of immigrant communities, as well as the conditions of immigrant families before the raids, experiences of families during the raids, and their legal disposition. We explored faith-based, nonprofit, community-based, and public response efforts in detail, as we did in the 2007 *Paying the Price* study.
- *Parent interview protocol.* The parent protocol included the characteristics of the family before parental arrest; the arrest itself, detention, supervised release, and deportation afterward; family economic hardship before and after the arrest; parental mental health; children’s behavior and school performance; informal support offered by family and community members; and use of public social services. The protocol was structured around key indicators of child and family well-being but was also flexible enough to allow for conversation to flow from different starting points. It was important for parents feel comfortable telling their stories, and a flexible interviewing approach yielded valuable information.

In all sites we attempted to obtain data from the local schools on children’s attendance, behavior, and academic performance before and after the raids. However, we were only successful in obtaining such academic records from one school district—Postville, Iowa—and thus, we make only limited use of these data in this report.

*Confidentiality of responses.* We ensured the confidentiality of all the information shared with us by both family and community respondents. Parent interviews were audiotaped and fully transcribed in Spanish, except for interviews in Miami, which were conducted in Creole and summarized in English. The resulting recordings, transcriptions, and summaries in the study’s database included only unique identifiers, not names or other

TABLE 1.2. Study Advisory Committee

Vincent Eng Deputy Director Asian American Justice Center Washington, D.C.	Krista Perreira, PhD Professor of Public Policy The University of North Carolina at Chapel Hill Chapel Hill, North Carolina
Donald J. Hernandez, PhD Professor of Sociology Hunter College and the Graduate Center (CUNY) New York, New York	Andres J. Pumariega, MD Chair, Department of Psychiatry The Reading Hospital and Medical Center Reading, Pennsylvania
Bill Ong Hing, JD Professor of Law and Asian American Studies University of California, Davis, School of Law Davis, California	Nestor Rodriguez, PhD Professor, Department of Sociology University of Texas at Austin Austin, Texas
Alan Jenkins, JD, MA Co-Founder and Executive Director Opportunity Agenda New York, New York	Selcuk R. Sirin, PhD Assistant Professor of Applied Psychology New York University New York, New York
Kathleen A. Moccio, JD Consulting Attorney to Dorsey & Whitney LLP Minneapolis, Minnesota	Carola Suárez-Orozco, PhD Professor of Applied Psychology New York University New York, New York



identifying information on the families. All material from the family interviews was stored on encrypted computers. Targeted transcripts of our interviews with community respondents did not include identifying information, and all “off the record” comments were omitted from this report. We screened all material in this report to make sure that details cannot identify any respondents. Our data collection, storage, analysis, and reporting procedures were approved by the Urban Institute’s institutional review board.

*Contacting and interviewing respondents.* Following the successful methodology used in our 2007 study, we communicated with national, state, and local organizations and contacted local leaders from community organizing groups, CBOs, churches and other faith-based organizations (FBOs), and service providers. We then identified and interviewed the following groups of community respondents:

- employers and union locals;
- state and local elected officials, board members, and service providers;
- law enforcement officials;
- nonprofit service providers;
- churches and other FBOs;
- teachers, administrators, other staff at schools, and child care providers;
- grassroots organizations and local community leaders;
- health care and mental health providers;
- immigration lawyers; and
- consular officials for countries with nationals arrested in immigration enforcement activities.

Through CBOs, FBOs, and other local contacts we were able to obtain contact information for a number of families in each site. In the worksite raid sites, we generally worked through one or two local CBOs or FBOs—usually the groups that organized and provided legal or humanitarian services to arrested immigrants and their families. However, because arrests were scattered over long time periods and across larger geographic areas, recruiting families in Miami and Rogers-Springdale required collaboration with more local contacts to help identify and locate respondents.

Two Urban Institute bilingual/bicultural (Spanish/English) researchers worked with local contacts to recruit and interview the sample and interviewed the family respondents in all sites except Miami. We hired a professionally trained Haitian Creole interpreter in Miami, the only site

where Spanish was not spoken by the respondents. All interviews were conducted where the family felt most comfortable. These locations included respondents’ homes, churches, and community centers.

## Study Sample

Our sampling methodology involved subjective sampling of sites and respondents within sites. As outlined in the earlier explanation of the goals of the study, we chose our sites to capture the diversity of enforcement activity and its impacts on children by selecting those that

- spanned a range of enforcement activities (e.g., worksite raids, home raids, 287(g) sites),
- included immigrants from a range of home countries and regions (e.g., Mexico, Central America, Haiti),
- included a diversity of community environments and responses, and
- allowed for a longitudinal impact investigation.

To the extent possible we aimed to interview a diverse group of families to capture the range of experiences that they and their children encountered. Specifically, we aimed for a sample of families that included

- children ranging from infants to teenagers,
- both U.S. native and foreign-born children,
- families with different countries of origin, and
- parents who were detained for various lengths of time.

We asked the groups that helped us recruit families to identify as diverse a sample as possible using these criteria. In each site we were able to obtain a variety of children by age and citizenship. However, since the conditions of arrests in each site strongly influenced the family structure and length of separation for families we interviewed, we have more diversity across than within sites on these criteria.

Our study includes a final sample of 87 respondents across six sites (table 1.3). The 87 respondents were in 85 families and 83 households. About half our respondents in Grand Island and New Bedford were also interviewed in 2007 for our previous study. We interviewed the largest numbers of families in Van Nuys and Postville because our central contacts there were in communication with many families right after the raids and because we wanted to develop a broad base for follow-up interviews a year later.

TABLE 1.3. Study Respondents and Household Characteristics by Site

Site	Children	Respondents	Households <sup>a</sup>	Families or couples <sup>b</sup>	Average children under 18 in U.S. per family <sup>c</sup>	Interviews (2008) <sup>d</sup>	Interviews (2009)
Postville, IA	55	18	18	18	3.1	17	11
Van Nuys, CA	48	28	26	27	1.8	26	12
Grand Island, NE	27	12	12	12	2.3	9	0
Rogers-Springdale, AR	27	10	8	9	3.0	8	0
Miami, FL	19	9	9	9	2.1	10	0
New Bedford, MA	14	10	10	10	1.4	10	0
Total	190	87	83	85	2.2	80	23

Source: Urban Institute surveys of families in study sites.

a. Reflects two cases where respondents moved in together after parental arrest and two other cases where both the mother and the father were interviewed. There were 83 separate households before arrest.

b. Data were collected on four families in the two households where families moved in together, yielding two more families than households in the sample.

c. Children in the primary care of respondent, respondent's partner (or children's parent), or respondent's family member at time of interview. The total does not include (1) offspring age 18 years or older living in the household or (2) children who were living in their parents' country of origin at the time of the interview.

d. In most 2008 interviews, respondents were interviewed individually. In two cases, partners were interviewed together. In Grand Island, four unrelated respondents were interviewed together.

In 2009, we interviewed 23 respondents (12 in Van Nuys and 11 in Postville) and collected data on 55 children during a second round of interviews. We did not reinterview respondents in either Miami or Rogers-Springdale because their arrests were more dispersed over time and across locations than the worksite raids in the other sites.

We collected data on nativity and age for 187 children, two-thirds of whom (124 children) were U.S.-born citizens. In the overall sample, all children under 2 years old, and nearly all (34 out of 38) children age 3 to 5 were U.S. born. Almost half of children age 6 to 11 and a third of those ages 12 to 17 were born in the U.S. (table 1.4).

Our study sample was drawn from Mexican and Central American immigrants in five of the six sites and from Haitian immigrants in Miami. Mexican immigrants were majorities of our Van Nuys and Rogers-Springdale samples. Approximately half of the respondents in Postville and Grand Island were from Guatemala and half were from Mexico. Nearly all New Bedford respondents were born in Central America, mainly in El Salvador and Guatemala.

Most of the families in our sample included long-term U.S. immigrants. More than a third (37 percent) had been in the country 10 years or longer, another third (36 percent) between 5 and 10 years, and less than a third (27 percent) for fewer than five years. There was substantial variation by site, with respondents in Arkansas and Grand Island averaging the longest U.S. tenure of 10 and 13 years, respectively, while respondents in Miami, Postville, Van Nuys, and New Bedford averaged only six to eight years. A few respondents in Arkansas, Grand Island, and Van Nuys had lived in the U.S. for nearly 20 years.

TABLE 1.4. Characteristics of Children in Study Sample

Child age	Gender		All children		U.S.-born children	
	Male	Female	Number	Percent of total	Number	Percent of age group
0 to 2	23	23	46	25%	46	100%
3 to 5	21	17	38	20%	34	89%
6 to 11	28	36	64	34%	31	48%
12 to 17	18	21	39	21%	13	33%
Total, all age groups	90	97	187 <sup>a</sup>	100%	124	66%

Source: Urban Institute surveys of families in study sites.

a. Does not include 3 children (out of 190) whose parent did not provide age or nativity.

## Study Limitations

The primary limitation of the study lies in the recruitment of parent respondents. For this qualitative research study we worked through local intermediaries to screen and recruit respondents. As with most qualitative research studies, there are limitations that accompany our recruitment and sampling processes:





- Respondents were mostly recruited through FBOs and CBOs, so they may have been more connected to these institutions and more likely than other families to have received services.
- Arrestees who had already left the country with their families were not included, although in some cases we did interview families where one parent had been deported and another remained behind. This potential source of bias is more pronounced in our follow-up interviews, when some of the families we interviewed in the first round may have since left the country, and so are not included in second-round data.
- Arrestees who were in detention at the time of our site visits were also not included, unless a spouse or other family member was available to talk to us. As a result, we also somewhat underrepresent families with parents in long-term detention.
- Respondents who were more difficult to locate because they avoided seeking assistance, went into hiding, moved multiple times, or did not have telephones were more likely to be excluded from or underrepresented in the sample—and more so in the follow-up sample.

Because this is a qualitative research study that uses nonrandom sampling, it would be inappropriate to draw conclusions about the *statistical significance* of events and conditions we studied. We provide relevant data for documentation purposes, to illustrate the diversity of the sample we drew and the range of their experiences. The tabulations and statistics based on our sample cannot be generalized to the population arrested in raids or other enforcement activities.

We included open-ended questions as well as some closed-ended questions or short scales used in surveys to address issues such as housing, food sufficiency, and child behavior. In the report we at times refer to prevalence of certain behaviors or conditions in order to provide a foundation for our more in-depth qualitative analysis. In other words, we use some numbers to support our stories and give the reader a sense of how many other respondents in the sample reported similar experiences.

A number of other limitations also apply to this study. To document family experiences, interviewers were tasked with eliciting information across a broad range of domains. Doing so required building and maintaining strong rapport with respondents. We avoided lengthy closed-ended collection instruments so as not to disrupt the flow of conversation or trust between interviewers and respondents. We did not always ask short scales and closed-ended questions in the specific order and wording required for sophisticated scale construction. We used such questions more to elicit open-ended responses than to develop quantitative indicators of health and well-being.

Using parental reports as the primary source of data about the effects on children has both strengths and weaknesses. Parents may be limited in their ability to answer some questions, such as those about their children's school performance, since they may not readily observe it. Parents' own experiences may also affect their reporting. For example, parents experiencing stress for an extended period of time may interpret their children's behavior in a gloomy light. Conversely, parents may underreport less visible internalizing symptoms of anxiety or depression. Parents may also be reluctant to admit that their own arrest or detention has negatively affected their children. Further, parents may not equally understand what was meant by each of the questions we asked. For all of these reasons, the protocols were designed to ask to the extent possible about changes in specific observable behaviors, and to probe further using nontechnical terms that parents could understand.

Finally, we asked respondents about events and conditions in their families and for their children before and after the worksite raids and other enforcement activities. Based on their responses, we drew some conclusions about the impacts of immigration raids on children. We did not, however, collect sufficient data in a structured fashion that would permit broader generalizations. Nonetheless, the information in this report should provide useful insights for understanding how these raids and other arrests affect families and communities. From these data we draw what we believe to be appropriate policy conclusions and recommendations.





## 2. THE SEPARATION OF PARENTS AND CHILDREN FOLLOWING IMMIGRATION ENFORCEMENT

This chapter answers the first set of research questions about parent-child separations that followed worksite raids and other immigration enforcement activities. We begin with family separation because it poses serious risks to children's immediate safety, economic security, well-being, and longer-term development. Separation from a parent can be immediately traumatic and mean less—or less safe—supervision of a child. It can also mean less attention and reduced parent-child bonding. Children experiencing prolonged separation may experience emotional difficulties and have less assistance with their development and schooling.


There is a growing body of research that has explored the effects of family separation, either as a result of families migrating to the United States without their children or due to removal and deportation. These studies examine how children and parents respond and adjust to family separation. The circumstances surrounding separation (especially who is separated from whom), family and household dynamics, reunification or the prospect of reunification, the immigration status of individual family members, and length of separation can complicate or relieve the damaging consequences of parent-child separation.<sup>20</sup>

This chapter describes the effects of enforcement actions on parent-child separation not only in the short term—the days and weeks following arrest—but also in the intermediate and longer terms. In this chapter, we cover three phases that we have found best describe the complex experiences of families: the *immediate aftermath* of a raid or parental arrest, the *limbo* period when parents are detained or are released but contest their deportation, and the *final disposition* of cases leading to deportation or granting of U.S. residency. The way our sample of families was selected means that we do not have representative quantitative information about the proportion of families or children experiencing various kinds and durations of separation, but our qualitative data describe how

separations played out for the families and children involved. Beyond this overall description, the chapter also identifies differences in parent-child separation as a result of changes in enforcement policy, and it looks at differences based on the type of enforcement action—worksite raids compared with fugitive operations and arrests by state and local police.

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<sup>20</sup> A number of studies examine how families cope after being separated during the migration process. For a review of the impacts resulting from family separation during migration, see Carola Suárez-Orozco, Irina L. G. Todorova, and Josephine Louie, 2002, “Making Up for Lost Time: The Experience of Separation and Reunification among Immigrant Families,” *Family Process* 41: 625–43; Carola Suárez-Orozco, Hee Jin Bang, and Ha Yeon Kim, “Psychological and Academic Implications of Transnational Immigrant Family Separations,” *under review*; and Cecilia Manjívar and Leisy Abrego, 2009, “Parents and Children across Borders: Legal Instability and Intergenerational Relations in Guatemalan and Salvadoran Families,” pp. 160–89 in *Across Generations: Immigrant Families in America*, edited by Nancy Foner, New York and London: New York University Press. For a study of family separation stemming from removal and deportation, see Nestor Rodriguez and Jacqueline Maria Hagan, 2004, “Fractured Families and Communities: Effects of Immigration Reform in Texas, Mexico, and El Salvador,” *Latino Studies* 2: 328–51; and Jacqueline Hagan, Karl Eschbach, and Nestor Rodriguez, 2008, “U.S. Deportation Policy, Family Separation, and Circular Migration,” *International Migration Review* 42: 64–88.



The descriptions in this chapter set the stage for the next two chapters, which trace important consequences for children that may flow from parent-child separation. The next chapter describes children’s and families’ experiences of economic hardship, including crowded housing and food insecurity, after the arrest of a working parent. After that, chapter 4 describes the behavioral, psychological, and developmental effects on children.

## Overview of Parent-Child Separations

A few different scenarios might follow from the arrest of a parent for an immigration violation, all of which have implications for the well-being of children and other family members. First, parents may be released promptly after their arrest to care for their children or for other humanitarian reasons. These parents—who may be released on their own recognizance, after posting a bond, or with an ankle monitoring device or another form of supervision—often remain in the communities in which they were arrested for months or even years awaiting resolution of their deportation cases. Second, parents may be detained for prolonged periods, during which they are separated from their children. Third, parents may be deported or choose voluntary departure, either immediately after their arrest or after prolonged detention. Deportation represents a potentially permanent geographic separation of children from their parents. Some of the parents who take voluntary departure are allowed to spend time with their families before leaving, but others leave the country without having this opportunity.

We summarize below the experiences of parents in our sample as they moved through this process. These experiences

should be seen as examples but are not necessarily representative of all the arrested parents in our sites. Our sample includes examples of many different family experiences, but the sample may somewhat overrepresent parents—usually mothers—who were released, and it may underrepresent those who experienced longer detention or deportation.

## Early Release of Some Parents in the Sample

The parents in our study experienced detention periods ranging from just a few hours up to 10 months. Forty-two parents were released on the day of their arrest, primarily for humanitarian reasons—for example, to take care of their children (table 2.1). The vast majority of the parents released the same day were women (37), and most of these (34) also had children under age 6. Ten of those released on the same day were single mothers.

A nearly equal number of parents (45) spent at least one night in jail. In 17 cases, the parent was held for between 24 hours and one week before being allowed to rejoin his or her family; 10 more were held for up to one month. Eighteen parents were detained longer than one month, and of these, eight were eventually released, four remained in detention at the time of our interviews, and six were detained for an extended period and then deported.

## Arrests of Both Parents

Arrests of both parents (or a parent and unmarried partner) occurred in 12 families in the sample. In eight cases, the mother alone was released on the same day to take care of the children while her husband, partner or—in one case—

TABLE 2.1. *Length of Separation of Parents from Children for Sample Respondents*

Site	Length of Separation					Total
	Released same day	1 day–1 week	1 week–1 month	1 month–6 months	> 6 months <sup>a</sup>	
Grand Island, NE	7	1	2	0	2	12
New Bedford, MA	2	5	2	0	1	10
Van Nuys, CA	18	10	0	0	0	28
Postville, IA	11	0	0	6	1	18
Miami MSA, FL	4	0	2	2	1	9
Rogers-Springdale, AR	0	1	4	3	2	10
Total	42	17	10	11	7	87

Source: Urban Institute surveys of families in study sites.

a. Includes four cases in which parents were still detained at the time of interview.



ex-husband remained in detention. In one case, both the mother and father were released on the day of the raid to care for their infant child.

In three cases, both parents were held beyond the day of arrest. A New Bedford mother was held until the next day because immigration agents thought she looked too old to have an infant at home. She had given birth to a girl three months before the raid. Agents ignored her pleas for release. The father, who was held for two months, had also informed the agents that his wife needed to pick up the infant from the babysitter. In Grand Island, a father who had a work permit was held because he did not want to reveal where his wife was hiding. He was released three days later, but his wife was arrested and remained in detention over a year and a half after the raid. Two parents from Arkansas were both held on immigration violation charges for an extended period. The mother was detained for three weeks before her release and the father was held for three months. The grandparents took care of the children while the parents remained in detention. This was the only case in our sample in which both parents were detained for an extended period, and it involved arrest by the local police rather than ICE agents.

### Parental Deportation

Twenty of the 85 families—and 49 out of 190 children in our sample—experienced the deportation of a parent by the time of our last interview with the family. Many of our interviews took place within six months after the raid or other form of arrest. Sometimes the parent was still in detention. Even in our second-round interviews, more than nine months after arrest, many families were still contesting their deportation and the outcome was uncertain. Of the 12 men and eight women deported, nine were from Postville, five from Grand Island, four from Miami, one from New Bedford, and one from the Rogers-Springdale area. Seven parents returned to Mexico, nine to Guatemala, and four to Haiti.

Some of the parents who were eventually deported were detained for varying periods of time before their removal. Five parents chose to leave voluntarily immediately after their same-day release from detention. Another six deportees were detained for between several days and one month prior to their removal. The remaining nine parents were in detention for extended periods averaging about six months before their

final deportation. Many of these longer-term deportations were in Postville, where the majority of arrestees overall (but not in our sample) spent five or six months in detention.

These overall findings reflect considerable differences among our sites due to different enforcement strategies, including changes in ICE policies over time. We now turn to variation in children's experiences of separation by type of immigration enforcement and study site.

### Parent-Child Separations in Workplace Raids

Our 2007 report *Paying the Price* focused exclusively on three large-scale worksite raids which all took place in late 2006 or early 2007. The current study includes worksite raids that occurred over a longer time frame—between late 2006 and early 2008, allowing us to examine changes in ICE worksite enforcement tactics over this period. During the earlier Grand Island and New Bedford raids, there was greater inconsistency in releasing parents soon after the raid versus keeping them in detention. More parents were held for long hours or extended periods lasting a week in the earlier raid sites, especially in New Bedford.<sup>21</sup> In November 2007, after the Grand Island and New Bedford raids, ICE released new guidelines for worksite raid operations—guidelines developed at least in part to respond to criticisms of how the New Bedford raid was conducted. These guidelines specified that in worksite raids of 150 arrests or more, all single parents and primary caregivers, as well as arrestees with serious medical conditions, should be immediately released.<sup>22</sup>

The Postville and Van Nuys raids occurred in 2008, after the guidelines were developed, and were large enough for them to apply. During these raids, ICE followed the guidelines by releasing primary or sole caregivers of minor children and those with acute medical conditions quickly—usually the same day—and often directly from the raid site. Consequently, there were no accounts of children left unattended or neglected for a significant amount of time in either Van Nuys or Postville. In fact, the large majority of

<sup>21</sup> Capps et al., 2007.

<sup>22</sup> On April 30, 2009, the new Obama administration extended these guidelines to include worksite raids with 25 or more arrests. For more detail, see ICE, 2009, "Worksite Enforcement Strategy," *Fact Sheet*, Washington, DC, April 30, [http://www.ice.gov/doclib/pi/news/factsheets/worksite\\_strategy.pdf](http://www.ice.gov/doclib/pi/news/factsheets/worksite_strategy.pdf).



the cases in which parents had been released on the same day as the raid—as described above in table 2.1—occurred in these two sites.

In Van Nuys and Postville, all of the single mothers in our sample returned to their families on the day of the raid, though a single grandmother in charge of a young child was held for two days. In these raids, mothers also generally reported somewhat shorter arrest and processing periods on the day of arrest than did those arrested in the New Bedford or Grand Island raids. All were reunited with their families by evening and most were released earlier in the day.

In the longer term, many parents in all four of our worksite raid sites were deported. However, due to the efforts of immigration defense attorneys, several dozen immigrants in New Bedford, Van Nuys, and Postville received work permits while contesting their deportations or cooperating with prosecution of their employers. In Postville, about two dozen received “U-visas” for crime victims—mostly due to sexual and other harassment at work—and another group of 30 received temporary work permits for cooperating with the federal immigration case against their employers.<sup>23</sup> In New Bedford, at least 15 of the workers were able to acquire permanent resident status through the granting of asylum claims, U-visas, or special immigrant juvenile status (SIJS).<sup>24</sup> In Van Nuys, a group of 30–35 received temporary work permits for cooperating in the investigation against their employer, and 60–70 others had their deportation withheld while the legality of the raid was contested. Across the study sites, small numbers of other arrested immigrants were

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<sup>23</sup> U-visas were authorized by Congress in the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386) and are granted to victims of crime or people who possess information about a range of crimes committed in the United States. To qualify for a U-visa, immigrants must cooperate with U.S. law enforcement officials in prosecuting the crime. For more information, see National Immigration Law Center, 2000, “Congress Creates New ‘T’ and ‘U’ Visas for Victims of Exploitation,” *Immigrant Rights Update*, 14(6), October 19, <http://www.nilc.org/immlawpolicy/obtainlpr/oblpr039.htm>.

<sup>24</sup> To qualify for SIJS, an immigrant youth must be under the jurisdiction of a juvenile court and eligible for long-term foster care due to drug abuse, abandonment, or neglect. Generally, this means that the youth is in long-term foster care and not eligible for family reunification. SIJS petitions lead to permanent residency but must be filed before youth turn age 18 and while they are still in custody of the state. For more information, see Center for Human Rights and Constitutional Law, 2004, “Special Immigrant Juvenile Status,” October 20, <http://immigrantchildren.org/SIJS/>.

granted asylum, had domestic violence or marriage claims that were accepted, or were young people who had been placed in foster care and would become eligible for SIJS.

The remainder of this section details the separation experiences of parents and children in the different worksite study sites. In addition, we take this opportunity to provide more detail on immigration operations in each site and briefly explain the degree to which our sample reflects the experiences of other arrestees in each site.

### Grand Island, Nebraska

The first of our study sites was part of the largest single-day operation that ICE has ever conducted. On December 12, 2006, ICE conducted “Operation Wagon Train” in which agents simultaneously raided six Swift and Company meatpacking plants in Greeley, Colorado; Grand Island, Nebraska; Marshalltown, Iowa; Worthington, Minnesota; and Cactus, Texas, arresting over 1,200 immigrants.<sup>25</sup> Swift and Company had used the DHS electronic verification system for its employees, and false SSNs had been discovered. ICE obtained warrants to raid the plants to find and arrest those with false SSNs. There were also small numbers of arrests in people’s homes for at least a week in Grand Island and some of the other Swift sites.

A total of 273 workers were arrested at the Swift plant in Grand Island. They were taken by bus to Camp Dodge, a National Guard facility in Iowa, for initial processing—checking identities against ICE and criminal databases; taking fingerprints; and making initial determinations about who should be released, detained, or allowed to leave the country voluntarily. More than a quarter of arrestees (72 out of 273), many of whom were fathers in two-parent families, opted to take voluntary departure shortly after their arrest.<sup>26</sup> Only a

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<sup>25</sup> Two of these raid sites—Greeley and Grand Island—were included in our 2007 report, *Paying the Price*.

<sup>26</sup> Voluntary departure has several advantages over formal deportation. First, voluntary departure is faster: immigrants can leave the country (and get out of detention) as soon as they are able to make travel arrangements. Contesting deportation can take months or even years—as was the case for many parents in our sample. Voluntary departure is often a way to end this process before it becomes prolonged. Second, formal deportation makes immigrants ineligible for a visa to reenter the country legally for 3 to 10 years, which is not the case for immigrants taking voluntary departure. Third, immigrants who have been formally deported are charged with a felony if they are caught reentering the United States illegally.



limited number of parents that we know of (six single mothers and three parents whose spouses had also been arrested) were released promptly after the raid to care for their children.<sup>27</sup> These early releases were achieved through the pressure of lawyers and community groups, some of whom showed up at the factory with children to demand their parents' release. Most of the rest of the arrestees were placed in continuing detention, and many workers were sent to facilities in Georgia and Alabama, far removed from their families. For the great majority of Grand Island arrestees, detention and separation from their children lasted for extended periods of time.

The length of detention and the nature of the legal process for families varied. By the six-month mark, 26 arrestees (10 percent of the total) had been criminally charged and were serving one-year sentences. The remaining workers had been either released on bond or deported. Those released paid bonds ranging from \$1,500 to \$10,000.

Lawyers initially estimated that fewer than 10 percent of those who stayed in the U.S. could contest their deportation based on asylum, marriage to a U.S. citizen, domestic violence, or another claim. At least a dozen arrestees were still contesting their deportation as of August 2009, and we only heard of two cases in which arrestees had been granted permanent residency. These examples from Grand Island as well as in the other sites show that legal battles to fight deportation can keep families in limbo for years.

The families in our sample differed from other families who experienced the Grand Island raid in important ways. First, while same-day release from ICE custody was rare in Grand Island, more than half of our respondents (7 of 12) had this experience. Second, only two of the workers we interviewed experienced long-term detention even though this was the norm for this site. Third, none of the parents with whom we spoke mentioned that a spouse had taken voluntary departure, while among all the arrestees voluntary departures predominated and many formal deportations had already occurred by the time of our second visit in June 2008. Five of the families we interviewed were ultimately affected by deportation.

## New Bedford, Massachusetts

Our second study site experienced one of the most controversial worksite raids because so many immigrant parents

were held for prolonged periods of time, resulting in hardship for their families. A federal agent had been working undercover at Michael Bianco, Inc.—a contractor making backpacks for the U.S. military—and through this investigation, ICE obtained a warrant for violations of working conditions and workers' rights. On March 6, 2007, ICE agents raided Michael Bianco with a large show of force, which local leaders compared to an invasion by land, air, and sea. A total of 361 immigrants were arrested and most were transferred to Fort Devens, a U.S. Army training facility just outside of Boston, where lawyers and consular officials were unable to see them.<sup>28</sup>

The length of parents' separation from their children in this site varied substantially. About 60 New Bedford arrestees were released within the first three days on humanitarian grounds. However, most of the remaining arrestees (211) were flown to three different detention facilities in Texas two days after their initial arrest. This complicated the efforts of lawyers, consular officials, and workers from the Massachusetts Department of Social Services (MDSS) to contact them and inquire about the presence of children in their homes.<sup>29</sup> Eventually, the lawyers and a contingent of MDSS workers travelled to the detention centers in Texas. It took two very long days of interviews by MDSS workers, along with the intervention of Massachusetts's governor and its two U.S. senators, to get about two dozen women with children released in the week following their visit.<sup>30</sup> Two months after the raid, the majority of workers (191) were still in detention, though about 42 percent of the workers (149) had been released to await the result of their immigration cases, most with bonds ranging from \$1,500 to \$32,000.<sup>31</sup>

<sup>28</sup> Following both the Grand Island and New Bedford raids, ICE initially denied attorneys access to the facilities where most of the detainees were held because these were military facilities.

<sup>29</sup> The arrestees from El Salvador were generally kept within Massachusetts, but most of those from Guatemala and other countries were flown out of state.

<sup>30</sup> See for example Senator Edward M. Kennedy, 2007, "Making an Example of New Bedford Workers Doesn't Solve the Problem," *New Bedford Standard Times*, March 13; and Shane Harris, 2007, "Raid, 'Rashomon' Style," *National Journal*, April 14. Outrage over this situation prompted the Congressional hearings which led to the issuance of the new humanitarian guidelines for workplace raids referred to in the overview of this section.

<sup>31</sup> Many of the bonds were paid by a local philanthropist, Robert Hildreth, who initially remained anonymous and later identified himself. This philanthropist also later started a bond fund for detainees in other raids.

<sup>27</sup> Capps et al., *Paying the Price*, 2007.



By the one-year anniversary of the raid, all of the detainees had been released and many cases had been closed. About 44 percent of those who were originally arrested (160) had been deported; of these, slightly less than half (75) had signed voluntary departure agreements. However, another 190 cases were still being contested by families' immigration lawyers. Two years after the raid, 15 of the workers had been able to acquire permanent status in the U.S.; another hundred or more were still awaiting decisions or were still in the process of contesting their cases. New Bedford and Van Nuys were the two study sites with the largest numbers of deportation cases that were still being contested more than a year after the raids.

As in Grand Island, the parents we interviewed in New Bedford experienced shorter separations from their children than other workers at the same workplace raid. While more than half of those detained at Michael Bianco were held for more than two months after their arrest, only one of the parents with whom we spoke had been in detention for more than a month. Similarly, despite the prevalence of deportation and voluntary departure among detained workers in New Bedford, only one of our sample families experienced this kind of separation.

### Van Nuys, California

In our third study site, ICE put its new humanitarian release policy into practice. On February 7, 2008, ICE executed a search warrant and raided the headquarters and a manufacturing plant for Micro Solutions Enterprises, which makes printer cartridges for computers.<sup>32</sup> However, in contrast to the earlier raids, ICE called civil rights groups and social service agencies beforehand to alert them of an imminent raid in the area.<sup>33</sup> ICE systematically screened and identified for early release those workers with health problems or minor children. Of the 138 immigrants arrested, 48 were released the same day under the new guidelines—some with EMDs on their ankles.

Within a few days, the majority (99) of the arrestees had been released, though the conditions of their release

varied. Some parents were released without any conditions, while others' were released after posting a \$1,000 bond or wearing an EMD.<sup>34</sup>

In our study sample, 18 out of 28 respondents were released on the day of the raid, and the other 10 were released within the first week—exemplifying the implementation of ICE's new humanitarian release policies. Twelve workers in our sample were released with an ankle bracelet initially. ICE agents expedited the processing of several respondents so that they could make it home to their children on the same day as the raid, even though this resulted in their being released without bracelets. Those released without EMDs were all required to return for a follow-up appointment to complete their paperwork. Thus there were no cases in our Van Nuys sample of prolonged detention or immediate deportation following arrest. Our sample fit the profile of the arrested population in Van Nuys, where virtually everyone was released quickly and almost no one was deported.

By June 2009, 15 months after the raid, 30–35 arrestees had decided to cooperate with ICE in testifying against Micro Solutions managers, and their deportation cases were put on hold at the discretion of the government. Within this group, some were given work permits, while others were not. Aside from these cases that were put on hold, most of the immigrants arrested in Van Nuys were still contesting their deportation as of December 2009—more than a year and a half after the raid. About half of the arrestees (60–70) had their deportation withheld after their attorneys challenged the legality of the raid itself. ICE did not have evidence that any of this group were in the country unlawfully; only 8 of the 138 arrestees were listed by name on criminal arrest warrants. A handful of other arrestees were pursuing relief from deportation individually.

Finally, a small but unknown number of Van Nuys arrestees had left the country voluntarily or had been

<sup>32</sup> Two or three of these arrests were in people's homes.

<sup>33</sup> Editorial, 2008, "Immigration Evolution: As Legislative Reforms Stall, Those on the Front Lines Are Hammering Out Workable Compromises," *Los Angeles Times*, April 3.

<sup>34</sup> ICE has an extensive monitoring infrastructure for unauthorized immigrants with deportation orders in Los Angeles, including a new program called the Intensive Supervision Appearance Program (ISAP). ISAP is one of ICE's initiatives to create alternatives to detention and includes use of ankle bracelet EMDs, telephone calls, required office visits, and unannounced home visits. See ICE, 2009, "Alternatives to Detention," Fact Sheet, Washington, DC, March 16, [http://www.ice.gov/pi/news/factsheets/2009\\_immigration\\_detention\\_reforms.htm](http://www.ice.gov/pi/news/factsheets/2009_immigration_detention_reforms.htm).





deported because they had previous deportation orders when they were arrested. Most of the ankle bracelets were removed within a few months after the raid.<sup>35</sup>

In our sample, at the time of the follow-up interview in May 2009, four parents were qualified to receive work permits. Two had received a work permit and two were still waiting to receive a work permit. The others still found themselves without permits while awaiting the final outcomes of their legal cases.

### Postville, Iowa

The experiences of arrested parents were very different in our fourth site, Postville, which was the largest single-site raid we studied (389 arrests) and took place in a small-town setting (just 2,300 official population). Agriprocessors, a kosher meatpacking plant, had been under investigation by various federal and state agencies for underage hiring, worker abuses, and environmental infractions for some time when it was raided on May 12, 2008. Almost 1,000 agents descended on the town along with helicopters and multiple vehicles; this was the largest show of force in any site we visited. Most of the 389 arrested immigrants were arrested at the work site and then moved to the Cattle Congress in nearby Waterloo, Iowa, where ICE and the U.S. District Attorney's Office set up trials over a period of about 10 days. Among the 389 arrested, most were men and most did not have children in the United States.

On the day of the raid, 47 adults (44 women and 3 men) were released under humanitarian guidelines because they were parents; all of them were outfitted with EMDs on their ankles. About 20 other adults were held by ICE without criminal charges. In addition, 22 underage workers were arrested; 17 of these minors were released, and 5 were sent into the custody of the U.S. Office of Refugee Resettlement as unaccompanied minors.<sup>36</sup> The 47 adults released on

humanitarian grounds in Postville were required to wear the ankle EMDs for a prolonged period of time—more than a year in a few cases. In the summer of 2008, 15 of this group agreed to depart voluntarily and left the country. The remaining 32 worked with lawyers to contest their deportation with claims for asylum, domestic violence, or victimization at the plant.<sup>37</sup>

In our Postville sample, 11 of the 18 parents we interviewed were processed at the worksite and released on the same day. One of these 11 respondents said that ICE did not ask whether she had young children, and she did not volunteer the information until late in the day. She and her husband, parents of two daughters (ages 1 and 5), were arrested at the plant and put in buses to be transferred to Waterloo, Iowa. At 6:30 p.m. before the bus left, an agent asked her why she was crying so much. She told the agent that she was worried about her daughters. At that point, she was removed from the bus and reprocessed for release by 8:30 that evening. Another mother in Postville did not disclose she had children at home, but rather told ICE officials that her children were on vacation, fearing they might be taken away if ICE visited her home. As a result, she was detained for five months. Reflecting on her experience during the interview, she said she would have let ICE know she had children if she had been informed that this would have made her eligible for early release.

Parents in Postville who were detained beyond the first day of the raid had longer detention periods than in any of our other workplace raid sites. One of the unique features of the Postville raid was the leveling of criminal charges against a large majority of arrested immigrants. Over 300 immigrants were threatened with aggravated identity theft—a felony carrying a two-year prison term—because they had used someone else's SSN. Charges were dropped against about 35 of these immigrants because the SSNs they used did not actually belong to someone else (i.e., they used completely invalid SSNs), but the remaining 270 pled guilty to the misdemeanor charge of misusing SSNs and served five-month terms in state and federal facilities scattered across

<sup>35</sup> Alex Garcia, 2009, "Uncertainty Remains for Immigrants Detained during Van Nuys Raid," *San Fernando Valley Sun*, January 1.

<sup>36</sup> In Iowa it is against the law for meatpacking plants to employ people under age 18, but Agriprocessors had employed at least two dozen minors, not all of whom were arrested during the raid. The illegal employment of these minors was one of the most controversial elements of plant operations and has led to charges against the owners, as well as U-visas for some of the minors—as they were victims of underage hiring.

<sup>37</sup> In particular, there were numerous accusations of sexual and physical harassment of female employees at Agriprocessors, and these alleged incidents formed the basis for U-visa applications for many of the women in the ankle EMD group.



the Midwest.<sup>38</sup> Seven parents in our Postville sample were detained for three to five months and then released with work permits.

In May 2009, about a year after the raid, the U.S. Supreme Court struck down the convictions of SSN misuse, finding that the distinction between having an invalid SSN and using someone else's SSN was meaningless, and that the immigrants could not possibly have understood that they had stolen someone else's identity.<sup>39</sup> The decision came too late for most of the 270, who had already served their five-month terms and been deported. However, 41 were released in October 2008—after their terms were over—to testify against Agriprocessors, and most of this group received work permits.<sup>40</sup> Thirty-five of them were adults released to testify in the federal immigration case against Agriprocessors vice president Shalom Rubashkin. These 35 adults (including seven in our sample) were released with ankle EMDs in November 2008, and in February 2009 a court ordered their EMDs removed. In November 2009, the federal government dropped its immigration charges against Rubashkin, as he had already been convicted on 86 counts of financial fraud and faced likely significant jail time. In December 2009, these 35 immigrants awaited their likely imminent deportation.<sup>41</sup> The other six who were released after serving their sentences were minors expected to testify in the State of Iowa's case against Agriprocessors for hiring underage workers, a case still expected to go forward.

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<sup>38</sup> The speedy processing of these immigrants in group trials at the "Cattle Congress," their coercion into signing the pleas, and the lack of adequate interpretation and translation (as many immigrants were Guatemalans who spoke neither English nor Spanish well) were roundly criticized by the media, immigration attorneys, and some of those present during the proceedings. Eventually there were Congressional hearings on the topic. For a full accounting see the Congressional testimony of one of the Spanish language interpreters, Erik Camayd-Freixas, 2008, "Statement of Dr. Erik Camayd-Freixas, Federally Certified Interpreter at the U.S. District Court for the Northern District of Iowa Regarding a Hearing on 'The Arrest, Prosecution, and Conviction of 297 Undocumented Workers in Postville, Iowa,' from May 12 to 22, 2008, before the Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law," July 24.

<sup>39</sup> Adam Liptak and Julia Preston, 2009, "Justices Limit Use of Identity Theft Law in Immigration Cases," *New York Times*, May 4.

<sup>40</sup> Some of this group of 41 actually served an additional month in jail before they were released as material witnesses.

<sup>41</sup> Grant Schulte, 2009, "Postville Immigrants Face Likely Deportation," *Des Moines Register*, December 6.

In December 2009, more than a year and a half after the raid, 29 women and minors—beyond those released as material witnesses—had received U-visas or work permits, and there were 30 deportation relief cases still pending. Some of those who received visas and permits were not caught up in the raid.

## Parent-Child Separations in the Nonworkplace Raid Sites

Besides the arrests at workplaces, immigration enforcement activities can take the form of FOT sweeps conducted by ICE agents and 287(g) arrests made by local police and sheriffs. Our current study expands the scope of the research described in our 2007 report *Paying the Price* to include these activities in addition to worksite raids. Because these arrests are most often the result of investigations of individuals rather than large employers, ICE's humanitarian guidelines around detention do not apply. Moreover, the scale of the arrests in any given operation is generally too small—less than 150 arrests at the time (less than 25 now)—for the guidelines to apply. The fact that humanitarian guidelines do not apply, along with the relative invisibility of these operations in comparison to workplace raids, makes parents and children particularly vulnerable to long separations. Nonetheless, there were instances in Miami when ICE released parents quickly for humanitarian reasons.<sup>42</sup> There were no such releases—and detention periods tended to be long—following arrests by the local police in Rogers-Springdale, Arkansas.

### Miami, Florida

Our research took place in the Miami metropolitan area, which in 2005–2007 was home to about one-third of the

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<sup>42</sup> ICE has issued guidelines stating that FOTs should not take into custody children under age 18 who are citizens or permanent residents but instead should refer them, in order, to child welfare authorities, local law enforcement agencies, or a third party designated by the parent. These guidelines prioritize referral to child welfare or law enforcement over placement with relatives or friends of arrested immigrants. In practice it is not known the extent to which the FOTs follow the guidelines, and we did not encounter referrals of children to child welfare or local law enforcement during our visit to Miami. See ICE, 2007, "Juveniles Encountered during Fugitive Operations," Washington, DC: Office of Detention and Removal Operations, [http://www.ice.gov/doclib/foia/dro\\_policy\\_memos/juvenilesencounteredduringfugitiveoperations.pdf](http://www.ice.gov/doclib/foia/dro_policy_memos/juvenilesencounteredduringfugitiveoperations.pdf).



nation's Haitian immigrants (about 175,000 out of 500,000).<sup>43</sup> Miami is home to a large Haitian unauthorized population, many of whom are on ICE's list for final deportations—a list estimated at 30,000 people nationally.<sup>44</sup> Many of the Haitian immigrants in the area applied for but were denied asylum, and others overstayed visas. There have not been many Haitian arrivals in the past few years, and most of the Haitians apprehended by ICE have resided in the United States for a long time.<sup>45</sup>

The arrests of Haitians in Miami occurred in small batches over a period of a few years. In 2008 there were many sweeps by FOTs—sometimes alongside Border Patrol agents or the local police—as well as arrests of Haitians during court dates and at ICE interviews. For example, in November 2008—a month before our visit—71 immigrants of various nationalities, including Haitians, were arrested by Miami FOTs.<sup>46</sup> A number of arrested Haitians were married to U.S. citizens who had petitioned for their legal residency. Nevertheless, some of this group had outstanding deportation orders and were arrested

and detained at meetings with immigration officers after their petitions were approved.<sup>47</sup> Some Haitians were also arrested by local police in traffic stops.

Our sample is comprised of immigrant parents—and spouses or partners of parents—who were arrested in one of the FOT sweeps or during court appearances or interviews between 2006 and 2008. Because many of the parents had outstanding deportation orders requiring mandatory detention, deportation and long-term detention were common both among our respondents and among other Haitians who were arrested during the same period. Three parents in our sample were deported and three were held for more than five months. However, there were four cases in which parents were immediately released with ankle bracelets so they would be able to take care of their children. For example, one single mother was arrested at her home one morning but was released and ordered to visit the immigration processing center later that morning. Immigration agents then told her that her deportation would be put on hold because she had no one else who could care for her daughter. This is a rare case in which ICE actually held up deportation because of a parent's caregiving responsibilities—and indicates that ICE has some capacity for discretion in such cases.

<sup>43</sup> American Community Survey, 2005–2007 three-year average, estimates from *American Factfinder*, <http://factfinder.census.gov>.

<sup>44</sup> Kirk Semple, 2009, "Haitians in U.S. Illegally Look for Signs of a Deporting Reprieve," *New York Times*, May 27.

<sup>45</sup> There has been a long-running political battle in Congress and the media over whether the U.S. government should grant Haitians either permanent asylum or TPS—as has been given to immigrants from several other countries in the Western Hemisphere. TPS, which allows immigrants to work and reside temporarily in the U.S., has been designated through September 2009 for some immigrants from Somalia, through May 2010 for Sudan, through July 2010 for Honduras and Nicaragua, and through September 2010 for El Salvador. See U.S. Citizenship and Immigration Services, 2009, "Temporary Protected Status," Washington, DC, April 30, <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=609d3591ec04d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=609d3591ec04d010VgnVCM10000048f3d6a1RCRD>.

Haiti is the poorest country in the Western Hemisphere, and suffers perennial political instability and violence. It was hit by four hurricanes in 2008 causing nearly a billion dollars in damages. The United States has had a consistent policy—in both Republican and Democratic administrations—of denying TPS, asylum, and other protective statuses regardless of the severity of circumstances in Haiti. The Bush administration suspended deportations to Haiti in September 2008—following the hurricanes—but then resumed them in December. There were a small number of deportations in early 2009, but as of June 2009 it was unclear whether the Obama administration would resume deportations on a significant scale.

<sup>46</sup> ICE, 2009, "ICE Arrests 71 Florida Residents in Targeted Immigration Fugitive Operation," Press Release, November 26.

<sup>47</sup> In these cases, the outstanding deportation orders appear to have trumped the petition for residency based on marriage to a U.S. citizen.

<sup>48</sup> ICE recently released data on the characteristics of immigrants brought into ICE detention through the 287(g) program. In FY 2008, 72 percent (27,000 out of 38,000) of all 287(g) detainees were not criminal aliens—in other words, they had not committed any nonimmigration-related crimes at the time of their arrests and had no prior criminal history. See Schriro, 2009, p. 13.

## Rogers-Springdale, Arkansas

In September 2007 the police departments of Rogers and Springdale joined with the sheriff's offices of the surrounding counties—Benton and Washington—to enter into four linked 287(g) agreements for a local Immigration Criminal Apprehension Task Force. Once this new task force was formed, local officers began pursuing unauthorized immigrants aggressively, arresting them not for serious crimes but for less serious infractions or for no crimes at all.<sup>48</sup> By May 2008, task force officers had arrested 419 immigrants during the first seven months of the program, but after May 2008



no further data on the program were released.<sup>49</sup> For example, the Rogers police department arrested some immigrants during routine traffic stops, reviving charges of racial profiling.<sup>50</sup> Further, the Benton County Sheriff's Office set up a New Year's Eve roadblock and arrested 14 immigrants—4 for driving under the influence and the other 10 for driving without a license.<sup>51</sup>

In a controversial enforcement activity, officers from both Rogers and Springdale joined ICE agents in conducting mini-workplace raids on a chain of Mexican restaurants in December 2007. During these raids four owners and relatives were arrested and charged criminally, and another 19 employees were charged administratively.<sup>52</sup> The owners' home was raided as well, and their assets were confiscated. This amounted to a worksite raid conducted by the local police.

The types of arrests among our sampled families reflected the wide array of enforcement activities being carried out in the area. About half of the arrests occurred at the families' homes, while the rest took place where respondents worked or during routine traffic stops or immigration appointments. The reasons for the parents' arrests were also varied. Three of the nine arrests captured by our sample were related to the investigation of the Mexican restaurant chain. Two others involved outstanding deportation orders similar to those issued for the arrest of Haitians in Miami. One parent was initially arrested for shoplifting and had her immigration status checked in the process. One woman's abusive boyfriend reported her as unauthorized to local police. In the final case, a man was arrested and deported

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<sup>49</sup> The local police departments and ICE refused to release data on who was arrested and why (i.e., what their criminal charges were)—citing “privacy concerns” and other factors. See Melissa Sherman, 2008, “Information Scarce on 287(g) Program: Task Force Officers Arrest 419 in First Seven Months,” *Morning News* (Northwest Arkansas), May 14.

<sup>50</sup> The Rogers police department settled a racial profiling lawsuit brought by Hispanic motorists in 2003. See Mark Minton, 2008, “Rogers Task Force Revives Fears of Bias: City Says Profiling Worries Are Baseless,” *Arkansas Democrat-Gazette*, January 15; and Liz Boch, 2006, “Immigration Plan by Rogers Mayor Worries Hispanics: They See Racial-Profiles Dangers,” *Arkansas Democrat-Gazette*, November 17.

<sup>51</sup> Jon Gambrell, 2008, “Hispanic Community Fears New Powers Given To Local Police in Arkansas,” *Associated Press Financial Wire*, March 10.

<sup>52</sup> Dave Hughes, 2008, “Two Plead Innocent in Alien-Hiring Case,” *Arkansas Democrat-Gazette*, January 15.

the same day after police routinely stopped the truck full of laborers that his employer was driving.

None of the parents with whom we spoke had been granted early release for humanitarian reasons. Respondents from Arkansas on average had much longer detention periods than the parents we interviewed in other sites. Notably, three single mothers in Arkansas were held in detention between 12 days and six months. Finally, we heard of very few cases in Rogers-Springdale where arrested immigrants were able to contest their deportation.<sup>53</sup> Because of the additional criminal charges they faced, the likelihood of humanitarian release or relief from deportation was very low among immigrants arrested by 287(g) officers in Rogers and Springdale.

### **Reliance on Spouses, Partners, and Extended Family for Children's Care during Arrest and Detention**

One of the key concerns surrounding parent-child separation is the well-being of children in the care of someone other than their parent. In our sample, detained parents primarily relied on their spouse or extended family members to take care of the children during parental detention, over both the short and longer term. As a result, children were almost never left unattended following a parent's arrest.

In 33 out of our 85 sampled families, parents were released and reunited with their families on the day of their arrest. This included 11 single-parent families and 22 two-parent families; in the 22 two-parent cases, children saw both their parents again by the end of the day. As discussed earlier, in one case, both parents had been detained and released the same day to care for their infant. Sixty-one out of 190 children in our study sample saw their parents before the end of the day and did not experience separation resulting from a parent's arrest. Also, as discussed earlier, there were eight instances in which two parents were both arrested and one parent was released to care for the children. In each instance the mother was reunited with the

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<sup>53</sup> In August 2009, nearly two years after the program's implementation, we only heard of one documented case where an arrested immigrant might get a visa under through the Violence against Women Act (VAWA). The VAWA case had started long before the arrest.



children, but the children were separated from their fathers, who remained detained.

In the remaining 52 families, 129 children experienced separation beyond the day of arrest: 44 lived in two-parent families and 8 lived with single parents. Among the two-parent families, 36 detained parents primarily relied on their spouses to take care of the children. In 28 of these families, an arrestee's wife or female partner took care of the children while her husband or partner remained in detention, and eight fathers (or male partners) became the primary caregivers when mothers were arrested. Eight two-parent households relied on extended family members or friends to care for their children during parental detention, including two cases where both parents were detained and extended family cared for the couples' children. In the other six of these cases, a mother was detained while female family and friends assumed primary caretaking responsibilities, with support from the children's father. In the eight cases where a child had lived with a single parent before that parent's arrest, extended family and friends cared for the child while the parent remained in detention.

A mother in New Bedford and a custodial grandmother in Van Nuys were held for days before being released. Close friends and relatives took care of their children during their absence. In Arkansas, a divorced mother was released after 12 days, while another single mother remained in detention for weeks, and a third single mother was held for months. In these three cases, the mother's extended family, an ex-partner, and a close friend, respectively, took care of the children. Two divorced parents were detained and then deported. In both of these cases, extended family looked after the deportees' children, and in one case, the deportee later returned illegally to the United States to reunite with her children.

Among the families we spoke with, there were only a few cases in which children were left unsupervised or unattended for long periods, including one instance when a parent was released late on the day of the raid. A single mother of three in Van Nuys said her children were left unsupervised for several hours before she was released on the evening of the raid. Her 16- and 17-year-old children arrived home from school that day and then took care of their 4-year-old brother by themselves for several hours after he was dropped off from child care. A couple to whom she rented a separate bedroom in her home arrived late in the evening and helped take care of the young boy until the mother was released from detention very late that same night. One mother in

Arkansas was arrested by the local police for a traffic violation and narrowly avoided having her toddler left at a Head Start facility. She was not allowed a phone call by her arresting officer but managed to secretly make a quick call on her cell phone before it was taken from her. The mother called a friend and asked her to pick up her daughter from Head Start.

### Local Community Members Helped Coordinate Care for the Children of Detainees

In addition to spouses, partners, extended family, and friends, clergy members and community leaders played important roles in caring for children separated from their parents. In Postville, the entire community quickly mobilized because the raid was so large relative to the size of the community (as over a quarter of the town's official population was arrested). St. Bridget's Catholic Church became a safe haven for families. The principal and a counselor at the local public school coordinated all of the pick-ups and drop-offs of children from school, and child care center staff did the same for younger children. More than 100 children of all ages stayed at the church with their parents who had not been arrested or other relatives for almost a week after the raid. Schools and churches played similar supporting roles following the New Bedford and Grand Island raids, but the families there did not stay in churches for extended periods. In all three of these sites, churches, schools, and community organizations worked together to help families arrange care for their children and weather the storm in the immediate aftermath of the raids.

There was no large-scale coordinated effort in Van Nuys, although there were individual instances in which nonrelated caregivers stepped up to look out for children. An immediate, coordinated effort to locate children of arrested parents and find arrangements for them was less necessary in Van Nuys than the other raid sites, because the arrestees in Van Nuys were released quickly—including all of the single parents on the same day of the raid. One of our Van Nuys respondents told us that one of her children's teachers heard about the raid and held two of her students late at school. The teacher arranged for another parent to drive them to their adult sister's house that evening. Teachers also stayed late to supervise children in Grand Island, but there, too, all the children went to their own home or to a relative's home by the end of the day.



## Parental Communication with Children during Detention

Most of the parents who were held for more than one day reported difficulties communicating with their children during detention. One man who was detained for six months said he was not permitted to make phone calls from the first detention center where he was held for a week.<sup>54</sup> A mother from Arkansas had a similar experience. During the first two months, she was only allowed to write letters. After that, she could call once or twice a week but had to call collect, and it was expensive. Other respondents, including a mother from Grand Island, registered the same complaint: “*The calls were very expensive. Ten dollars for five minutes to talk about everything you could in five minutes. So, I was always depressed [when I hung up].*” Those held in some of the detention centers were eventually able to use calling cards, which facilitated greater contact with loved ones at home. One mother said, of her detained spouse, “*In the beginning . . . they weren’t letting him use the card to call. But later, when they changed him to the detention center where he is now, they let him use a calling card.*”

## Family Separations after Deportation and Voluntary Departure

The 20 families in our sample where a parent either chose voluntary departure or was formally deported were forced to confront difficult and often painful decisions about whether to send children out of the country with the deported parent. In eight of these families, some or all of the children went abroad with one or both parents, while in 12 other cases, children remained in the United States, separated from one of their parents. In some of these cases, the whole family left to join the deported parent, and in others, parents and siblings were split between countries. Finally, in a few cases, parents returned illegally to the United States to be reunited with their children. This section describes the experiences of these families with deported parents and the decisions that parents made about the future of their children.

<sup>54</sup> The U.S. Government Accountability Office has documented difficulties with telephone communication between immigrants in ICE detention and their families. See GAO, 2007, *Telephone Access Problems Were Pervasive at Detention Facilities; Other Deficiencies Did Not Show a Pattern of Noncompliance*, GAO 07-785, July, <http://www.gao.gov/new.items/d07875.pdf>.

## Families Where Children Traveled to Parents’ Countries of Origin

Five families decided that some or all of the children should accompany the deported parent while their other parent stayed behind in the United States. In three of these cases, the mothers made this decision quickly, opting for voluntary departure after their same-day release, and they took their children with them. One mother, whose husband and brothers had fled Postville after the raid, explained that leaving was preferable given the extreme economic hardship that she and her three children were facing.

*The truth is here [St. Bridget’s] they’re helping us, but this month I’ve said that I’m going to move out because now the situation is that you can’t be with your kids . . . With a family, it’s a little more difficult, and so I’m going to turn over the house and I’m going to take my children. I’m going to take either two or three children to Guatemala. I’m taking them in August because you can’t survive like this.*

For the other two families that sent at least one child to be with a parent outside the United States, the trigger was deportation rather than voluntary departure, and the reunification of the deported parent and children outside of the United States came after a period of separation. One 11-year-old U.S.-born girl in Postville was separated from her mother for five months during the mother’s detention and for sixth months following the mother’s deportation; after six months the two were reunited in Mexico. This meant leaving behind the father and two older siblings, who were all undocumented and could not travel freely between the United States and Mexico. In another case, a Miami mother sent her 2-year-old son to live with his deported father in Haiti, because she could not afford to keep him with her in the United States anymore. “*The thing is, I cannot find any work and I have to support him. And if I’m not working I cannot rely on my parents all the time.*”

A total of three other whole families also opted to reunite with their deported family member in the parent’s country of origin. In one of the Iowa families facing deportation, the decision for everyone to return to Mexico hastened plans that were already in place to return to their country of origin. The mother told us that before the raid occurred, she and her husband had planned on moving back to Mexico after earning enough money to finish construction on a home they were building there. She said that she



had even started encouraging their 9-year-old son to improve his Spanish grades at school so he would be ready to transition to school in Mexico. When both parents were arrested, they chose voluntary departure and moved back to Mexico as a family. In another instance, a mother, who followed her husband back to Guatemala after his deportation, shared how no one in the family had any will left to remain in Iowa, especially given the economic toll that the arrest had taken on their household. *“They don’t want to be here anymore, practically, they don’t want to anymore and neither does their dad.”* Moving back reunited this mother and her four children not only with their deported father but also with two of their older siblings who had been separated from the family when their parents had migrated to the United States to look for work.

### Families Where Children Remained in the United States, Separated from a Deported Parent

At the time of the interview, the children in five of our sampled families remained in the United States, separated from their deported parent. One Miami mother, whose husband was deported after six months in detention, leaving her alone with her three children, lamented, *“I just can’t take care of them anymore. It’s only me and I cannot take care of them. I have no help.”* She found herself working all the time just to keep the family afloat economically, but she could not bear the idea of sending their children back to Haiti.

Six of the deported parents reported that they did everything possible to make it back the United States to be with their children. For most of these parents, this meant facing a dangerous border crossing. One mother, who had been separated from her two children for more than four months, described the harrowing experiences she endured to be reunited with her children, who were being taken care of by an elderly aunt and uncle who had a hard time caring for them. After borrowing money from friends in Guatemala to fly to Mexico City, the mother was driven to the river in a trailer with other migrants. They then walked for 21 hours until a truck picked them up and brought them to Houston.

*When they dropped us off up here in Houston, we couldn’t even stand up. We couldn’t stand the pain, our feet covered with blisters. But in spite of that, I gave thanks to God that I had made it and that I was here, and I went to see my kids.*

The border crossing took a tragic toll on one family in particular. After spending six months in jail, the father was deported to Guatemala and then traveled back through Mexico to New Bedford to rejoin his wife and 4-year-old child. He succumbed to a fatal heart attack just hours after their reunification.

One of these deportees was able to reunite with his family members through legal means. A Miami man, who took voluntary departure after he was arrested and released with an ankle bracelet on the same day, was able to petition for his legal residence because of his marriage to a U.S. citizen. He returned legally after about 14 months of separation from his family.

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Taken together, our six study sites provide a detailed picture of family separations following immigration enforcement operations by ICE and local police officers. There was considerable variation in the length of time after initial arrests that parents were detained and separated from their children, ranging from several months for many parents in Arkansas, New Bedford, and Postville, to less than a week for everyone in Van Nuys. The shares of parents overall and in our sample who were deported also varied significantly, with more deportations and voluntary departures in Arkansas, Grand Island and Postville than in the other sites. Our sample, however, was biased toward the parents who were released on the same day as their arrest or early on, because we could not interview those in detention or those who had already been deported by the time of our interviews. Nonetheless, about half of the sample consisted of two-parent families where at least one parent was arrested and detained for a significant period of time.

ICE humanitarian guidelines, which arose out of the controversies surrounding parent-child separations after the New Bedford raid, appear to have been fully implemented by early 2008, when the raids occurred in Van Nuys and Postville. In both of these sites—as well as in Miami, where the guidelines did not formally apply because the raids did not occur in workplaces—a significant share of our interviewed parents were released on the same day as their arrest. Requirements to wear EMDs on their ankles complicated matters for many of these parents, but release with an EMD was better than prolonged detention from the standpoint of maintaining the relationships between these children and their parents.



On the other hand, the findings highlight the potentially far greater level of parent-child separation in enforcement actions carried out by local police through 287(g) agreements. The ICE humanitarian guidelines did not apply to the arrests by local police in Rogers and Springdale, where all of the sampled families experienced prolonged parent-child separations. In both Postville and Rogers-Springdale, the application of criminal charges mandated detention for many arrestees—in Rogers-Springdale most were arrested at their workplace or for minor traffic violations.

Another interesting and somewhat surprising finding was the variation in the final disposition of cases across our sites, particularly the differences in the likelihood of deportation across the workplace raid sites. In Van Nuys, only a small minority of arrestees were deported; about half were contesting their deportation as of December 2009, and another 30–35 had their deportation withheld for cooperating in the immigration case against Micro Solutions. More than half of the New Bedford arrestees were still contesting their deportation two and a half years after their arrests, and 15 that we know of have been granted asylee status, visas, or work permits. In Postville, by contrast, the majority of arrestees (but only a minority of those in our sample) were held for five months and then deported. Among those detained for a prolonged period, a significant minority were eventually released and some were granted work permits for cooperating with the investigation against Agriprocessors. Others in Postville continue to contest their deportation as victims of crime or on other grounds. In Grand Island only a few arrestees ever contested their

deportation, and we know of only a handful of cases in which they were successful.

As we shall see later in the report, much of this variation in outcomes has to do with the thorough legal defense efforts mounted in New Bedford and Van Nuys—and to a lesser extent in Postville. These legal defense efforts have been mounted on a variety of avenues to contest deportation. Thus far the most successful of these across the sites appears to be pursuit of U-visas for immigrants who are crime victims (as many were in the terrible working conditions in New Bedford and Postville). In Van Nuys, defense attorneys used a more unusual strategy, challenging the legality of the raid itself and the validity of the warrants served on immigrants there.

Immigrants arrested in the nonworkplace raid sites—through FOT home raids, at court dates, or in local policing operations under the 287(g) program—fare worse, with far less prospect of staying together as a family in the United States. The Haitians arrested in Miami generally had no chance to contest their deportation because they already had final deportation orders. According to respondents, only one person had his deportation order of removal canceled—out of hundreds of arrests—in Rogers-Springdale.

Regardless of the eventual outcomes, the vast majority of our sample from the workplace raids experienced long limbo periods while their deportation cases were contested. The next chapter turns to the experience of families during these limbo periods, with a particular focus on economic hardship as a consequence of separation—a parent detained or deported—or as a consequence of a parent's inability to work.





### 3. THE EFFECTS OF IMMIGRATION ENFORCEMENT ON FAMILY WELL-BEING

This chapter addresses the second set of research questions—the effects of immigration enforcement on child and family well-being—and focuses specifically on economic hardship, including food insecurity and housing instability. We provide a detailed description of families’ economic circumstances from several perspectives, but we focus in detail on lost income, food insecurity, and housing instability because these hardships can pose particular risk to children.<sup>55</sup> We then discuss where families turned for assistance and how much assistance they were able to receive.

#### Changes in Families’ Economic Hardship

The arrest of an immigrant parent has severe consequences for the economic well-being of children and families because the family generally loses a breadwinner. This is always the case in a worksite raid, where by definition the arrest is of a working parent, but it is also often the case when immigrants are arrested at home or other locations. The loss of a breadwinner occurs not only when parents are detained or deported, but also when they are released with a pending immigration case without authorization to work. Thus, in the vast majority of our cases, family incomes dropped severely following the raid or other parental arrest. Lost income triggered further economic hardships for families, including difficulty paying bills, housing instability, and food hardship.

#### Lost Employment and Income

Before their arrest, most parents we interviewed—or their spouses—were working steadily and earning incomes suffi-

cient for them to support their families. Several of them had worked many years for the same company and had managed to obtain supervisory positions with higher wages. One woman in Van Nuys said she had worked nearly eight years for a company that merged with Micro Solutions, working her way up from a line worker to a supervisor, teaching lower-level employees how to do their jobs. *“I taught people how to work, looked over their work, kept track of production . . . and at the end of the day, I had to give a report to my supervisor . . . about what had been produced that day.”* Another worker in Postville recounted how he had started at Agriprocessors when he was 14, working the night shift, taking dead chickens and turkeys to the garbage for \$6.25 per hour. Over the next five years, he slowly worked his way up, aided by his burgeoning English skills, and transferred to the quality control team where he was making \$9.25 per hour at the time he was arrested. Other workers had managed to build solid lives for themselves and were slowly breaking into the middle class. One woman explained, *“Everything was going well. I was in school, I had a good job, I had a magazine called Contigo, money coming in and going out, I owned a three-bedroom house, I paid my bills, I had a car. Everything was good.”*

*Changes in employment.* Across our study sites, one in four households had no workers at all at the time of our

<sup>55</sup> Greg J. Duncan and Jeanne Brooks-Gunn, eds., 1997, *Consequences of Growing Up Poor*, New York: Russell Sage Foundation; Jane Waldfogel, 2006, *What Children Need*, Cambridge, MA: Harvard University Press.



interviews. Even those parents who were released often felt it would jeopardize their release to work or had difficulty finding employment. After being arrested in her home by police investigating unauthorized workers, a mother in Arkansas said that even though immigration had not expressly forbidden her to work after she was released, she was afraid that they would arrest her again if she did. *“They didn’t forbid me to work, or release me with any provisions, but, in truth, I don’t have a way to work anymore. I’m afraid that immigration will grab me.”* Another mother in Arkansas said that local police often used their knowledge of illegal employment to pressure immigrants to cooperate with investigations of their employers.

Respondents released on supervision with ankle monitoring devices (most of whom were in Postville or Van Nuys) were the least likely to be working. These monitoring devices have GPS locators, allowing ICE to track immigrants. Respondents wearing bracelets were afraid ICE would find out they were working and this would lead to another arrest. One mother with an ankle bracelet said she could not stay in any particular location for an extended period of time because ICE might suspect she was working. Others felt they could not physically do the work because of the discomfort of the bracelet. *“In fact, you can’t work. It’s uncomfortable even just to walk.”*

Some workers found that even if they overcame their fear of going back into the labor force, no one would hire them. One mother noted that everyone in her community knew she had been detained and that none of the employers would hire

her because they were afraid of having problems with ICE. *“You want to look for work, everybody knows already that you got picked up, and so they are all afraid and no one wants to give you work, because you, even though you’re afraid, go out to look and everyone closes their doors to you.”* This was particularly the case in Postville, a small community in which the plant that was raided was the only significant employer.

**Declines in household income.** Household incomes before the raids or other arrests were modest and varied by site, reflecting differences in parental occupations and household structures. Household incomes before arrest were highest in the worksite raid sites, in part because these parents were working longer hours. In Postville, where the great majority of households (15 of 18) had two or more workers who routinely worked more than eight hours a day, median weekly household income was relatively high compared with all of the other sites except Grand Island, where the Swift meatpacking plant workers were unionized (table 3.1). In contrast, families in Arkansas and Miami had lower household incomes and depended on fewer workers to support them. Six of nine Arkansas families and five of nine Miami families relied on only one paycheck before parental arrest. In both of these sites, parents worked in a variety of occupations that often offered part-time hours and paid lower wages than manufacturing. These occupations included service sector jobs in restaurants and hotels, as well as seasonal work in construction and plant nurseries.

Household incomes dropped precipitously in each of the four sites we visited within two months after a raid or within

TABLE 3.1. Average Weekly Household Income and Workers Before and After Arrest

Site	N	Before arrest	Time elapsed			
			Less than 6 months since arrest	% Change since arrest	More than 6 months since arrest <sup>a</sup>	% Change since arrest
All	85	\$509 (1.8)	\$154 (1.1)	-70%	\$238 (1.3)	-53%
Grand Island	12	\$652 (1.6)	–	–	\$154 (1.3)	-76%
New Bedford	10	\$553 (2.1)	–	–	\$300 (1.1)	-46%
Van Nuys	27	\$428 (2.1)	\$221 (1.4)	-48%	\$255 (2.0)	-40%
Postville	18	\$654 (2.1)	\$74 (0.6)	-89%	\$51 (0.5)	-92%
Miami	9	\$290 (1.1)	\$158 (1.0)	-46%	\$121 (1.0)	-58%
Arkansas	9	\$376 (1.2)	\$159 (1.0)	-58%	\$160 (0.6)	-57%

Source: Urban Institute surveys of families in study sites.

Note: Values in parentheses represent the average number of workers per household.

a. For Postville and Van Nuys, these consist of follow-up interviews. For Grand Island and New Bedford, “–” refers to “not applicable” because these data were not collected for our earlier study, *Paying the Price*, and are therefore not available for the current report.



six months after a parent's arrest in a nonworksite enforcement action. Postville had the steepest drop in incomes—to zero in most households—because the parents we interviewed who had been released with ankle bracelets were prohibited from working and could not find employment in the community. In Van Nuys where more families had some members still working after the raid, the loss in earned income was still nearly half of the pre-raid level, and many households that had two working members now had one.

In the instances where we interviewed families at a later point in time, including the raid sites where we returned, some families had stabilized their incomes somewhat, bringing up the average, but overall household earnings were still lower than the pre-raid levels. Households in New Bedford and Van Nuys were the only ones where weekly incomes were over half their pre-raid average more than a year after the raids there. On the other hand, families in Postville mostly experienced continuing unemployment. Among the 10 Postville families we reinterviewed nine months after the raid, six had little or no change in the number of workers or earnings in their households, and two families had lost the one income that they had had at the time of the first interview. Only one family increased its income between the first and second interviews. This family, which had no workers immediately after detention, had one member who was working informally making and selling jewelry, but the income earned from this activity was nominal and sporadic. Our four follow-up visits suggest that substantial declines in family incomes can persist up to a year or more following raids and other immigration arrests.

### Difficulty Paying Bills

As families lost workers and their incomes declined following the raids or arrests, they began to have more and more difficulty paying bills. Nearly two-thirds of families (54 of 85) reported having difficulty paying their household bills at the time of their first interview. These difficulties were most acute in Miami where all nine families were affected and in New Bedford where all but one of the 10 families testified to having economic problems of this type. The economic well-being of families seemed to become more precarious over time. Across our entire sample, a little more than half of those interviewed between two and six months following parental arrest had trouble paying bills, and this share rose

to three-quarters for those interviewed at later points in time. Difficulty paying bills remained relatively stable in Van Nuys between the first and second round of interviews, but the rate actually declined in Postville where families received sustained support for rent and utilities from St. Bridget's Church.

Because families often ended up delaying utility payments in order to pay their rent, these kinds of debts were the first to start piling up. Two out of every five families said that they had missed at least one payment for basic utilities such as water, electricity, and gas; and about a fifth had not paid a bill for telephone, cable, or internet service. Missed payments led to late fees that compounded difficulties paying bills and, in some cases, service cut-offs. Four families reported having at least one of their basic utilities cut off and another 12 families said their phone, cable, or Internet service had been discontinued.

Parents tried a number of things to keep up. Some cut off nonessential services like cable and cell phones to pay the rent or reduced their use of essential services further beyond already low levels. In Van Nuys, several families managed to stay in their homes by negotiating with their landlords over the amount and timing of rental payments, as well as waiving the cost of utilities. In one case, a father said that the only way he was able to stay in his apartment was that the landlord let him apply his security deposit to the incomplete rental payments he had made. Another worker shared that he had worked out a deal with the landlord for reduced rent in exchange for repair and maintenance work on his properties.

In Van Nuys, keeping up with bills was even more difficult for those who were released with EMDs on their ankles, because these EMDs were linked to a telephone landline for ICE to verify their location. At a time when many other families were discontinuing their phone service, those with ankle bracelets were being forced by ICE to take on another expense. Some of these families only had cell phones before the raid and had difficulty getting the phone company to install a landline without having a formal credit history. Many times, their only alternative was to pay an out-of-pocket security deposit.

### Housing Instability

Housing was the area in which the steep loss of income became the most apparent, particularly over time, largely because this was the families' biggest expense.



*Crowded housing.* Many of the families started in very tight housing conditions and were doubled up with relatives and other families, but the arrests worsened these conditions significantly. For many families we interviewed, the burden of rent and other household bills was unsustainable during the first few months after an arrest, and this burden spurred them to look at other housing alternatives to cut costs. For one in four families, this meant moving in with friends or family or having others move in with them to pool resources.

This doubling up, however, was often less than ideal, as crowded households only became more overcrowded. One family of three in Van Nuys initially moved from their one-bedroom apartment to a garage after the raid, only to find that they could not afford the rent there either. From there, they moved into a two-bedroom house with seven other family members. Another mother, who had been left alone with her four children after her husband was detained, faced a similar reality. She had no choice but to move the five of them into the three-bedroom house where her mother, father, sister, and niece were already living. Doubling up with others changed family situations and affected children. One family in Van Nuys rented out their bedroom to another couple and their two children for \$250 when money was especially tight. The experience was particularly hard for the children, who had conflicts with each other. The children lacked the space to run around inside the apartment and had to go play outside in the building's patio. They told their mother, "I don't like to live like this." But, there was nothing she could do.

In most cases, housing assistance did not lead to greater housing stability in the long run, because the amount of assistance received was insufficient to sustain families in their prior accommodations. Most of the housing assistance was also short term, for just three or four months after the raids. One exception was Postville, where charitable assistance through the church persisted for over year after the raid. However, even in Postville, about a third of the parents interviewed one year after the raid had moved to apartments with lower rents or moved in with family members or nonrelatives.

*Frequent moves.* The stigma the arrests carried sometimes led to housing instability. In one case in Van Nuys, a landlord heard about the raid and asked one of the women who was arrested to move out because he wanted to avoid having problems in his building. Another mother in Van

Nuys had recurring housing problems because she wore an ankle bracelet. The couple that was living with her and her kids was sharing the rent at the time of her arrest but moved out when they saw she had an ankle bracelet. They were afraid immigration would come to the house. "So, they said to me that if they put an ankle bracelet on me, they were going to move to another place because it made them afraid. I told them, 'Don't be afraid' and they said, 'No, we're going to leave.' And they left." She then left that apartment and attempted to rent a room in another apartment, but once the man there found out about the bracelet, he told her that he was going to leave the apartment if she did not move out. Given the ultimatum, the mother and her three children moved into the living room of an apartment that four men were also renting.

Others reported voluntarily separating from loved ones to protect them, because living together could have exposed them to immigration enforcement. One father made the decision to move in with other workers who had to wear bracelets and sent his partner and her children to live with a relative. A woman encouraged her nephew, who lived with her family at the time of her arrest, to move out after she started wearing an ankle bracelet. She did not want to put him at risk.

*So he left because, since I have [an ankle] bracelet and supposedly they've been calling a lot and are going to come and check on me, I imagine he had to have thought, "It's better if I go." And I told him, "It's OK. I don't want to put you in a bad position."*

Other families felt that they had to keep moving in order to avoid problems with immigration. One mother was deported and returned to the United States to be reunited with her husband and two children. Shortly after she returned, immigration officers came to the house. After that, she went to live with her adult son for two months for fear of them coming back again, even after her husband reassured her that the immigration officers thought she was still in Mexico. When she moved back in with her family briefly, immigration officers came back again, but she did not open the door. On that day, she moved back in with her son and had a friend pick up her children from school.

*Loss of homeownership.* Not surprisingly, the large majority of families in our sample rented their homes, but eight families across four of our sites—all but Miami and



TABLE 3.2. Short-Term Food Hardship in Households Following Arrest

Response	Could not afford enough food (n = 51)	Were not able to eat (could not afford) balanced meals (n = 50)	Reduced size of meals (n = 50)	Ate less than before (n = 49)	Experienced hunger (n = 50)
Never	14	20	18	21	39
Sometimes	21	14	14	12	7
Frequently	16	16	18	16	4

Source: Urban Institute surveys of families in study sites.

Notes: These results are combined from 54 households across four sites—Van Nuys (27), Postville (17), Arkansas (6), and Miami (4)—interviewed two to six months after parental arrest. The total numbers of responses across the columns are different due to incomplete data and refusals to answer. All households included in the table answered at least four of the five items. One household is not included at all due to insufficient data.

Grand Island—owned homes and paid a mortgage prior to the parental arrest. All of these families struggled to make mortgage payments in the aftermath of the arrest, because of the loss of the main breadwinners’ income. Half of the families had actually lost their homes by the time they were interviewed. This devastated families who had managed to establish themselves in the community and provide what they expected would be more substantial stability for their children. One mother explained how crushed her 5-year-old daughter was when she realized that the family had to sell the home they had lived in for seven years. *“When my daughter saw the ‘For Sale’ sign, she started to cry and she said to me, ‘I don’t want my house to be sold, it’s our house.’”*

One mother in Arkansas lost her home when the father of her two sons, from whom she was estranged, took advantage of her six-month detention to refinance her three-bedroom home in his name, gain custody of their children, and move into her house with his new wife. When the mother was finally released and sent home on a Greyhound bus, she did not have anywhere to stay. Some friends offered a place for a while, but then they got tired of this arrangement. So, she stayed in a motel until she was able to find a roommate. The worst part of losing her home was that she could not apply to regain custody of her children because she did not have anywhere for them to live. *“I can’t, I don’t have a place to . . . for them to be with me right now.”* She was only able to see her sons a couple of times a week. *“Sunday is my day off so I see them from two to eight, eight thirty. And then between the week I go and see them for a couple of hours because they live [here] and I live [there] and you know with all the gas prices I barely have money for gas to take me to work.”*

### Food Hardship

Most of our study families had difficulties affording food after immigration enforcement.<sup>56</sup> In the four sites where we interviewed families two to six months after a raid or arrest (table 3.2), nearly three out of five of these households reported difficulty paying for food “sometimes” or “frequently” immediately following detention; nearly two out of three reduced the size of their meals; over half ate less than before; and more than a fifth reported having experienced hunger because they did not have enough to eat, including four respondents who said they experienced hunger frequently.

These findings are far above national norms (table 3.3) and show considerable distress in our study sample. Well over half of the parents we interviewed said that, at least once in the past month, the food that they bought did not last, they could not afford to buy more food, or they could not afford to eat balanced meals. This contrasts with fewer

<sup>56</sup> Our study employed four questions from a broadly used food security scale developed by the U.S. Department of Agriculture. We did not employ the full scale, so we do not report “food security” results here but instead discuss the individual items. Moreover, we cannot directly ascribe difficulties affording food to the raids or arrests, although we know that most of these families experienced severe drops in income following these events. We did not ask food security questions about the period before the arrest, so we cannot gauge how much of the food hardship pre-dated immigration enforcement. We rely mostly on our qualitative data from the interviews to interpret the results from these food security items. For the full scale, refer to Mark Nord and Gary Bickel, 2002, *Measuring Children’s Food Security in U.S. Households, 1995–99*, Food Assistance and Nutrition Research Report No. (FANRR25) 38, Washington, DC: USDA, Economic Research Service.



TABLE 3.3. Short- and Long-Term Food Hardship in Households Following Arrest

Food hardship item <sup>a</sup>	Time Elapsed (UI Sample)		National <sup>d</sup>
	Less than 6 months (n = 54) <sup>b</sup>	More than 6 months (n = 46) <sup>c</sup>	
Food bought didn't last and respondent didn't have money to get more	72.5%	82.6%	12.4%
Respondent couldn't afford to eat balanced meals	60.0%	78.3%	11.3%
Adults cut the size of meals or skipped meals	64.0%	60.9%	6.5%
Respondent ate less than felt he/she could	57.1%	57.8%	6.5%
Respondent was hungry but couldn't afford to eat	22.0%	28.3%	3.3%

Source: Urban Institute surveys of families in study sites.

Note: Actual numbers for individual items may sometimes be lower because of refusals or missing data.

a. Share reporting condition “sometimes” or “frequently” within the past month.

b. Includes first interviews from families in Van Nuys (27) and Postville (17), as well as interviews with families from Arkansas (6) and Miami (4).

c. Includes follow-up interview in Van Nuys (12) and Postville (11) as well as interviews from four other sites: New Bedford (9), Grand Island (8), Miami (4), and Arkansas (2)—interviewed more than nine months after parental arrest. 22 of the families were also interviewed in the first round in Van Nuys and Postville.

d. These statistics come from Mark Nord, Margaret Andrews, and Steven Carlson, 2008, *Household Food Security in the United States, 2007*, ERR-66, Washington, DC: USDA, Economic Research Service.

than one in eight American families being affected by these conditions. More frequently than other U.S. families, our parents also reported that they cut the size of meals or skipped meals, ate less than they felt they could, or felt hungry but did not eat because they could not afford to buy food. The parents we spoke with were seven times more likely to report experiencing hunger than the U.S. average.

The families interviewed across all of the sites in our sample more than six months after arrests reported difficulties securing enough food over the long term (table 3.4). Among the families in the study sample—which includes 22 follow-up interviews—these difficulties generally persisted and sometimes increased. In the long term, a higher percentage of parents reported that the food they bought did not last, they could not afford to eat balanced meals, or

they endured hunger because they could not afford to buy food.

There was some variation in responses to these questions across the study sites, with the highest reports of food insufficiency and hunger in the nonworksite raid sites: Miami and Rogers-Springdale. Haitian families in Miami reported the highest levels on each of the five food hardship measures, particularly hunger. All nine families interviewed indicated they went hungry and were more likely to report that they “frequently” experienced food hardship. For example, a Haitian single mother who was arrested at home one morning three months before the interview said, “*Not only did we have to cut the size of our meals we had to skip meals, because it’s not whenever you want a meal that you can have a meal.*” Another single mother, caring for her own two children as well as her niece, reported great difficulty finding

TABLE 3.4. Long-Term Food Hardship in Households Following Arrest

Response	Could not afford enough food (n = 46)	Were not able to eat (could not afford) balanced meals (n = 46)	Reduced size of meals (n = 46)	Ate less than before (n = 45)	Experienced hunger (n = 46)
Never	8	10	18	19	33
Sometimes	18	18	8	16	10
Frequently	20	18	20	10	3

Source: Urban Institute surveys of families in study sites.

Notes: These results are combined from 46 households across six sites—Van Nuys (12), Postville (11), New Bedford (9), Grand Island (8), Miami (4), and Arkansas (2)—interviewed more than nine months after parental arrest. 22 of the families were also interviewed in the first round in Van Nuys and Postville. The total numbers of responses for questions may be lower due to a missing response. 45 households answered each of the five items.



work since her work permit expired three years earlier. With her brother deported, things have only gotten harder, since she could no longer count on his income to help put food on the table. She said,

*The kids have a lot of problems because sometimes I have five dollars for whole week and the kids only have noodles and the kids will only eat noodles. And I'll buy a gallon of water and they'll drink water and just go to bed like that.*

Even so, food hardship was by no means limited to Miami. A family from Postville with two children said that they cut their food purchases from about \$180 per week to between \$30 and \$50 per week in the first few months after the raid. The mother described their situation: *"It was really hard because since then, we've been here but it isn't easy at all because we can't work and I would like to work and, well, so that my daughters can have what they ask for because . . . Now we don't buy . . . fruit, yogurt, and all those things.*

*We don't buy [them] because . . . we can [only] buy the necessities."* A mother of four in Postville explained to her children when they asked for some variety in their meals after the raid, *"We don't have it right now. Eat this now, even if it's beans. You know the situation we're in. I can't buy you everything."* In Arkansas, one interviewee related how her sick mother's health has been compromised by food hardship.

*My mother, she has an illness, she has arthritis, and she has to take pills. But the pills make her sick to her stomach. So, she has to drink a lot of milk and sometimes she's had to go without so that the baby can have it.*

For families in Postville that were interviewed twice, food hardship abated for some by the time of the second interview nine months after the raids. In Postville, the number of families reporting milder forms of food hardship declined, and by the second interview no families reported hunger. Although some families in Postville continued to struggle to get enough food to eat on a regular basis, they fared better than families in our other sites because of sustained assistance from St. Bridget's Church and local organizations.

Several families talked about juggling between food and other basic needs. In Arkansas, a mother of four children, ages 2, 8, 13, and 16, who was picked up for a traffic violation six months prior to the interview said that it had

become untenable to make ends meet. She said, *"It doesn't last. If I'm going to pay the bills, I have nothing for food."*

Another mother of two toddlers ages 1 and 2 who was given an ankle bracelet during a home raid four months earlier said that she constantly negotiated which bills to pay. *"Sometimes we don't pay the water so we can buy food. Sometimes we don't pay the insurance so we can buy food. Sometimes we don't pay the light so that we can buy food."*

Some parents reported eating less or going without food so that their children could eat more. A single mother of three in Van Nuys said that during the first few months, her children refused to eat dinner because they thought that there wasn't enough food for the household. Every night before starting to eat dinner they asked her if there was enough food for everyone. She told them constantly that there was enough, and she would eat less herself so they would have more to eat. She would say, *"Sons, eat,"* and they would respond, *"Mommy, you eat first."* Once she saw how concerned they were over her reduced portions, she began to hide her food intake as much as she could from them. After she obtained a work permit and began working work again, she took salads for lunch because she wanted to save the rest of the food for the family dinner. Another father of two in Van Nuys said that he and his partner regularly ate less so that his two boys, ages 12 and 8, would not notice the scarcity as much. He said with some hesitation,

*Up until now, the boys—we, as adults, well, I—the truth, yes, I've endured, well, sometimes I haven't eaten, um, one day, two days, for the same reason that I've had to reduce my expenses, but we try to manage so the boys . . . don't go through that.*

One of the most common strategies for stretching food was to buy less expensive items, cheaper ingredients, or more processed foods to save on food costs. A mother in Grand Island said,

*So, I can change their meals to something more economical but not start measuring things out, understand? I think that would be very cruel, that you say "ay—only this or only that." I prefer to change the menu and make it cheaper.*

Several parents mentioned that buying cheaper food was a lot harder at a time when the prices of basics like milk, eggs, and rice were increasingly expensive.



## Families' Coping Strategies and Forms of Assistance after Arrests

### Employment after Parental Arrests

During this difficult adjustment period when many of the arrested parents were unable to work, spouses often took on extra hours to help make ends meet. One interviewee reported that her husband was working 12-hour shifts, from 3:00 in the afternoon to 3:00 in the morning. *“More hours, overtime. He works from three in the afternoon to three in the morning . . . and he tries to make sacrifices, I’ll tell you, because there are expenses, lots of expenses.”* Another interviewee said her husband sometimes worked double shifts twice a week. *“He stays to work a double shift and nowadays that’s how it’s been, only him working. Sometimes two times he has to stay to work a double shift, two times a week and it’s hard because eight hours and you’re really worn out and you still have to work more, but like he says, it’s a necessity.”*

In a few families, the parents decided to separate geographically so that one of them could find employment. One family separated after the children’s mother was arrested and the father could no longer find work in Postville. He moved to a nearby town where he found work to help support the wife and children, but because of his work schedule he rarely visited and could no longer take as much of a role in helping with the children. Their older son regularly asked about him and worried he would be arrested, too. By the time we returned to Postville for the second round of interviews with families, the father had returned after eight months and was living with his family. In Grand Island, a father raising two children on his own because his wife was deported lost his job a few months later and could not find a job nearby with a good enough income. He took a job working at an energy plant that was six hours away, and was only able to come home three days per week. During the months his wife was in detention, the teenage children mostly stayed home alone and on occasion were looked after by relatives.

In the long term, many workers who had been arrested found ways to go back to work because of economic necessity. Most of the parents who worked after their arrest found themselves in the informal labor market to avoid being detected by ICE again. One father in Grand Island said he mostly worked mowing lawns and doing odd jobs, though he could easily have found steady factory work, because he didn’t want to do anything that might complicate his legal case. *“I want to work. I do house repairs here and there. But I*

*don’t want to get a job at a company because I don’t want to ruin my case.”* The most commonly held informal jobs included house and office cleaning, babysitting for relatives and friends, doing odd jobs and construction as day laborers, recycling, selling raffle tickets, and making and selling handicrafts. One couple in Van Nuys reported working more than eight hours a day collecting bottles and cans for recycling and buying and reselling used items. *“We sell dishes, clothing, appliances, like . . . and we walk around gathering up aluminum and plastic containers to sell.”* Though these activities helped families piece together some much-needed income for their families, they could not adequately replace the full-time steady wages that many had earned prior to their detention.

A small number of respondents had received work permits, due to their cooperation with ICE in testifying against their employers or successful appeals of deportation on other grounds. However, even this group sometimes had difficulty finding work. At the time of their second follow-up interview, five detainees in Postville and Van Nuys had been released and obtained work permits. However, only one of them had actually been able to find work because of the economic conditions in their communities. One woman in Van Nuys told us that she had taken two different temporary jobs and looked for months before finally finding a night-shift job, working from 11:00 p.m. to 5:00 a.m. *“The schedule is uncomfortable but because it was stable, I preferred to stay there for now while things get better, to see what happens. If I can get a better job, I’ll take it but there aren’t any . . . Everyone is looking for work and can’t find any.”*

### Back Pay and Assistance from Former Employers

The initial economic impact of some families’ loss of earned income during the first weeks after an arrest was mitigated by the back wages and unused vacation or sick days that families were able to claim from the arrested workers’ employers. In three of the four worksite raids (Grand Island, Postville, and Van Nuys), families reported being paid for back wages and unused vacation or sick days. In Grand Island, Swift and Company set up a fund disbursed through local United Way agencies to provide rent and other assistance for a number of months after the raid.<sup>57</sup> Several of our

<sup>57</sup> Swift and Company did this for employees arrested in all six plants that were raided by ICE in December 2006.





respondents in Grand Island told us that their employer made payments of \$200 a month for three months following the raid.

In addition to back wages, one worker in Van Nuys was able to get her employer, Micro Solutions, to pay out disability benefits for a repetitive motion injury that she incurred while operating a drill at the work site. At the time of our follow-up interview more than a year after the raid, she was still receiving biweekly checks and regular medical treatment for the injury, although these payments were about to expire at that time.

In Grand Island, local community organizations were largely successful in getting the final paychecks and vacation pay for immigrants arrested in the raid there, but getting final paychecks for arrested workers in Postville was not an easy undertaking. Staff at St. Bridget's Church spent a considerable amount of time pursuing Agriprocessors to obtain final paychecks, and then had difficulty getting local banks to cash them. The check-cashing problem became so severe that parish staff had to cash them in their own names. *"They didn't want to cash their checks at the bank either. Sister Mary or the priest, I believe they were cashing checks for several people because they [the banks] didn't want to cash them."*

In instances where people were not arrested in a work-site raid, families generally had more difficulty getting final paychecks. One Arkansas woman explained that four weeks after her brother-in-law's detention and deportation, his employer still had not paid back wages to the workers' families. She retained a lawyer because the employer, who was a subcontractor for a larger company, wanted to keep the money for himself and thought that the families would not or could not do anything about it. *"The man . . . played dumb when it all happened because he thought that the families wouldn't do anything about it . . . He was always a little harsh because he didn't want to . . . he wanted to keep their money."*

### Assistance from Family and Friends

More than three of every four families in our sample reported receiving some sort of support from their networks of family and friends. As discussed earlier, this often meant moving in with friends or family or having others move in with them to pool resources. One interviewee described her extended family helping each other by talking, going to immigration appointments together, sharing money for gasoline, and offering each other food. Some families even

reported that members of their new households entered the labor force to help support the household as a whole.

Forty-three families in our sample received direct material support from their network of family and friends. Two out of five of these families received support in the form of cash. One of our respondents related how a friend of hers went to look for her, gave her money to buy food, and offered to help her with whatever else she needed.

*After about two weeks, I didn't have any food . . . and this American friend came looking for me here, and was cheering me up and he says to me, "Do you have anything to eat in your house today?" and I told him yes so I didn't have to tell him no, I'm embarrassed, and he pulls sixty dollars out of his bag and gives it to me and says, "If you need anything, call me."*

Another one out of six families in our sample received food assistance from friends or relatives, who often offered to share everything they had with affected families. One woman recounted: *"My dad brought fish, the basic stuff, milk and cereal for my kids because we didn't have any milk . . . and my sister was working and she said, 'Don't worry, it's OK, take whatever we have here.'"* A mother of a 3-year-old in Van Nuys said that when her daughter aged out of WIC nutrition assistance, a friend whose daughter still received WIC regularly brought her extra milk.

In some cases, help came from unexpected people. One woman noted that circumstances had prompted a noncustodial parent to step up to the plate: *"For the first time in thirteen years, he took responsibility as a father . . . that is, he's taken charge of them and I know that they're not lacking food, shelter, a doctor, and all that."* Others reported getting assistance from complete strangers. A father in Arkansas whose wife was detained said that a neighborhood store owner had lent them \$300 to help them post bail. *"He knows us from when we first got here because we used to go to that store and buy things there and that's how he met us. We told him about the situation and he didn't think twice [and gave us the money, saying,] 'It's all that I have.'"* Another woman related how a school counselor had volunteered to pay the phone bill for the family so that she could comply with ICE's requirement that all detainees released with a bracelet have a landline.

Informal assistance from friends and family members was critical in the days and weeks following the raids and arrests, but was not sustainable for those families needing



assistance for longer periods while they waited for parents to be released from detention or for deportation cases to be decided. In most cases, the friends or family members providing assistance were themselves low income and could not afford to help more than once or twice. Additionally, in three of our sites—Grand Island, New Bedford, and Postville—the whole immigrant community was affected economically by the raids and so it was difficult for local community members to find the necessary resources. One respondent described how her coworkers made tamales for her to sell to raise money when she was first detained but quickly forgot about her as time went on. *“All of my coworkers supported me but afterward . . . When this happens they help you the first few times, ‘We’ll make tamales and you can sell them.’ But further on they start to forget you need [help] and you have to find other ways to survive.”* Another interviewee said that after all that her friends had done for her family, she was ashamed to ask them for anything else. *“I don’t know. It’s really . . . our friends have, they’re the ones that lent us little by little [the money] for my bail, so . . . we’re ashamed to approach them and ask them for even more.”*

### Assistance from Local Churches and Community Organizations

More than half of the families we interviewed reported receiving some type of assistance from a local nonprofit organization or a church. These types of organizations provided food to almost half of our study families, as well as rental and utility assistance to one in five families and cash assistance to one in ten. All of the cash assistance came from churches, as did the majority of the food, rental, and utility assistance.

Churches and community organizations played more prominent roles in assisting families in some sites than in others. St. Bridget’s Church in Postville provided some assistance to all of our respondents, with most receiving ongoing monthly packages of food, cash, rental, and utility assistance. In fact, St. Bridget’s fully covered rent and utilities for a few dozen families—including most of our sample—for more than nine months after the raid there. One Postville interviewee said that he was more comfortable accepting help from the church than from friends and family. *“A relative told me he’d help with anything I needed and another friend as well, anything I needed, but . . . you shouldn’t be asking and asking, those one hundred dollars I would ask*

*for here, at the church.”* Most of the families interviewed in New Bedford received substantial assistance with rent and utilities for a period of months from a network of community organizations spearheaded by the Massachusetts Immigrant and Refugee Advocacy coalition (MIRA), while local United Way agencies provided similar assistance for most of the families in Grand Island.<sup>58</sup> However, by the time of our second interview for this study, more than a year after these two raids, these forms of assistance had ended in both sites.

In Van Nuys, the only other worksite raid, there was little coordinated response by community organizations to meet the immediate needs of families. As a result, the assistance that families received was limited to food from local churches and food banks. Six of the 27 families reported getting this kind of aid. The only institutional monetary assistance that families received was from local consulates. More than a third of families in Van Nuys received cash assistance from the Mexican or Honduran consulates.

Families in Arkansas and Miami were far less likely to receive any assistance from churches or community organizations. No families interviewed in Arkansas or Miami reported receiving such assistance. Without a high-profile raid to draw attention to the plight of the families of arrested immigrants, there was no organized response effort to the arrests in either location.

### Public Assistance

As described earlier, food hardship was common in our study families, and government assistance programs provided crucial aid for many of them. Many parents said they counted on cash welfare; the Supplemental Nutrition Assistance Program (SNAP), formerly known as the Food Stamp Program;<sup>59</sup> the Supplemental Nutrition Program for Women, Infants and Children (WIC); free and reduced-price school meals; and in one case, free meals at a child care center. All but 10 of our study families were mixed-status families with unauthorized parents and at least one citizen child. If these families received welfare or food stamp benefits, they were generally prorated to include only the citizen children. WIC and school meal programs are available to all age- and income-eligible chil-

<sup>58</sup> Capps et al., 2007.

<sup>59</sup> Throughout the rest of the report, we refer to SNAP benefits using their older, more commonly understood name: “food stamps.”



TABLE 3.5. Receipt of Temporary Assistance for Needy Families and Food Stamps by All Study Families

Site	Less Than 6 Months after Arrest				More Than 6 Months after Arrest			
	TANF		Food stamps		TANF		Food stamps	
	Yes	%	Yes	%	Yes	%	Yes	%
All	8	15%	14	26%	14	27%	25	48%
Grand Island	—	—	—	—	5	42%	6	50%
New Bedford	—	—	—	—	4	40%	5	50%
Van Nuys	0	0%	1	4%	0	0%	3	25%
Postville	8	47%	12	71%	5	45%	9	82%
Miami	0	0%	1	25%	0	0%	2	50%
Arkansas	0	0%	0	0%	0	0%	0	0%

Source: Urban Institute surveys of families in study sites.

Notes: Short-term percentages are based on data from 54 households and exclude one interview due to insufficient data. Long-term percentages are based on data from 52 households. For Grand Island and New Bedford, “—” refers to “not applicable” because these data were not collected for our earlier study, *Paying the Price*, and are therefore not available for the current report.

dren, regardless of their citizenship or legal status.

**Receipt of nutrition assistance.** Nutrition support programs were the most widely used before the arrests. WIC was the most common. In fact, more than 60 percent of study families with children under age 5 received WIC prior to parental arrest. About one-quarter of families with school-age children received free or reduced-price lunches for those children before parental arrest. One mother in Postville said that her two children were better fed during the week because they got breakfast and lunch at school. On the weekends, they only ate twice a day. After parental arrest, WIC and free or reduced-price lunch participation remained largely the same as before.

**Receipt of public benefits.** Receipt of Temporary Assistance for Needy Families (TANF) benefits and food stamps was uncommon before arrest but increased somewhat afterward. Before parental arrest, about one in ten families reported having ever received TANF benefits. Among families interviewed within six months of arrest, this proportion had increased to a little more than one in seven (table 3.5).<sup>60</sup>

Families which had no previous experience with welfare benefits took up TANF benefits, but only in half of our sites: Postville, Grand Island, and New Bedford (table 3.6).

<sup>60</sup> While unauthorized immigrants are ineligible for TANF, U.S.-born citizen children are eligible for what is commonly referred to as “child-only” TANF benefits. Child-only benefits are lower than they would be if the whole family qualified, and unauthorized parents with children receiving child-only benefits do not qualify for support services such as child care and employment referral that other TANF parents may receive.

In these sites, churches and community organizations developed coordinated response efforts, and state social services agencies were heavily involved. In Postville, a Spanish-English bilingual worker from a nearby Iowa Department of Human Services (DHS) office had developed a good working relationship with the immigrant community and already had a substantial caseload of Agriprocessors workers and families before the raid. She and other Iowa DHS employees came to St. Bridget’s Church to screen for eligibility and take applications several times after the raid. The regional director of Nebraska Department of Health and Human Services (DHHS), herself a bilingual immigrant, worked hard to connect affected families with public benefits after the Grand Island raid. MDSS was involved in obtaining the release of two dozen parents from detention following the New Bedford raid and coordinated relief efforts with MIRA and local organizations that distributed humanitarian assistance.

No families in Arkansas, Miami, or Van Nuys took up cash assistance after the raid, including three families who had used TANF at some point in the past. The state and county social services agencies in these locations were, according to our interviews, uninvolved in any relief efforts following raids or arrests and generally disconnected from local immigrant communities.

Food stamp receipt was higher than TANF everywhere and mostly showed the same pattern as TANF use, with the highest use rate in Postville (87 percent). This pattern suggests a stronger connection between state social service agencies and immigrant communities, as well as

TABLE 3.6. Receipt of Temporary Assistance for Needy Families and Food Stamps by Previously Unenrolled Eligible Families

Site	Short-Term Interviews (26 Months after Arrest)				Long-Term Interviews (9–15 Months after Arrest)			
	TANF		Food stamps		TANF		Food stamps	
	Yes	%	Yes	%	Yes	%	Yes	%
All	8	16%	11	24%	12	26%	23	50%
Grand Island		—		—	3	38%	4	50%
New Bedford		—		—	4	40%	5	50%
Van Nuys	0	0%	0	0%	0	0%	3	25%
Postville	8	50%	10	71%	5	45%	9	75%
Miami	0	0%	1	33%	0	0%	2	67%
Arkansas	0	0%	0	0%	0	0%	0	0%

Source: Urban Institute surveys of families in study sites.

Note: Nine households in the sample used welfare at some point before arrest and 14 used food stamps. For Grand Island and New Bedford, “—” refers to “not applicable” because these data were not collected for our earlier study, *Paying the Price*, and are therefore not available for the current report.

greater involvement by these agencies in the response efforts in these sites.

*Attitudes, fears, and other barriers to public assistance receipt.* Even though many families sought public assistance following parental arrest, some of our study respondents expressed a general aversion to public benefits, most notably food stamps and TANF. Some respondents said they felt they were already indebted to the government and did not want to be a burden.

*Because my husband was one of those people who preferred to work, he used to say that he didn't want to be a burden for this government. We already owe because we owe taxes, we owe hospitals, but we wanted to give back. That's why he struggled so hard. We wanted to get our papers and be able to work, and pay all of those debts because we didn't want to take advantage of this government, and we have bills but we're going to pay.*

Some indicated that their primary motivation in immigrating was the opportunity to work hard to support their families and that they preferred labor to handouts. One woman stated that she wanted to prove to immigration that she was not looking for any handouts, no matter how difficult things might be:

*I want them to see that I'm not a burden for anybody, I don't want to ask for anything, I know people can give you [things] but I won't ask even if I'm drowning, even now that I have the water coming up to here, I haven't done it.*

Other families did not apply for food stamps, TANF in particular, because they feared that it would cause problems for them in the future if and when they were able to fix their immigration status. One mother confided:

*I've always been told that whoever . . . when someone receives a check from the government . . . when you want to fix your papers . . . that causes problems. So my husband says we'll only get it when we really need it.*

Another respondent agreed: “We haven't wanted to get mixed up in that so we don't jeopardize [things] in the future if we have the chance to fix our papers.”

Still other families feared that the information they needed to provide in order to receive public assistance could be accessed by ICE. A Grand Island respondent related the story of a woman who was found by immigration through information she had given to a WIC office. “I'd been hearing . . . women talk . . . that they [immigration] had gone to pick up a young girl . . . because of WIC. . . . Immigration got her information from WIC.” Another respondent was particularly wary of applying for food stamps because both she and her husband had to be fingerprinted as part of the application process.

Some families reported believing that they risked losing custody of their children by signing up for public benefits. One mother in Grand Island admitted that she thought her children would be taken away if she chose to leave the United States. “I used to think that . . . at the time that you went back to your country, they would take your children away because you're receiving help from the government.” Another



mother thought that she would be surrendering the custody rights for her son if she applied for aid. *“I told them no because I was scared that in the long term that . . . maybe it was something, like I said, my ignorance . . . that they could take away my son and my custody . . .”* Yet another mother didn’t want to enroll in any kind of public assistance because she believed this would give the government the right to take her children away if she spanked them:

*I was afraid. I said no because supposedly if I scold my children or spank them . . . This was my thinking, if one day I hit them, the government won’t have any reason to take them away from me if I’ve never taken money from them.*

Finally, some respondents related confusing or frustrating prior experiences applying for public benefit programs, especially food stamps and TANF. One mother had applied once for food stamps but was very confused, because she was first told she would qualify but was told later that she did not. The process was so frustrating that she never appealed the decision.

*I went to the place and filled out the papers and everything, and they told me that they would let me know by mail. It was really strange because at the beginning . . . they sent me something and made it seem like I qualified, but days afterward, they sent me another notice saying I didn’t qualify . . . and that I had to send them I don’t know what . . . well, I went in again, and they said that they were going to mail me an answer and finally they told me that I didn’t qualify . . . I didn’t understand . . . I wasn’t going to go in anymore. I didn’t like that.*

Even with these concerns, many families ended up applying for public assistance after the raids or arrests because of their low income, food hardship, and other acute economic needs. In some cases respondents felt better able to access benefits because people they trusted (e.g., clergy, social workers, educators, and community advocates) were able to reassure them that receiving the assistance they needed and their children were entitled to would not harm them. Many families in Postville, who depended primarily on donations from St. Bridget’s Church, felt a responsibility to sign up for public benefits to relieve the burden on the church and the local community. In other

cases, families had to put away their misgivings about seeking aid and apply out of pure economic necessity. One mother whose husband had been working a lot of overtime to compensate for the income they lost when she was detained said, *“Seeing myself in a situation where I needed to help my husband a little, I wanted to do it.”*

\*\*\*\*\*

The stories described in this chapter detail the economic hardships that families with children faced after family members were arrested in a worksite raid or other immigration enforcement action. Almost all of the families lost workers in the raid, either because they were detained and deported or because a parent who was released was prohibited from working. Their incomes declined substantially, leading to increased economic hardship and dependency on charity and government assistance. A large majority of families experienced significant difficulty paying for food and a few parents experienced hunger. Many families had difficulty paying their bills, and their housing situations, already crowded, became more crowded and unstable. Hardship was prolonged for many families either because it took several months for parents to be released from detention or—in many cases—because attempts to contest deportation took months or even more than a year to adjudicate.

In the face of extreme economic hardship, in many cases, families pieced together the resources they could to provide food and shelter for their children. Well-coordinated relief efforts that included links to government agencies helped provide needed housing, cash, and food assistance in three of the sites—Grand Island, New Bedford, and Postville—but in other sites families largely relied on informal networks of friends and family members or fended for themselves.

The next chapter of the report describes how children fared emotionally and behaviorally during these difficult periods following raids and other arrests. Child development research suggests that, in addition to children’s experience of their parents’ arrest and detention, the consequences described in this chapter—food hardship, housing instability, and prolonged economic deprivation—pose risks to children’s development, behavior, and success in school. These findings provide the backdrop for the next chapter which examines the well-being and behavior of the children in these families.





## 4. CONSEQUENCES FOR CHILDREN: CHILD BEHAVIORS, CHANGES, AND ADJUSTMENTS

This chapter continues to address the second set of research questions, regarding the specific effects of immigration enforcement on children, by focusing on changes in children’s behavior and emotional well-being. To describe behavior changes, we draw on interviews with parents and other family respondents. In our previous study, *Paying the Price*, we described changes in children’s behavior in general terms, but in the current study we consistently documented changes in specific types of behavior. Based on advice from the child development and methods scholars on our advisory board, we used open-ended probes that borrow key items from a number of instruments designed to gauge child well-being by documenting instances of externalizing and internalizing behavior: changes in eating and sleeping patterns, crying or whining, fear, clinginess, withdrawal, anxiety, aggression, and anger. We focused particularly on children’s adjustment to their parents’ arrest and related consequences, including separations of uncertain lengths, economic hardship, housing instability, and continuing uncertainty about their fate in the limbo period that followed arrests.

### Changes in Children’s Behavior

Parents in this study reported observing significant behavioral changes, most but not all of which were adverse, in their children. Each family had a unique set of circumstances before parental arrest, and there were differences across families in their arrest and detention experiences, as described in the prior chapters. Nevertheless, children in each of the sites exhibited significant behavior changes following their parent’s arrest.

We organize the analysis below in terms of short-term and long-term effects. The short-term analysis includes interviews conducted within six months of parental arrest. These interviews include first wave interviews in two sites (Van Nuys and Postville) conducted about two months after worksite raids and making up a majority of the short-term cases we studied. Also included in the short-term analysis are some observations from interviews conducted with families that experienced home raids or arrests by local police (in Miami and Rogers-Springdale) within the six months before

our interview. This short-term group includes 133 children from 55 families in these four sites.

The long-term analysis is based on second wave interviews in Grand Island, New Bedford, Van Nuys, and Postville, more than nine months after the worksite raids in those locations. Interviews with families that had experienced arrests in Miami and Rogers-Springdale more than nine months before our visits are also included in our long-term sample for a total of 115 children in 52 families.

### Short-Term Changes

Table 4.1 summarizes the most frequent child behavioral changes described by respondents interviewed in the short term (within six months of a parent’s arrest). Eating and sleeping changes were the most common effects in the short term, followed by crying and feeling afraid. Anxiety, withdrawal, and clinginess, while a bit less common, were still problems reported among many of the children.



**TABLE 4.1. Children Experiencing Behavior Changes in Four Sites (Short-Term Interviews)**

Age group	Eating	Sleeping	Crying	Afraid	Anxious	Withdrawn	Clingy	Angry or aggressive
0 to 5	62%	55%	61%	43%	38%	16%	42%	36%
6 to 11	81%	69%	60%	61%	46%	51%	42%	37%
12 to 17	61%	79%	57%	60%	43%	62%	35%	34%
All ages	68%	66%	60%	54%	42%	42%	40%	36%

Source: Urban Institute surveys of families in study sites.

Notes: The short-term interviews were conducted within six months of a worksite raid or other form of parental arrest. Data were collected on 133 children from 55 families in 4 sites—Arkansas, Miami, Van Nuys, and Postville. All changes were reported by responding parents or other adult caregivers, and the frame of reference for the changes is prior to parental arrest. The percentages exclude missing data and employ different denominators, ranging from 92 to 120 (out of 133 children)

Children age 6 to 11 exhibited the most frequent changes in eating habits. Parents reported that these children, along with adolescents (ages 12 to 17), became noticeably withdrawn more often than younger children. The fact that younger children are less able to express their emotions in words may explain these apparent differences to some extent.

In general, boys and girls responded similarly after their parent’s arrest with two exceptions. First, girls cried more often than boys, though nearly half of all boys and male adolescents also cried in response to their parent’s arrest. Second, in the few households where children assumed additional responsibilities, girls and young women more often stepped in to help their parents.

Parents reported many instances in which children exhibited multiple behavioral changes (table 4.2). Children over age five exhibited a higher rate of multiple behavioral changes, which may attest to their ability to communicate and express their feelings more outwardly than younger children.

**TABLE 4.2. Children Experiencing Multiple Behavior Changes in Four Sites (Short-Term Interviews)**

Age group	3 or more changes	4 or more changes	5 or more changes
0 to 5	57%	45%	30%
6 to 11	76%	65%	48%
12 to 17	74%	59%	44%
All ages	68%	56%	40%

Source: Urban Institute surveys of families in study sites.

Notes: The short-term interviews were conducted within six months of a worksite raid or other form of parental arrest. Data were collected on 133 children from 55 families in 4 sites—Arkansas, Miami, Van Nuys, and Postville. All changes were reported by responding parents or other adult caregivers, and the frame of reference for the changes is prior to parental arrest. The percentages exclude missing data and employ different denominators, ranging from 92 to 120 (out of 133 children).

Children in our short-term sample whose household structure and primary caregiving relationships changed after an arrest were more likely to experience changes in eating, crying, and fear, compared with children whose caregiving did not change. Among children in families that did not remain intact, about three out of four experienced changes in eating habits, about two-thirds began crying, and about half exhibited fear. Only about a third of children in our sample remained in intact families (i.e., remained with both their parents or their single parent). Children of intact families also exhibited similar changes, though much less frequently: about half experienced changes in eating habits, about half cried more than before, and about a third felt afraid. In addition, children of intact families also exhibited multiple behavioral changes less frequently than other children. Although parents in all sites reported sleeping and eating problems and fear in their children, children exhibited these changes less frequently among intact families, especially in Van Nuys where a large number of families were reunited on the same day.

In addition to household changes, children whose parents were arrested at home exhibited multiple behavioral changes more often than children whose parents were arrested elsewhere. Since Arkansas and Miami conducted home arrests, children in these two sites comprised most of our sample of children whose parents were arrested at home. Eleven families experienced home raids, including four in Miami, four in Arkansas, two in Van Nuys, and one in Grand Island. In almost all cases, at least one child witnessed his or her parent’s arrest. Although home raids comprised a relatively small number of cases in the sample, respondents reported some of the more noticeable and outward signs of children’s behavioral changes among those who witnessed the arrest.





## Long-Term Changes

We returned to Grand Island, New Bedford, Van Nuys, and Postville more than nine months after raids in those locations; several of the families we interviewed in Miami and Rogers-Springdale had experienced parental arrest more than nine months before our visits there. Over time, the number and frequency of parents' reports of behavioral changes remained relatively high, but they did not become more severe for most children, and some children seemed to adjust somewhat in the longer term. Some of the more frequent behavior changes (eating, sleeping, crying, feeling afraid, and anxiety) seem to have moderated somewhat by the time of our long-term interviews. But other behaviors that were less frequent during the short-term (withdrawn and angry/aggressive behaviors) persisted at the same or higher levels in the longer term (table 4.3).

Children over age five continued to be withdrawn more often than younger children in the long term, and children age 6 to 11 continued to have frequent disruptions to their eating habits. Girls and young women (rather than their brothers) usually continued assuming responsibilities at home. However, compared with the short term, parents reported fewer instances of multiple behavior changes in the long term (table 4.4).

Similar to short-term changes in children's behavior, the changes reported at least nine months after arrest were more frequent among households where parents had been detained longer than a month and where parenting and caregiving responsibilities changed. Among children whose families did not remain intact or were separated longer than one month, some behavioral changes continued to be more frequent in the long run. For instance, children who did not see their parents within a month of arrest exhibited more frequent changes in sleeping habits, anger, and withdrawing from fam-

TABLE 4.4. *Children Experiencing Multiple Behavior Changes in Six Sites (Long-Term Interviews)*

Age group	3 or more changes	4 or more changes	5 or more changes
0 to 5	21%	13%	8%
6 to 11	49%	33%	28%
12 to 17	48%	39%	22%
All ages	36%	25%	18%

Source: Urban Institute surveys of families in study sites.

Notes: The long-term interviews were conducted at least nine months after a worksite raid or other form of parental arrest. Data were collected on 115 children from 52 families in 6 sites—New Bedford, Grand Island, Arkansas, Miami, Van Nuys, and Postville. All changes were reported by responding parents or other adult caregivers, and the frame of reference for the changes is prior to parental arrest. The percentages exclude missing data and employ different denominators, ranging from 55 to 77 (out of 112 children).

ily when compared with children who saw their parents a month or less after arrest. Children separated from at least one parent for at least one month were also more likely to continue crying in the long term.

The sections below discuss some of the major changes in children's behavior and recount families' experiences. The examples are organized according to the central behavior patterns that parents observed.

## Eating and Sleeping Changed Frequently in Tandem

In the short term, families identified disruptions to children's eating and sleeping as the two most common behavioral changes. Nearly half of the children in our short-term sample experienced changes in eating and sleeping patterns in tandem. These patterns were consistent across age groups (see table 4.1).

TABLE 4.3. *Children Experiencing Behavior Changes in Six Sites (Long-Term Interviews)*

Age group	Eating	Sleeping	Crying	Afraid	Anxious	Withdrawn	Clingy	Angry or aggressive
0 to 5	39%	30%	48%	21%	7%	17%	56%	18%
6 to 11	56%	46%	52%	35%	35%	54%	63%	56%
12 to 17	29%	53%	35%	55%	31%	67%	38%	56%
All ages	43%	41%	47%	33%	23%	43%	54%	41%

Source: Urban Institute surveys of families in study sites.

Notes: The long-term interviews were conducted at least nine months after a worksite raid or other form of parental arrest. Data were collected on 115 children from 52 families in 6 sites—New Bedford, Grand Island, Arkansas, Miami, Van Nuys, and Postville. All changes were reported by responding parents or other adult caregivers, and the frame of reference for the changes is prior to parental arrest. The percentages exclude missing data and employ different denominators, ranging from 55 to 77 (out of 112 children).



Disruptions to families' daily routines unsettled children's regular eating and sleeping patterns. For example, the lives of two sisters (ages 7 and 9) in Van Nuys changed dramatically. Before the raid, their mother and her partner had both worked at Micro Solutions. The mother had quit her job upon hearing rumors of an impending raid and the father was arrested at the factory. Prior to the raid they maintained a daily family routine: they would rise early to prepare the kids for school and then go to work; in the afternoon the girls returned home and spent time on their homework; in the evenings the family ate dinner and prepared for the next day. After the raid, the family's eating patterns revolved around much more unpredictable work schedules because both parents began working odd jobs to make up for the loss of both jobs. The girls' mother said, "We used to have a stable schedule, a stable job. Now the girls have to get up earlier because we all get up earlier and eat quickly." The family altered their routine to make sure both the mother and father could work whenever possible, including in the early morning hours. As a result, the girls began to get less sleep after the raid. She described how these adjustments affected her daughters:

*We don't have a schedule anymore. Before, we would have breakfast at eight in the morning . . . Sometimes they don't eat [at home] until five, after they get out of school, and it's not because we don't want to eat but because that's our schedule . . .*

As a result of disruptions to families' daily routines, children spent less time with their parents and caregivers. Children experienced lower levels of the daily interaction and support they enjoyed and needed from a parent. For instance, the younger daughter in the family described above had been struggling academically at school before the raid. Her parents' sustained attention and help with homework helped her academically. Amid disruptions in family routines and absent the support her parents used to provide, the daughter's progress in school eroded.

Changes in eating and sleeping patterns were also associated with disruptions to families' living arrangements and the increased housing instability described in chapter 3. For example, when a father of four children (ages 11, 9, 5, and 4) was detained in Postville, his partner and their children moved in with their extended family. As described in the last chapter, the children's mother had to sell the family home because they could no longer afford the payments, to the distress of the children. After the move, the children lived in their grandparents'

basement, and their sleeping patterns changed considerably. Their mother struggled to get them to go to sleep at a regular time and sometimes had to resort to punishment. At the time of our visit, her oldest was staying up late and would sometimes leave the house and stay out until 10:30 p.m. The oldest daughter's eating habits also changed:

*She stopped for a few days after the raid but it was as a result of what was happening . . . You would tell her, "Do you want strawberries?" And you take them to her but she wouldn't eat them. And she would always say, "I'm not hungry" . . . and she was the same at school. At school, they also told me, "She's not eating," "We're worried that she won't eat" . . . I beg her to eat. I tell her, "Go eat." She loves peanut butter and jelly sandwiches . . . and I give her one . . . [but] she lost her appetite. She's not very hungry.*

Despite her mother's best efforts, the oldest girl's eating habits remained irregular and she lost weight.

Children who experienced a change in parenting after arrest often underwent greater loss of appetite and more severe sleep disruptions. Children separated from a parent or caregiver struggled during these periods of great uncertainty for the family, especially since they did not know if or when their parent would return. For instance, a 2-year-old boy in New Bedford was apart from his mother for two weeks. He did not want to engage with family members who were caring for him. "He had a fever," said the boy's aunt who took care of him. "[He was] sad, very sad. He couldn't eat. And when the night came . . . even though we're family, he would just watch us . . . He didn't want to play." In Arkansas, a mother was in detention for three days, long enough to unnerve and disorient her four daughters (ages 16, 13, 8, and 2). The girls stayed with a family friend who watched after them while the mother was in jail. "While they were in the house," the friend said, "they did not want to eat. During the days they spent there, I had to beg them to eat. They were very depressed. They couldn't sleep because I would wake up at dawn and the girls were crying." Even after their mother was released, the family feared going back to their apartment because they were afraid the entire family would be arrested. The youngest became so depressed that she only wanted to sleep. Her mother thought about taking her daughter to a specialist to see if anything could be done to help the girl.

Sometimes fears that drive families to go into hiding affected children's sleep and eating patterns. For example, after he was arrested in the Micro Solutions raid, a father sent



his family to live in a nearby county because he feared ICE would come to his home. His wife and their three children (ages 6, 5, and 3) moved on the day of the raid. The children left quickly with a few of their belongings. Two months after the raid, the children were crying at night on a regular basis and had trouble sleeping at night. Their father explained, *“They’re afraid. They say that they’re afraid, but when we ask them, ‘What are you afraid of?’ they say, ‘We’re just afraid.’ We tell them, ‘Nothing’s going to happen’ . . . [they respond,] ‘But we’re scared.’*” The oldest, a 6-year-old, was also bedwetting immediately after the raid. She had not wet the bed for years. Since the raid, the family has remained separated and the children have had less food available to eat. Their father was unable to secure steady employment to provide financial support for his family.

### Nightmares and Sleepwalking

While discussing sleeping problems, a few parents described how their child began having nightmares after their parents’ arrest. In each case, the nightmares persisted more than nine months after the arrest. A mother who spent six months in detention said her children had not been the same since her detention. They had trouble focusing at school, and the children fought all the time. Her 13-year-old son complained that his 8-year-old sister kept him up at night because she was having nightmares. A father of two (12- and 3-year-old girls) in Miami was arrested in the spring of 2007 and was deported within a month. Since then, the youngest girl had become physically aggressive. A family doctor told her mother that her behavior stemmed from the instability at home after her father’s deportation. The youngest girl did not want to sleep in her own bed, began screaming at night, and also had nightmares.

In another case, a Postville mother who was arrested and released described how her 12-year-old son had been affected. Right after the raid, her children were afraid to answer the door and became clingy. Her son appeared to be no more traumatized by the raid than his siblings. However, nine months after the raid, she was considering taking him to a counselor because his behavior had become exceedingly worrisome. *“He’s, like, traumatized because sometimes he’s sleeping . . . he gets up screaming at his uncle [who was arrested], someone he loved a lot and he gets up screaming, crying . . . And if you grab him, he walks and leaves [the house]. Then, when you talk to him, he wakes up from his sleep.”* He repeated similar sleep-

walking episodes almost every night and sometimes woke up in other people’s rooms.

### Crying Regularly

Children often expressed anxiety about their family’s situation by crying. Parents and caregivers we interviewed reported that just over half of the children cried frequently after a family member’s arrest. Among children who experienced changes in eating or sleeping, nearly half also began crying more often. In the short term, a third of all children had problems sleeping and eating and were crying a lot—all at once.

Many of these children cried from the anxiety of being physically separated from their parents and the uncertainty associated with the circumstances of that separation. To illustrate, three very young children (2 years old and younger), whose mother was arrested in Arkansas, showed signs of missing their mother, who had not been home for a week. According to the children’s father, the 1-year-old boy regularly *“woke up with eyes swollen from crying so much . . . Last night, between twelve at night and three thirty in the morning I couldn’t cheer him up. That’s why I missed work, because I spent all morning with him and, seeing him crying, I didn’t know what to do.”* Their father continued, *“I was really sad, and I was crying in my room, and my little girl [the youngest child] came in and saw me and then she started to cry . . . She’s very young and she’s noticing more or less what’s happening.”* His 2-year-old daughter had grown more and more anxious, biting her nails and acting out as never before.

Some children were emotionally sensitive after their parents returned home and started crying in situations that would not ordinarily have upset them. For example, a 7-year-old boy whose father was arrested in Van Nuys started crying at school when classmates took his toys, which he had never done before.

Similar to disruptions to sleeping and eating, crying happened less often over time although it did not disappear completely more than nine months after arrest. Children who experienced a long-term separation from a parent cried more often than children whose parent or family member was detained and released on the same day.

### Increased Fear and Anxiety

Parents reported that about half of the children expressed fear and anxiety within the first six months after a parent’s arrest.



Parents said their children were most afraid of “immigration” and were anxious that law enforcement would come back to arrest their family. In the short term, feeling afraid was more frequent among children who experienced a change in parenting and primary caregiving. In the long term, fear generally dissipated for most children although it persisted for several children whose parents were required to wear an EMD.

Parents mentioned that some of the older children understood the circumstances surrounding their parents’ arrest, and this fed their fears. In Grand Island ICE arrested a few people in their homes in the days after the initial worksite raid, and many immigrant families went into hiding for weeks after that. An 8-year-old boy whose mother was arrested in Grand Island often worried that immigration would visit their home:

*Since my son is older, he understands things well and, since [the raid], he’s remained afraid. He always [thinks] that immigration is taking people . . . He gets nervous, he starts to cry, closes the curtains and when someone knocks he tells me, “Mommy: immigration” . . . He sees someone walk by and says, “Mommy, someone went by, hopefully it’s not immigration.” Yesterday, we were getting ready to go to church—and I don’t know what he saw through the window—he said, “Mommy, look, there goes someone from immigration. Who are they looking for?” he asked me. He has those moments all the time.*

A 14-year-old boy whose mother was arrested during the Postville raid exhibited similar fears. His father was not arrested because Agriprocessors fired him shortly before the raid, demanding that he return with new identification if he wanted to work at the plant again. The boy was afraid that ICE would come back to Postville to arrest his father. In the words of the mother, who was arrested at Agriprocessors and then released, the boy “sometimes says that he’s afraid. My husband was working and [some people] said that immigration was in Waterloo [a nearby town] and that they had taken people. He started to cry and said, ‘I hope God doesn’t want [my father] taken away because I don’t want him to leave.’” Rumors swirled in the community that ICE would come back for workers who were at home at the time of the raid. After the raid, fears of a second wave of arrests gripped many families.

A 14-year-old girl whose mother was detained during a home raid in Rogers, Arkansas, was afraid that officers

would return to the home. Her mother spent a few weeks in jail. Her mother said, “She made me a note that said that we should go to another house; that she didn’t want to stay here, that she was afraid that ICE would come here again.” She and her siblings worried that ICE would take their parents away again, as her mother recounted:

*If we get [to school] late, after the time we always pick them up, they worry that we have not gone for them, that something has happened, so they have this, for example, the day that [the raid] happened, they all got picked up at school late. Very late. In addition, [my daughters] leave school at two forty-five. They got picked up at school after three thirty. [Ever since, if we’re late picking them up, they think,] “Why don’t they get here?” . . . Where were we [they say]—that they’re worried that we haven’t come.*

### Generic Fears of Law Enforcement Authorities

In other cases involving raids by federal agents, children did not differentiate between local police and immigration authorities. An 8-year-old boy in Van Nuys who witnessed his father’s arrest by ICE agents—in the family home, at gunpoint—no longer trusted the police. According to his father, “They see the police and they run home . . . Sometimes I go to visit them and, well, I’m there and they come in running and shutting the door because they say that the police is coming.” A 5-year-old boy whose mother was arrested at the Swift plant in Grand Island also feared both immigration and the police. “Like it or not, they take notice of all of this—[everything we say about] immigration, immigration, immigration. It’s like they also think that they are bad in the eyes of the police. [My oldest son] is even afraid of the police . . . When he sees a police officer, he goes away and hides.”

### Increased Clinging and Attachment

In the short term, roughly one third of the children responded to a family member’s arrest by a steady desire for attention or a compulsion to be constantly in the presence of their parent or family. In some cases, children became very clingy toward their parents and often hesitated to be apart from their family or to open the door to their home. In New Bedford, a 2-year-old boy seemed initially not to recognize his mother when she was released after spending four days in detention. After their reunion, he was perpetually at her side.



*He's more attached to me . . . The day I was released . . . when I opened the [car] door and he saw me, it was like he was scared to see me. I don't know what he thought. I know that he was scared . . . he started to cry, to cry and to reach for my husband's arms. Then, when I told him . . . that it was me, that is, his mom, then it was like he kept looking at me . . . Then he hugged me right there and he started to cry and, well, he hugged me hard and he just said, "Mommy" . . . But it was just that moment, since then he has always been attached to me.*

Clinging to parents was also evident in cases where a parent was released on the same day as their arrest. After the single mother of two girls (6 and 2 years old) was arrested and released the same day, the girls became excessively clingy. The girls grew up in Postville and were used to going to the park and walking around town with their mother. After the raid, both clung closely to their mother when a police car drove by their home and hesitated to leave the house. Almost immediately after the raid, as she became clingier toward her mother, the older girl also began asking questions. The girl was too young to understand the full consequences of the raid, but she wanted to know what had happened. *"She understands,"* her mother said about her inquisitive daughter.

*She says, "Tell me the truth. I don't want you to lie to me. Don't cry anymore because we're with you. Nothing happened to us but nothing happened to you either, right?" I told her, "No" . . . I told her I was fine and not to worry, and I told myself that she would forget about questioning me.*

## Withdrawing

While some children became increasingly clingy after the raids, nearly half of all children—and more than half age 6 and older—showed signs of withdrawal within months of their parents' arrests. As their parents recounted, some were anxious and worried about being arrested, having to move to another country, and not knowing what might happen to their family.

Signs of withdrawal were more common among older children. In a typical example, an only son who was 7 years old withdrew from others and lost his appetite after his father was arrested and held in detention for six days before being released. Before the raid, the boy was active and energetic. His father said, *"When he got home from school, the first thing*

*he would do is put his bookbag down. He would leave it and go outside with [a neighbor]. After the raid, he just sleeps."*

A mother whose husband was arrested and detained for three months in Arkansas mentioned that their oldest son (13 years old) began withdrawing from the family. *"He isolates himself a lot; he almost doesn't come around with us."* She attributed this to her son having a difficult time coping after being apart from his father for so long. The boy withdrew from everyone except his 15-year-old cousin—whose father was also detained—as they were lending each other support.

In another example, three brothers became withdrawn after ICE arrested their mother and her partner, whom the boys treated as their father. The children's biological father had not been involved with the family for years, and the boys had become very close to their mother's partner. The mother was released on the day of the raid, but her partner remained in detention for five months and then was deported. The children were told that he had left to find work and that he would return soon. They did not find out that he had been detained until much later. His absence affected the boys deeply. The youngest (4 years old) would not talk to anyone, and the middle child (5 years old) kept to himself most of the time after the raid and spent a lot of time in his room. The oldest (13 years old) became very quiet and withdrawn until he was able to reconnect with his mother's partner:

*He was sick from depression because he was very sad . . . and he would tell me, "Don't talk to me" and he was like that for almost an entire month. Now [that happens] less because they talk to my partner by telephone and . . . we talk with him sometimes once a week.*

Nearly nine months after the arrest, and after the mother's partner was deported, the middle child grew more distant, and his mother described him as being "distracted" and less affectionate than he used to be before the raid.

In some cases, older children continued to withdraw after their parents were released and returned home. For instance, an Arkansas mother was arrested in her home by the Rogers police. Before the arrest, the mother was able to talk to her daughter, especially when something was wrong or when the girl would misbehave and talk back rudely. Her mother said, *"Before I used to say, 'Watch how you talk to me' and that was it. [My daughter would reply,] 'Okay, mom, sorry.'"* After the arrest, the girl's mother found it very difficult to talk to her daughter, who spent long periods of time in silence and told her mother that nothing was wrong. The



mother lamented not knowing how the arrest had affected her daughter. In addition to being more reserved, the girl began to shout back when her mother would try to ask her what she was thinking: “Shut up! Don’t talk to me!” Her mother worried she had lost touch with her daughter, whose behavior was growing increasingly aggressive.

## Aggression and Rebellion

Anger, aggression, or rebelliousness were reported for one-third of all children in the short-term sample, though the way parents described the behavior differed according to the child’s age. Parents of younger children described how their children began lashing out angrily, while parents of older children said their children had become disobedient or less respectful. Angry behavior toward others, for some children, also became a way to voice their frustrations or redirect their outrage after their parent’s arrest.

Children’s anger was often directed toward other children. A mother in Arkansas said that her 11-year-old daughter would get angry before the raid but had become very temperamental since then. *“She doesn’t want us to say anything to her . . . she’s almost come to say that we don’t love her because we don’t let her go wherever she wants.”* She quarreled with her siblings and cousins more often, and with less provocation than before.

In Iowa, a 4-year-old boy, who had both parents arrested and one kept in prolonged detention, began quarreling with his older brother:

*Before, they played fine, but not anymore; sometimes they fight. I don’t see them being closer; instead, well, we used to support each other and when something would happen my husband would tell them, “Don’t fight” and now they don’t listen and when the little boy fights with the older boy he says, “I want my daddy,” and I don’t like it.*

In Miami, a 3-year-old girl whose father was arrested and deported began acting out. She kicked other children, talked back to her mother, and frequently got angry. Her mother was surprised because the girl had never behaved that way before. A 2-year-old boy in Miami whose mother was arrested at home and fitted with an EMD on her ankle also started behaving more aggressively, and his anger appeared directed toward the ankle bracelet. When she charged her bracelet for two hours each day, her son tried to be patient but soon wanted his mother’s attention. He sometimes pulled the cord

his mother used to charge her monitor out of the wall. *“To begin with,”* his mother said, *“he didn’t listen much but ever since that day he’s gotten worse. He’s more violent and throws stuff on the floor and hits himself. Sometimes he pulls the thing from my foot. But I can’t explain it to him because he won’t understand.”*

## Speech and Other Developmental Difficulties

In addition to the behavioral changes described above, some parents of young children (under 6 years old) voiced concern about related changes in their children’s development and speech patterns. For example, a 3-year-old who witnessed his mother’s arrest in the family’s home underwent a dramatic reversal in developmental milestones. Before the arrest, he was a well-adjusted young boy who had begun learning to feed and dress himself. His mother said the boy took great pride in getting ready in the morning and making sure that his shoes, shirt, vest, and hair all came together just right. Immediately after the raid, his mother described a boy whose behavior and demeanor changed almost completely. The boy became very clingy toward his mother and no longer wanted to do things for himself.

*Before this happened, I had bought him a trainer [toilet] and he sometimes used the trainer to pee but not anymore. He doesn’t want to go. He goes around saying that he has to pee and I take him, and he cries and cries and cries and doesn’t [use the trainer]. Before, he would go to the kitchen table on the bench and would say, “Give me milk with a straw, milk with a straw” . . . He used a bottle but he wasn’t as attached to the bottle—before, he only used it in the morning and at night, and now he uses it all day. He sometimes doesn’t want to eat his food . . . Sometimes I give him a bowl of soup, and [he says,] “I don’t want soup, I want my teta [bottle].”*

The boy refused to dress himself and, for the first time, would often run around the apartment wearing nothing but a diaper. His older sister, by contrast, withdrew while the son begged for attention all the time and acted out (e.g., throwing the television remote control in the garbage, breaking things in the apartment, putting keys in the microwave) when he did not get attention. Such a regression in terms of toilet training and dressing worried his mother.

A few parents also noted increased difficulty in speaking in their children. For example, a 5-year-old girl and a



4-year-old boy whose fathers were arrested at Agriprocessors and detained for months both developed speech problems. The girl stuttered slightly before the raid, but this worsened after her father's arrest. Her mother said, *"She talks with a little bit of a stutter . . . I've noticed that she started doing it more . . . She gets stuck trying to say a word."* After her father's release, her mother said her stuttering was not as noticeable. The boy, on the other hand, developed a stuttering problem after the raid. He stuttered especially when he was afraid, at which point he ran to his mother's side and clenched her hands.

In another case, a 4-year-old girl had a speech delay that her mother believes stemmed from witnessing years of domestic abuse. Her mother left the abusive boyfriend, and he became enraged and turned her in to immigration authorities. Authorities left the abusive boyfriend in charge of the children while their mother was in detention for more than two weeks. When she was released, the girl began to have intensified speech problems. Her mother said, *"Since she was a little girl, she never spoke perfectly well but as a result of all of this [i.e., her arrest, the order of removal, and a two-week stay with the abusive boyfriend], it's like she went through a reversal in how she talks."*

## School Behavior and Performance

In addition to asking parents about changes in their children's behavior at home, we asked them to discuss their children's performance or behavior at school. Two-thirds of the children in our sample were enrolled in school when we interviewed their parents. Approximately one-tenth were enrolled in an early education program (Head Start, pre-kindergarten), three-quarters in elementary or middle school (kindergarten through 8th grade), and the rest in high school. The analysis below relies primarily on parents' observations about their children's experiences in school, observations which are more limited than those at home. The descriptions below also rely on interviews with teachers and school administrators in three sites (Postville, Rogers-Springdale, and New Bedford). We obtained attendance and academic performance data for 26 elementary school children in Postville, but we have no school data for children in any other sites.

In general, parents viewed schools as safe havens, though some students missed days of school, struggled to maintain their academic performance, or started misbehaving at school.

However, many parents noted that their children were bringing home stable or improving report cards.

## Schools as Safe Havens

Schools provided stability and a safe haven for many students, which helped children adjust to life after their parents' arrest. Parents and school officials both agreed that most children benefited from support and guidance at school. In New Bedford, teachers emphasized that students affected by the raid were well behaved and voiced concern about the instability they experienced at home. One educator said, *"They might be thriving in school but it's difficult to survive in general."* Teachers and administrators in Postville voiced similar concerns and worked to make sure students returned to school and received support services such as counseling. In Springdale, Arkansas, teachers and administrators worked closely with students who feared that their parents would be arrested, and the staff described how siblings comforted and looked after each other following a wave of arrests. An immigration-related arrest in front of an elementary school stoked the children's fears, but administrators and teachers responded quickly to calm children and allay parents' fears. This rare event only reinforced the school district's resolve to assure parents that schools are safe havens.

## Missed Days

Despite efforts by school officials to keep children in school, parents in each of the sites were initially wary of going outside and hesitated to send their children back to school. Many students missed at least a few days of school after their parents' arrests. Two kindergarten students, a boy and a girl, in two different Postville families missed school after their mothers were arrested. Like their siblings and other students in town, neither attended summer school as they had planned to do before the raid. The boy was afraid to be apart from his mother and preferred to be home. The boy's mother told us how her children had grown fearful.

*They're afraid. They're also afraid of going outside and even going to school. They missed a week. "We don't want to go, mom. [What if] they take us from the bus?" . . . "No," I tell them, "they won't do anything to you." It's very difficult . . . I've sent them to study. Their teacher [sent for them] on Tuesday and they're studying [at school].*



The girl's day-to-day routine changed so much that she said she did not feel like getting up in time for summer school. Their mother said,

*They don't want to go to summer [school]. They sleep late—eleven, twelve, one in the morning and they're still [awake], which is a change for them; it wasn't like that because they would leave for school [in the morning]. They would go out to have fun. Not anymore. They stay in the house.*

The two unrelated children initially lost interest in school. Both mothers eventually left the country with their children while their husbands—neither of whom was arrested—remained in the United States.

Some parents kept their students out of school when scrambling to deal with the consequences of arrest. Reeling from the shock of her husband's apprehension in a worksite raid, a mother in Arkansas kept her two school-age boys out of school for 20 days. The children moved from house to house during those three weeks. Their mother was afraid to send them to school because the arrest made local headlines, and she did not want her children to be taunted. Her mother recalled interactions with the school:

*My sons missed a lot of school. And I sent my niece to tell the school that my son had not gone to school for some days, and the secretary said that . . . they were going to fail him because he had missed a lot, but my niece said that the principal came out . . . and that he heard the name and that he said, "No," he said, "I know what problems he's going through," and they supported him.*

In this case, the school continued communicating with the family to ensure the children returned to school once their living arrangements and home life became more stable.

Some students struggled to achieve consistently good grades and contemplated skipping school to start working. A 7th-grade boy decided to skip summer school and told his mother he wanted to look for a job instead. His mother recalled,

*My oldest did not want to go [to summer school] anymore, he went last year but he didn't want to this year, because he tried to go see at McDonald's if they couldn't give him some hours to work . . . but since he is only 15 years old they told him no and he got really sad, almost wanting to cry and he told me, "It's too bad that they didn't want to help me."*

Almost a year after the Postville raid, the boy's grades fluctuated with his mood. When he could set aside what happened to his family, his grades improved. His mother said, "There are times when he doesn't think about what's happening to us and he gets [his grades] up and there are weeks or semesters when they go down . . . And, well, I can't help him either because I don't understand what it's all about." Some other students who missed days of school also had problems keeping their grades up within the first few months after their parent's arrest.

A few older students sometimes dropped out of school altogether following a parent's arrest. Two high school students started missing school after their mother was arrested at Micro Solutions. The mother tried to convince the girls to keep attending, but they eventually stopped going altogether. One of her daughters was close to finishing school. According to the girl's mother, "She had already passed her exam . . . [colleges] were already calling her by telephone . . . [because] they saw that she was a good student . . . [saying] that they were going to help her and that, but, well, everything came down after that day and they did not want to go [to school] . . . they told me, 'We don't want to go' and 'Not anymore.'" Two months after the raid, the girls stayed home to be with their mom and their 4-year-old brother.

As time passed, most parents sent their children back to school. At school, many students received support from teachers, counselors, and after-school program coordinators that provided them with stability.

## Behavior Problems

Some children exhibited behavioral and emotional changes in the classroom, according to both parents and educators we interviewed. In these instances, students had difficulties focusing at school across all ages. For example, after attending an immigration court appointment at which authorities placed a monitoring bracelet on her mother's ankle, a girl started paying less attention and lost focus in her pre-kindergarten class. The 5-year-old would drift and, according to her teacher, go to "La La Land."

Another 5-year-old girl also experienced problems paying attention after her mother was arrested at a worksite raid. Her teacher noticed major changes. According to her mother, the girl's feelings of sadness had extended into the classroom:

*She is really sad at school . . . her teacher says that she sometimes sees her, well, sad and that she doesn't want*





*to pay attention to what she's doing . . . and she gets home and tells me that she has a lot—a lot of sadness in her eyes, she tells me. And I tell her, “And why?” and she tells me, “Because I know that they are going to take you, mommy, I know that the police is going to take you and I don't want it,” she says, “I don't want it,” she says, “and if we go, don't leave me here, don't leave me here. I want to go with you.”*

More than a year after the raid, the girl had started biting her nails at school, although not at home. When her teacher asked her what was wrong, she said that her mother was going to be taken away and she would start crying.

A 9-year-old girl whose mother was detained for five months became rebellious at school in her mother's absence. A family member said, “*She didn't want us to tell her how to do things . . . She began to have a very aggressive attitude toward her teachers.*” Her report cards reflected a steady decline, and she stopped participating in class as she had done before.

School officials in Springdale and Postville mentioned that students who began rebelling were often responding to the absence of a parent. For instance, a 3rd grader's misbehavior began to worsen after he was separated from his mother, who had been detained at Agriprocessors and spent five months in four different jails across the country. He banded together with a group of children at school, and they proudly and defiantly referred to themselves as the “bad kids.” His teachers expressed concern about the boy. When his mother was released, she noticed that he was disobedient. “*He was always mischievous,*” she said nine months after the raid, “*but now he became more—he got a piercing to wear an earring . . . I took out the earring, I scolded him, and I said, ‘Just watch out if you start leaving [the house].’*”

An 8th-grade student also exhibited outward behavioral problems. She had generally excelled in school before her mother's arrest, and while she continued to perform well academically, she began crying a lot at school. Her mother recounted her daughter's disobedient behavior at school:

*In her mind, anything was better than whatever her teacher was talking about. She started talking back . . . she became kind of aggressive . . . Everything affected her at once. Then we talked and she was the one who cried the most, not even the little one cried as much as she did. And I would tell her, you have to be very strong, that's how life is and you'll learn from this because you never know what will happen to you, learn to cherish and to mature from your experiences because it's going to hurt a lot.*

Her mother's encouraging words were meant to transform difficult times into an opportunity to teach her daughter about life's challenges.

## Declining School Performance

Within the first six months after their parents' arrest, students' study and work habits began to change and children's academic performance started to suffer. In the short term, about one in five students in the sample could not keep up their grades, according to their parents. A 2nd grader in Miami, whose father was arrested in their apartment and deported, was no longer doing his homework five months later. The boy's teacher called to tell his mother that he was failing and might have to repeat 2nd grade. A case detailed earlier in this chapter described a student who struggled with changes in the family routine in the first few months after a raid. The ongoing disruptions in her family's life continued to unhinge and dampen her day-to-day routine:

*She was a little behind but we had to punish her . . . because she is very—it's not that she doesn't know but that she doesn't want to do . . . Everything that's happened has a lot to do with it because, like I said, instead of sitting down to study with them, instead of sitting down to talk with them, to go to the park, well, no, we have to leave them with someone to go work. We have to leave them overnight.*

Students had difficulties keeping up their grades in the long term about as often as they did within the first six months after their parent's arrest. For example, nine months after the Postville raid, a 10th grader asked her mother why she should continue studying if they are going to be sent away. Her mother recounted, “*She does pay attention to her studies but a lot less.*” As of the spring of 2009, the family remained in Iowa waiting for her mother's court date scheduled toward the end of 2009, almost a year and a half after the raid.

## Academic Resilience

Some parents in our sample noted stable or improved academic performance among their children. For example, educators in New Bedford mentioned that students' academic performance remained generally stable. Similarly, school officials in Postville and Springdale noted that most



students were performing at the same level as they were before the arrests.

Even students who struggled at first were able to recover their academic performance in the long term. For instance, two months after the raid in Van Nuys, a mother worried that her daughter might drop out because the girl would say she did not see the point of graduating from high school if her mother was going to be deported. A year later, the daughter's grades improved after an initial slump and she began doing better than before the raid. The mother proudly said that her daughter wants to succeed.

In another example, after an initial drop in her children's grades, a mother in Arkansas saw an opportunity to encourage them to do better at school. She recalled that their grades *"came down, they came down a lot but I talked with them and I told them to do their best, because when I would go before the immigration judge, the judge would say . . . 'These children don't even do their part, why should I let you stay here?' So we have all tried to lift ourselves up."* Her children (in 3rd, 6th, and 10th grades) all made improvements.

In Postville, several elementary and middle school students in our sample made efforts to maintain or improve their grades. Two children (3rd and 5th grades) missed a week of school after their mother's arrest. She encouraged them to try harder and not give up on school and told them, *"You have to go . . . it's a moment when they will go and distract themselves a little, they will take their mind off of this."* Nine months after the raid, the younger child maintained a B average, and her older brother's report card improved dramatically from a C average to better than a B+ average. Similarly, a girl in 5th grade at the time of the raid improved her grades. Nine months after the raid, an 8th-grade boy in Postville was taking some high school classes and earning an A in nearly every subject. His steady improvement came after an initial period of disillusionment when he withdrew from school activities and friends. Near the end of the 2008–09 school year, he had joined the band and the basketball team and was poised to skip a grade. A family member said, *"It was really complicated but now . . . I think that [school] is like a refuge for him. I don't know if it's to forget everything that has happened or to make sure that his mother's sacrifice is worth it. I don't know but, well, it makes him feel good."* Three siblings (in 5th, 6th, and 8th grades) were averaging near or above a B+ through most of the 2008–09 academic year, despite ongoing behavioral problems at home and being apart from their father and uncle. Their father was not arrested but had

left Postville to look for work, and their uncle had been deported.

### School as a Beneficial Routine

Some younger children in our sample appear to have benefited from the routines provided by preschool and kindergarten classrooms. For example, a 4-year-old girl started pre-kindergarten soon after her mother was arrested in Van Nuys. School became an outlet for the girl, who was a bit quiet and shy in the classroom but learned a lot and made friends easily. One year after the raid, the girl was well adjusted and had become less clingy. Two siblings enrolled in Postville's Early Head Start and Head Start programs stayed in summer school after the raid. Attending school allowed these children to have a daily routine at a time when many things were changing, including the prolonged detention of their father and a change of residence. A mother of a kindergarten student in Van Nuys had feared that her son would have trouble at school, but her son did well. She said:

*School is what surprised me. I thought the boy would be doing badly but no. The teacher told me, "Look, since that time [since the raid], the boy—" I said, "Well, he's fallen," the teacher said, "No, he's progressing a lot." And I thought the teacher was going to tell me that [his grades] fell. "Look," the teacher said, "he has dedicated to learning a lot of words . . . he dedicated himself and he knows them." [I said,] "Well, teacher, it seems strange to me, I thought he was bound to fall." But the teacher told me, "No, it's been the opposite since [that time] until now."*

A kindergarten student was able to adjust at school despite many changes since the Postville raid. He was enrolled in Head Start before the raid, which allowed him to get acquainted with school and meet other students. After his mother was arrested, the family prepared to move back to Mexico because they expected her imminent deportation. The 5-year-old boy spent four months in Mexico before returning to the United States after his mother was released. Remarkably, nine months after the raid, he was doing well and his report card reflected some improvement despite the hectic events following his mother's arrest.

Some older children also demonstrated an ability to focus on their school life and perform well in the face of tremendous stress. A high school student in Arkansas was doing well in school and excelling in sports. Despite years of



domestic abuse and his mother's pending deportation, the boy focused on school. His mother was proud that he was doing well, even as she struggled emotionally:

*Before having these problems . . . I was different . . . happier, and now, well, lately, people tell me, "What's the matter? You're, like, really sad" . . . it's like they ask to be foolish, knowing that it's impossible for me to be well in the situation that I'm in . . . right now, I only go to take my two children and the oldest one to school . . . right now, he's doing very well in school. In sports, things are going very well, in high school, and . . . I don't want to move him. And my sister tells me, "Well, in the meantime, leave him with me."*

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Parents in our sample observed substantial and wide-ranging behavioral changes in children following parental arrest, detention, and deportation. A majority of the children in the study displayed changes in such basic areas as sleeping, eating, and controlling their emotions. Parents of more than half the children reported that their children cried and complained about being afraid after the raid. Many children displayed increased anxiety and were more withdrawn, clingy, and aggressive. These behavior changes apply to children with parents arrested in worksite raids, in home raids, and during routine police operations. Behavioral change symptoms coexist for many children in the sample, with more than three of five of the children exhibiting three or more behavioral changes, and two of five exhibiting five or more behavioral changes. In the short

term, children who were separated from their parents due to detention or deportation seemed to have experienced particularly severe effects. Children whose parents were arrested at home in front of their children also exhibited drastic changes.

In the long term, more than nine months after parental arrest, the frequency of children's reported behavioral changes fell somewhat but remained common. While the frequency of changes related to eating, sleeping, crying, and feeling afraid had declined modestly, at least 40 percent of children in the long-term sample still exhibited each of these behavioral changes. Withdrawal and aggression were especially persistent and troubling for children who were separated from their parents for long periods.

Children in the sample displayed both positive and negative changes at school. Many children experienced disruptions in school in the short run, including missing days of school as well as behavioral and academic problems. However, many parents and teachers also relayed positive stories about children's long-run adjustments and the schools' role in offering stability and structure. Schools were generally safe havens for children (and often parents) in four of our sites (Grand Island, New Bedford, Postville, and Rogers-Springdale), but we were unable to collect sufficient data on the other two sites. Students appear to have benefitted from school routines and the support they received from teachers and school personnel at a time when their lives at home were unstable. As we detail in the next chapter on community impacts, schools in these four sites went out of their way to continue welcoming students, educating them, and keeping them safe.





## 5. COMMUNITY RESPONSES TO RAIDS AND OTHER ARRESTS

**P**reviously in this report we described the enforcement activities that took place in our six study locations and their impacts on families and children. Our study communities were selected to reflect a diversity of settings: a small town in rural Northeast Iowa (Postville), a medium-sized city in rural central Nebraska (Grand Island), two medium-sized cities together in a rural-urban area of Northwest Arkansas (Rogers and Springdale), a medium-sized city near Boston (New Bedford), neighborhoods in a one of the nation's largest cities (Miami), and a suburb of the nation's second largest city, Los Angeles (Van Nuys).

In this chapter we present our findings regarding the community responses to worksite raids and other enforcement activities, and how these responses helped ameliorate impacts on families and children. We seek to answer the central research questions we developed about community responses:

- How were community responses (both public and private) implemented in the sites, and what kind of response models were developed?
- What lessons can be learned from the sites about how to deliver assistance to affected families and children?
- What were the successes and challenges of the institutions providing assistance?

Our findings primarily come from our interviews with community respondents—local government officials, law enforcement officers, service providers, and faith-based and other community leaders. As with our interviews of parents, our community-respondent interviews in the four sites—Grand Island, New Bedford, Van Nuys, and Postville—occurred at two points in time: within six months after the raids and nine months or more after the raids. The interviews in the other sites—Miami and Rogers-Springdale—occurred at single points in time.

As in our chapters describing impacts on families and children, we focus here on both short- and long-term response efforts in our study communities. One of the important themes we discuss is the extent to which response efforts are sustainable over time.

### Community Response Efforts in the Study Sites

#### Grand Island

Grand Island is one of the three sites we included in our 2007 study *Paying the Price*, and short-term response efforts are also described in that report. On the morning of the raid, December 12, 2006, ICE notified the Grand Island chief of police who in turn notified government institutions including the Nebraska DHHS and the Grand Island public schools. Subsequent rapid communication to community leaders resulted in the mobilization of the Grand Island Multicultural Coalition (MC), which consisted of over 20 CBOs, churches, DHHS, and the public schools. The MC organized and conducted a meeting the day after the raid to develop a coordinated response.

Many of the response efforts focused on meeting the immediate material needs of affected families. Swift gave \$62,000 to the local United Way (an MC member) for relief to families whose members were detained in the raid.<sup>61</sup> Churches conducted fundraising and food drives, and provided sanctuary and food to affected families. There was also significant assistance from the United Food and Commercial

<sup>61</sup> Swift donated several hundred thousand dollars to the United Way to assist arrested workers across all six company plants that were raided on December 12, 2006.



Workers (UFCW), as the plant was unionized. Just after the raid, public service announcements on Spanish language radio and in the newspaper provided information about services available to affected families.

The Grand Island public schools acted immediately through a coordinated effort led by the district superintendent. Principals and teachers were briefed and a plan was implemented to protect the safety of the immigrant students. The superintendent announced that the schools would be safe havens, and within a few days parents trusted the schools enough to send their children back. The local public health department and the DHHS provided access to services for families, including welfare, food stamps, and health benefits to eligible applicants.

While not a member of the MC, the Grand Island police chief declared publicly that his department was not connected to the raid and did not support it. The mayor of Grand Island and state elected officials made no public statements about the raid.

Grand Island had no experienced immigration attorneys before the raid, and this opened the door to *notarios*—notary publics who posed as immigration consultants—who reportedly provided misinformation to unwitting immigrants. After the raid, UFCW and the Mexican consulate contacted lawyers in the state capital of Lincoln and the state’s largest city of Omaha.<sup>62</sup>

Roughly three-quarters of the money from the Swift fund was disbursed in the first six months. The United Way imposed strict accounting and proof of eligibility on the funds, limiting the assistance to families that included an arrested immigrant. Central Nebraska Community Services (CNCS)—a local United Way agency—was the main provider of assistance for housing, food, medical bills, and other daily living expenses. CNCS served more than 100 families with almost 200 children. Families were allocated about \$200 for the first month, then up to \$700 in total assistance in subsequent months. Most families tapped into this assistance for three or four months.

The worksite raid and subsequent home raids led to widespread fears in the immigrant community that were seen in immigrants’ hiding behaviors, businesses shutting down for periods, workers fearful of returning to work, and children absent from schools. Some immigrants hid in their homes,

drew curtains, and refused to open the door for neighbors and trusted community members. Residents also reported that a number of Latino local businesses suspended operations temporarily as their customer base dwindled. According to school officials, about 275 Latino public school students—most, but not all, from immigrant families—failed to report to school in the days following the raid.

Church and school officials reported conducting outreach, going door to door to draw families out and reassure them that schools were a secure place for their children. Representatives from churches, schools, and CBOs reported that even with this outreach, they had difficulty getting some to open their doors to receive basic assistance such as food baskets.

During our first visit six months after the raid, in spring 2007, the Swift plant continued to have difficulty replacing lost workers. Somali immigrants moved into the community to fill jobs vacated by the Latino community, but many left after a short time for better employment opportunities elsewhere. Schools secured funding to add social workers through a federal grant, allowing them to provide counseling and other services to help children acclimate to the post-raid environment.

By the time of our second visit in spring 2008, more than a year after the raid, a number of families had moved elsewhere in the United States to seek work or had returned to their home countries following deported or voluntarily departed family members. Since a large majority of arrested immigrants were deported or left voluntarily right after the raid, some families found themselves separated for prolonged periods. The Mexican consulate provided assistance to some of the families who chose to return to Mexico. There was little cash assistance, with just \$9,000 in funds still available through the United Way. However, there were only a few affected families still living in Grand Island, and a handful of them continued to receive this assistance.

For the families who remained in Grand Island, transportation remained a persistent problem. Often, the male householder was the only driver in a family, so if he was detained or deported, the remaining spouse was unable to transport herself or her family to school, to legal proceedings, or to receive services.

In hindsight, legal assistance was generally acknowledged to be the biggest unmet need after the raid. A small number of families were able to get legal representation through UFCW or private attorneys, but most of the arrested immi-

<sup>62</sup> Lincoln is about an hour’s drive from Grand Island, and Omaha is about two hours away.



grants chose voluntary departure fairly quickly or wound up getting deported within months following the raid. Another unmet need stemmed from the large bonds—up to \$10,000—that immigration judges imposed on some arrested immigrants as a condition of their release. None of the groups involved in response efforts—the consulates, UFCW, state and local agencies, or local churches—were able to provide assistance in paying these bonds.

## New Bedford

New Bedford was the second of our study sites, and community responses there are also outlined in *Paying the Price*. The community response to the New Bedford raid on March 6, 2007, was noteworthy because of the broad-based federal, state, and local government support in the aftermath of the raid, and the effective coordination among different institutions immediately after the raid. MDSS played a key role in gaining access to detainees in order to assess whether they were parents. Their actions included securing a commitment from ICE (via court order) to allow MDSS social workers to meet with detainees, half of whom had been transferred to Texas detention centers. The local MDSS office also worked with the New Bedford schools to identify needs and coordinate services to students.

State and local elected government officials soon became involved in the community response. Soon after the raid, the governor visited New Bedford and met with community leaders. The mayor and other city officials expressed concern about the manner in which the raids were conducted. The state's U.S. senators and the local congressional representative were active in voicing their support for MDSS to gain access to detainees in Texas, and their efforts were successful in gaining the release of about two dozen mothers.

New Bedford is located near Boston, a hub for many different immigrant-serving organizations. Unlike in Grand Island, the New Bedford response included substantial financial, legal, and other resources raised from within the state. MIRA, a statewide coalition comprised of over 100 community organizations, helped coordinate service delivery immediately after the raid. MIRA established a special fund called the New Bedford Immigrant Families/Niños Fund with donations from foundations, CBOs (from as far away as Seattle), Boston-area businesses, and the general public. The fund covered basic needs for more than 100 families affected by the raid with assistance for housing, utilities, and food.


Their efforts quickly raised more than \$200,000 and were distributed mostly in the first three months after the raid.

Institutions in New Bedford and Boston were active during this critical 90-day period. In New Bedford, Our Lady of Guadalupe parish offered sanctuary to families in need of emergency shelter. CBOs such as Maya K'iche, MIRA, Catholic Social Services (CSS), and the Community Foundation of Southeastern Massachusetts coordinated distribution of the Niños Fund and triaged services. CSS and Greater Boston Legal Services (GBLS) assisted detainees with legal proceedings. A Boston-based philanthropist, Robert Hildreth, personally contributed more than \$132,000 for bonds to get 37 detainees released. In the single most expensive case across our study sites, the judge required a \$37,000 bond, and the philanthropist paid \$32,000 of it.<sup>63</sup> The public schools mobilized to make sure that students were not stranded at school on the day of the raid, and that parents felt comfortable sending their children back to class.

At the time of our second visit about a year after the raid (in spring 2008), when about 200 deportation cases were still being contested, the resources of the Niños Fund had diminished to about \$50,000. After the first few months, the fund's use shifted to preserving intact families (e.g., obtaining passports for U.S.-born children who might return to their parents' countries of origin) and helping with emergency situations (e.g., providing rent money to families facing imminent eviction). MIRA substantially reduced its coordination role, while a pool of local CBOs and churches continued to support the remaining immigrant families. More generally, fewer families sought assistance from organizations, preferring instead to work if they could or rely on family or social networks for support. Some immigrant families found work locally, mostly in fisheries. However, these replacement jobs were mostly temporary and paid less than their jobs at Michael Bianco before the raid. Some community organizations shifted their emphasis to English language learning programs and immigrant rights workshops.

Transportation remained a major ongoing need, with MIRA and Our Lady of Guadalupe parish teaming to provide such services. In particular, there was a need to regularly transport families an hour away to Boston for scheduled

<sup>63</sup> Miriam Jordan, 2008, "Boston Financier Steps In to Bail Out Illegal Immigrants," *Wall Street Journal*, March 19.



hearings and to provide transportation to the ICE field office, which was more than an hour away, for monitoring meetings.

### Van Nuys

On February 7, 2008, the day of the raid of Micro Solutions, ICE contacted the Coalition of Humane Immigrant Rights of Los Angeles (CHIRLA) and the Central American Resource Center (CARECEN). Both are part of the Los Angeles Rapid Response Network (RRN), a coalition of community-based organizations, legal service organizations, and labor organizers whose objective is to respond to ICE work raids. Prior to the raid, members of the RRN had received training from Yale University Law School professor Michael Wishnie, which centered on the rights of immigrants when arrested or detained by ICE.<sup>64</sup>

RRN was prepared by this training and mobilized quickly upon notification of the raid. RRN members were dispatched to Micro Solutions and to the downtown Los Angeles detention center to provide detainees with advice and legal counsel. Roughly 45 RRN attorneys were involved. The National Lawyers Guild filed a suit against ICE on behalf of the detainees and negotiated the presence of legal counsel when ICE interviewed the detainees. About a third of the detainees were released with supervision on the day of the raid, and most of them had electronic monitoring devices affixed to their ankles.

The day after the raid, CHIRLA, Unite Here Local 11 (a union), and local businesses conducted a joint press conference to highlight community outrage over the raid. But neither the City of Los Angeles nor the State of California issued an official reaction. Attempts by a city council member to pass a resolution were unsuccessful. The Los Angeles

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<sup>64</sup> The training, based in part on lessons learned in Wishnie's study of the New Bedford experience, had two goals: first, to educate key people in the community who could then inform immigrants how to respond in the case of a worksite raid or home arrest, and second, to prepare local lawyers on the related constitutional law issues to put them in position to mount an adequate defense for those detained. For more detail on the key constitutional law issues surrounding immigration arrests, see J. Cox and M. J. Wishnie, 2009, "Appendix: The Constitutional Law of Immigration Enforcement," pp. 63–68 in *Raids on Workers: Destroying Our Rights*, Washington, DC: United Food and Commercial Workers, [http://www.ufcw.org/docUploads/UFCW%20ICE%20rpt%20FINAL%20150B\\_061809\\_130632.pdf?CFID=7532992&CFTOKEN=84036596](http://www.ufcw.org/docUploads/UFCW%20ICE%20rpt%20FINAL%20150B_061809_130632.pdf?CFID=7532992&CFTOKEN=84036596).

Independent School District had no official reaction to the raid. Mexican and Salvadoran consular staff were present at the Los Angeles detention center, where they met with their nationals, provided advice, and made legal referrals.

After the raid, CHIRLA convened weekly Sunday meetings with victims to triage needs and create solidarity toward a common cause. A fundamental objective of these meetings was community organizing and advocacy (which are central to CHIRLA's mission). To meet basic needs on an emergency basis, families were referred to churches (e.g., Holy Rosary, Immaculate Conception, and Sacred Heart), which conducted fundraising and food drives. Families were also directed to other service providers, such as the Los Angeles Department of Public Social Services and local food banks. Independently, other organizations such as Mujeres Unidas conducted their own separate fundraising and relief efforts. The Mexican consulate provided \$19,000 in cash assistance to 50 families within the first year after the raid. As in Grand Island, the consulate also paid some families' expenses associated with returning to Mexico. The Honduran consulate distributed food baskets to 80 families (irrespective of nationality) for two weeks after the raid. Finally, Unite Here Local 11 worked with Campaign Car Wash to raise funds to offset legal expenses of the immigrants who chose to fight deportation in court. This was a point of contention because the victims wanted to use some of the funding to offset basic economic needs.

Our study respondents told us that fundraising to help the families affected by the raid was difficult, despite the substantial resources available in the Los Angeles area. In the case of Van Nuys it was much easier to recruit legal assistance than to find funding for humanitarian assistance—the opposite of the pattern we observed in Grand Island and Postville.

More than a year and a half after the raid, a large majority of the Van Nuys arrestees was still in the United States. The immigrant community was buoyed by legal victories, including two deportation hearing dismissals, which led other arrestees to more actively challenge their cases. In addition, over 30 arrested immigrants had their deportation put on hold in exchange for cooperating with the immigration investigation against Micro Solutions. Staff at CHIRLA and other CBOs said that these legal victories had led more of the arrested immigrants to engage in community organizing activities. At the same time, there were also signs that the protracted legal battles to contest deportation were associated with continuing economic hardship among some families in





Van Nuys because the arrested immigrants were unable to work. Even those with work permits had difficulty finding employment due to California's severe recession.

## Postville

In the immediate aftermath of the May 12, 2008, raid, leaders from the local Catholic, Presbyterian, and Lutheran churches and their statewide networks began organizing a humanitarian response. Local religious leaders, working with a statewide network, successfully tapped resources from Luther College in Decorah (just a half hour away) as well as from more distant locales such as Des Moines, Minneapolis, and Chicago. Collectively they raised relief funds, developed service delivery infrastructure, and secured legal assistance. More than \$900,000 was raised—a large sum relative to amounts that were raised in the other sites we studied. Most of the resources were devoted to humanitarian assistance.

The relief operation was centrally organized out of St. Bridget's Catholic Church in Postville, where the local clergy, the Sisters of Mercy (based out of nearby Waterloo), and faculty and students from Luther College ran the operation. The clergy and volunteers developed a service delivery infrastructure from scratch, since none existed before the raid. Notably, St. Bridget's developed their own financial and accountability systems, and found outside resources for basic infrastructure such as upgraded phone lines, computers, and fax machines. An existing Hispanic ministry at St. Bridget's had an established relationship with members of the Postville Latino community. Before the raid, the ministry periodically assisted families and had become a well-known source of support for families seeking translation and other services. St. Bridget's had previously coordinated a short-term relief effort five years earlier when Postville's then second-largest employer, a turkey processing plant, was destroyed in a fire.

St. Bridget's Catholic Church was not the only immigrant congregation before the raid, since many immigrants were Protestants from Guatemala. However, St. Bridget's quickly established itself as a relief hub by providing sanctuary to over 400 family members of arrested immigrants in the week that followed. The raid so terrified Postville's immigrant families (not just those with arrested members) that many were afraid to stay in their own homes. This is remarkable because in our other sites, we mostly heard that immigrants hid in their homes. In Postville, however, most families

either ran to St. Bridget's or fled the town altogether. Some families even fled into nearby fields, where they stayed for several days.<sup>65</sup> It was not until more than a week after the raid that families began leaving St. Bridget's and returning to their homes. During this week, St. Bridget's provided food, bedding, clothing, medical care, and all of the basic needs for hundreds of parents and children. This intensive experience cemented the church's role as a sanctuary and the foundation of support for the immigrant community.

The depth of humanitarian support and the length of time for which it was delivered were greater in Postville than the other sites, although there was substantial long-term support in New Bedford as well. By March 2009, at the time of our second visit and nine months after the raid, St. Bridget's had already spent more than \$500,000 to assist about 200 families.<sup>66</sup> The church was still supporting more than 50 families, including minors who had been arrested and released, and mothers who were still wearing ankle bracelets and unable to work. At its peak, the St. Bridget's relief operation expended more than \$80,000 per month. Relief was limited to families with members arrested in the raid, and support mostly went for housing, utilities, food, basic necessities, and—in some cases—medical bills. St. Bridget's paid up to \$600 monthly for rent directly to landlords, and paid electric and gas bills directly to utilities. Food was provided through the local food bank and food drives; hot meals were available once or twice per week. St. Bridget's estimated that in some months up to \$1,200 was needed to support an individual family.

The mayor and other city leaders spoke out against the raid but were not actively involved in St. Bridget's relief efforts. The lieutenant governor came to Postville in the fall of 2008, more than six months after the raid and after Agriprocessors went bankrupt. At that time, the City had declared a local economic and humanitarian disaster and asked the State of Iowa for disaster assistance. The State did

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<sup>65</sup> We were told that many of the Guatemalan immigrants in Postville had experienced raids by the military or other forces during the country's civil war and had fled into the fields to escape capture and violence. This pattern appears to have repeated itself during the Postville raid.

<sup>66</sup> St. Bridget's support was also essential to the survival of landlords and other local businesses, many of which would likely have failed if so many immigrant families had lost the means to pay rent and other basic expenses.



not declare Postville a disaster area, in part because so many other Iowa communities had been affected by recent major floods and plant closings.

However, the State and City worked together to obtain a \$700,000 grant from the U.S. Department of Housing and Urban Development for disaster relief in the form of housing and utility assistance to families affected by the plant closing. This funding served the larger population in Postville affected by the plant closing, including some of the families of arrested immigrants. The Postville Relief Coalition was set up as a nonprofit organization specifically to disburse these funds. Families were limited to \$3,000 or three months of assistance, and this grant had mostly been spent by March 2009, because the majority of the population of Postville was affected by the plant closing. It was unclear how much of this grant went to immigrant families caught up in the raid, but some of our respondents received some assistance through this program.

St. Bridget's was also effective in linking affected families with health care and public assistance. The free clinic in nearby Decorah, which had seen several workers from Agriprocessors before the raid, sent a doctor and a nurse to St. Bridget's during the week after the raid. A bilingual social worker from the Iowa DHS office in nearby Decorah already had some Agriprocessors workers on her food stamps caseload before the raid, and she came to St. Bridget's several times during that first week to reassess the needs of her existing clients and to sign up new ones. St. Bridget's worked closely with the free clinic and Iowa DHS in the months following the raid to ensure that families received needed health care and benefits for their eligible citizen children.

The Postville public school system was also active in responding to the raid, just as the schools had been in Grand Island and New Bedford. Postville has a single high school and one elementary/middle school, and most teachers and administrators live in the community. On the day of the raid, one of the principals and the lead counselor visited both the plant and St. Bridget's Church to speak with arrestees and their families. Over the course of the next week, the principal and counselor communicated directly with the families staying at St. Bridget's and convinced worried parents to allow their children to be transported by bus to and from the school. They also went door to door in search of students. As a result, most students with immigrant parents were back in school by the second week after the raid (although that was

the last week of the school year). While enrollment declined for summer school, it rebounded in the fall. As of March 2009, 10 months after the raid, about 100 students out of 350 had left the elementary/middle school, but there were as many new students. Enrollment had stabilized.

As in Grand Island, the efforts of the Postville administrators to make schools safe havens paid off with better attendance over the long run. Teachers and administrators said that academics had not suffered and children's behavior remained good. However, they did report that there were still some lingering impacts of the raid months later, and that between September 2008 and January 2009 there were over 100 counseling sessions for schoolchildren with arrested parents, as well as dozens of sessions for other children—with both immigrant and U.S.-born parents—who were strongly affected by the events surrounding and following the raid.

One of the most important participants in the Postville response effort was an immigration lawyer based out of Des Moines, who represented over 50 of the arrested immigrants. She was successful, with limited paralegal assistance, in obtaining visas for more than half of her clients, as described in chapter 2. There were a handful of other immigration lawyers involved, but their caseloads were much smaller. As was the case in Grand Island, the remoteness of Postville limited the availability of legal assistance, and this single lawyer handled most of the caseload by herself. In December 2009, more than a year and a half after the raid, 29 women and minors had received U-visas or other forms of relief from deportation, and 30 cases were still pending. Most of these 60 women and minors were caught up in the raid, but a few were other workers at the plant. Additionally, 35 adults and six minors were released as material witnesses and were still in the country, although the 35 adults were no longer needed for trial and likely to be deported within a short period.

## Miami

The raids by ICE's fugitive teams and other officers on Haitians in their homes and across the community had a fundamentally different effect on the community compared with the large-scale worksite raids we studied in other locations. The Miami raids lacked a single, defining traumatic event and did not generate the same community reaction that characterized workplace raid sites such as New Bedford



and Postville.<sup>67</sup> Worksite raids can instill a sharp, intense fear in the immigrant community. The Miami enforcement activity, on the other hand, instilled a more *chronic* fear in the Haitian community, a fear that subsided less over time because of a perception of ICE's continuing and conspicuous presence.

In contrast to the sites with large-scale worksite raids, in Miami there was far less community and media attention to the situation of affected families and less of a community effort to raise funds and coordinate relief efforts. Though as described earlier, families in Miami experienced material hardship as great as or greater than families in our other sites, no special relief operation was available to help them. They sought services through informal channels or through CBOs on a case-by-case basis.

While there appeared to be no coordinated effort to provide relief to the families of detainees, a number of CBOs, churches, and legal service organizations provided assistance independently to the Haitian community as a whole, including the families of arrested immigrants. Church Notre Dame D'Haiti, through its affiliated Haitian Center, counseled families affected by ICE activity on both psychological and spiritual matters. The church also sent letters to immigration judges documenting the residency period of detainees and immigrants seeking permanent residency. The Florida Immigrant Advocacy Coalition (FIAC) had been working with the Haitian consulate and the Florida Department of Families and Children to protect the interests of detainee children and developed materials for families before and after arrest, as well as during detention.<sup>68</sup> Other organizations (e.g., Haitian's Women's Association, Sant La) offered parenting classes, after-school care, and limited legal services. They also assisted families with applications for aid such as Medicaid, food stamps, and WIC.

Organizations such as Catholic Legal Services and FIAC provide legal services to the Haitian community, as well as others affected by home raids. Due to thousands of arrests in the Miami area each year, the demand for legal services exceeds capacity—even in Miami, which has a relatively high

number of immigration lawyers. In Miami, as in Grand Island, our community respondents reported increased business for *notarios* who are suspected of providing poor legal advice while charging immigrants excessive fees. Because Haitian immigration cases often involve asylum requests, which are complex and difficult to substantiate, competent legal assistance is particularly important.

The Haitian families in Miami we studied also had little recourse to contest deportation, because they mostly had outstanding prior deportation orders. These orders were the reason for their arrest by FOTs and could rarely be contested.

### Rogers-Springdale

In Rogers and Springdale, Arkansas, we studied the aftermath of arrests and raids by the local police, who were acting under 287(g) agreements with ICE to enforce immigration laws. These raids occurred over about six months, starting in October 2007 and leading up to our visit in May 2008. As in Miami, there was no single large-scale raid to generate significant media attention and coordination of relief efforts. There was one set of small-scale raids on a chain of Mexican restaurants in December 2007 that attracted some media attention (especially on Spanish language radio stations) and, for a short time, a community response. Leaders in the business community and the Latino community generally complained that these raids were not targeted at serious criminals—but instead at Latino business owners more generally. These raids served to drive a wedge between local police departments and most of the Latino community leaders who had originally supported the 287(g) program.

Overall, however, there was not much media attention to the 287(g) program and the impacts that arrests had on families. Additionally, many of our respondents said the constant threat of arrest by local authorities, for instance, for driving violations, deterred immigrants from seeking services from government offices or CBOs such as food pantries.

There was no apparent coordination among service providers, CBOs, FBOs, or schools after the 287(g) program was implemented and the restaurant raids took place. Individuals and organizations provided assistance as best as they were able. St. Vincent de Paul church provided ad hoc cash assistance to cover bills. Legal assistance was available through a Catholic Charities affiliate and several local lawyers, but their capacity was limited. A few organizations provided families with referrals to appropriate services. A

<sup>67</sup> Our interviews in December 2008 included families with parents arrested over a two-year period beginning in early 2007.

<sup>68</sup> Florida Immigrant Advocacy Center, no date, "Detainees with Minor Children: Frequently Asked Questions" Miami; Florida Immigrant Advocacy Center, 2008, "Immigration Raids: How to Protect Yourself in Case of a Raid," Miami, July 16.



number of service providers and advocacy organizations that are centrally located in the Jones Center in downtown Springdale did not generally coordinate their efforts. The Mexican consulate in Little Rock—about four hours away—provided some help with emergency funding. There were limited housing services available; in fact, the only general overnight shelter in the area was provided by the Salvation Army and they did not serve unauthorized immigrants. Local domestic violence shelters, however, took unauthorized victims and their children.

Neither the state nor the city governments of Rogers and Springdale—which were participating alongside ICE in enforcement activities—offered support for the affected families or the immigrant community in general. However, both a congressional representative and a former representative communicated their concerns to the federal government about ICE enforcement activity in Arkansas.

Beyond the lack of coordination there were other barriers to accessing services. One problematic area was translation and interpretation, for which government service agencies in the area had limited capacity. A handful of CBOs (e.g., Catholic Charities and St. Francis Community Clinic) had ample bilingual staff but some others (e.g., Economic Opportunity Agency and the local Head Start programs) did not.

As in other sites, transportation emerged as another important barrier. The two cities are spread out geographically with minimal public transportation, and many immigrants said they were afraid to drive because of the arrests during traffic stops.

Finally, as in Miami, arrested immigrants had little hope of relief from deportation. Because they had been charged with other crimes most avenues of relief were unavailable to the immigrants arrested through the 287(g) program, even in cases where the charges may have been for relatively minor offenses.

## Lessons Learned about the Delivery of Assistance

This section describes briefly what we learned about the types of organizations providing assistance, the frameworks or models they used for service delivery, and the types of assistance they offered.

### 1. Across most sites, many organizations participated in providing community assistance, including community-

### and faith-based groups, schools, and legal services organizations.

Churches and faith-based groups generally played the most important roles in providing short-term humanitarian relief and long-term spiritual support to families affected by ICE enforcement activity. Churches were often the first places that families would turn for emergency assistance. Churches were conduits for food and clothing drives and cash-based fundraising efforts. Some churches like St. Bridget's in Postville and Our Lady of Guadalupe in New Bedford played key roles as safe havens and in the distribution of humanitarian relief. Faith-based organizations such as Catholic Charities were involved in humanitarian relief efforts in Grand Island, New Bedford, and Postville. They also provided legal services in New Bedford, Miami, and Rogers-Springdale.

Other community groups were also important contributors. Organizations like the United Way, the Salvation Army, and local community health centers provided humanitarian assistance and referred families to other service providers. United Way-based organizations were especially involved in Grand Island, because Swift had funneled their relief funding through these organizations. In Grand Island, Postville, and Rogers-Springdale, local nonprofit community clinics played important roles in health screening and delivery. CBOs also worked with local government and businesses to coordinate service delivery. However, as described below, while these organizations were able to step up in the immediate aftermath of the raids, their resources were tested during the longer limbo periods of months or even a year or more when parents were contesting their deportation. Moreover, in some sites these organizations were not well prepared to address the needs of a culturally diverse, non-English-speaking population.

Public schools offered strong support for children with arrested parents in four of our sites. In Grand Island and New Bedford, the districtwide coordinated strategy ensured that children were not stranded at school on the day of the raid. In Postville, school staff provided secure transportation to and from school for a week after the raid, to get the children back in school. Moreover, these school systems established themselves as “safe places” for immigrant children. This helped reduce absenteeism stemming from parents’ fear that their children would be detained. All three also provided counseling to a significant number of students following the



raids. In Springdale, the district worked hard to maintain a sense of safety after police arrested parents outside of an elementary school as they waited to pick up their children. We did not find comparable evidence of school involvement in Miami or Van Nuys.

Organizations that provide legal services, community organizing, and advocacy were important partners in several sites, although they were constrained by limited capacity. Even in a large urban environment like Van Nuys, a coalition of legal service organizations, including the American Civil Liberties Union and the National Lawyers Guild, was collectively unable to meet the needs of all of the arrested immigrants. Advocacy organizations such as CHIRLA in Van Nuys were central in the effort to create a unified group of immigrants willing to fight deportation. In New Bedford, MIRA played a similarly important role, although one that was more focused on helping to bring attention to the needs of arrested immigrants and their families and to coordinate the activities of local groups to engage in ongoing response efforts.

## **2. While public agencies in many sites stood ready to serve eligible immigrant family members, some overcame families' suspicion and fear more successfully than others.**

State departments of human services, social service agencies, child welfare agencies, and health departments offered a variety of services to at least some family members of arrested immigrants. Benefits included food stamps, Medicaid, and the Children's Health Insurance Program (CHIP) for eligible U.S.-born children of immigrants, and more generally, WIC for families with young children. In New Bedford, MDSS helped secure the release of two dozen parents to be with their children, and a few minors who were arrested while working at Michael Bianco were taken into foster care. In Postville, one minor who was not arrested but left his job at Agriprocessors came to St. Bridget's several months after the raid and was taken into foster care.

In some sites, families continued to be very cautious about presenting themselves to apply for benefits, while community responders in other sites helped encourage and facilitate a much broader use of public benefits in this time of economic necessity. We found much higher use of public benefits soon after the raid and over the longer term in the sites with well-coordinated disaster-relief efforts—Postville, Grand Island, and New Bedford—than in the other three sites. In Arkansas, Miami, and Van Nuys, where relatively

few sought assistance despite their needs, a significant concern for families was the perception that presenting themselves for benefits and services at government agencies could subject other family members to arrest and detention. This was especially apparent in Rogers-Springdale, where the local police were involved in arresting and detaining immigrants.


When churches, advocacy groups, and CBOs served as intermediaries or when public agencies directly conducted outreach, they were better able to connect eligible family members with needed benefits. In Grand Island, New Bedford, and Postville, social service workers went into the community to discuss eligibility and help with the application process. Prior experiences also affected the degree to which public agencies were able to deliver services to a community. In Postville, a bilingual social service worker from nearby Decorah, Iowa, who already had immigrant families on her caseload before the raid, came to St. Bridget's Church during the week following to help others apply for benefits. In Grand Island, immigrants distrusted the Nebraska DHHS because an immigrant mother had nearly lost custody of her children before the raid following a child protective services removal and her deportation. Yet outreach efforts there still proved successful in getting public benefits to a significant number of families caught up in the raid—at least in our study sample.

## **3. Many community responders, especially in worksite raid sites, used a “disaster-relief model.”**

When a worksite raid captures a sizeable number of immigrant workers, it sends a shockwave throughout the resident community of immigrants, as well as the broader community. The community reaction is typically swift. Three of the study communities that experienced worksite raids—Grand Island, New Bedford, and Postville—developed, to one degree or another, what could be considered a *disaster-relief approach* for addressing the short-term needs of affected families.

On the day of the raids, community organizations, churches, and local government engaged in rapid information dissemination to initiate an immediate response. While in Van Nuys the Los Angeles Independent School District had virtually no reaction, the schools in Grand Island, New Bedford, and Postville conducted teacher briefings and launched efforts to ensure children were not stranded and had access to services to address the emotional trauma associated with these raids.

As in natural disasters, the media played an important role in disseminating information to community leaders and officials. Community organizations and churches



commenced fundraising and preparing their facilities for use as sanctuaries. Community organizations mobilized their staffs to be present at the worksite and (when response staff included lawyers) at the detention centers. If they did not already exist, coalitions consisting of community organizations, churches, schools, and sometimes local government were quickly formed to more effectively coordinate efforts, pool resources, and provide centralized triage to match and refer services to eligible families.

Response efforts typically featured one or more centralized locations (e.g., churches, CBOs) where affected immigrants could present themselves to receive relief services. In both Postville and New Bedford families were able to use central points of distribution: St. Bridget's Church in Postville and Our Lady of Guadalupe parish as well as the offices of Catholic Social Services in New Bedford. This approach, by all accounts, worked well for distributing short-term resources and services to victims seeking assistance. In the other sites, distribution centers had more difficulty reaching out to immigrants gripped by fear that they might be arrested while seeking assistance. Outreach to immigrant families in their homes was somewhat effective in Grand Island.

Short-term humanitarian relief packages typically included food, housing and utility assistance, clothing, health services, and occasionally cash or gift cards and coupons for gas or food. In some cases the hubs referred families to state and federal aid programs such as Medicaid, CHIP, food stamps, and unemployment insurance if the adults or children were eligible, which the U.S.-born children usually were.

#### **4. In Van Nuys, responders used a “community organizing model.”**

The Van Nuys response, driven by a community organizing model of the problem, was unique in that it was largely developed with a longer-term plan in mind. CHIRLA focused its energies primarily on organizing affected families to join in a common effort to contest deportations. CHIRLA's legal service partners and other CBOs (e.g., Unite Here Local 11) implemented a strategy to identify arrestees, train them in leadership and organizing techniques, and work with them to galvanize the other arrestees in support of their common cause.

In a mirror image of the strengths and weaknesses of the disaster-relief model, this alternative model generated some concerns in the Latino community that the humanitarian needs of victims' families might not be adequately addressed.

Van Nuys was the one site we studied in which legal resources exceeded humanitarian assistance following the raid. However, the legal strategy began to show success a year after the raid when an immigration judge dismissed one of the deportation cases because of inhumane treatment at the detention center. As described earlier in chapter 2, lawyers in Van Nuys were also successful in contesting the legality of the raid itself, which suspended the deportation of between 60 and 70 immigrants. Further, they were able to get work permits for 30–35 immigrants for cooperating with the prosecution against Micro Solutions. These legal victories have generated momentum for immigrant-organizing efforts there (with help from CHIRLA), and community support for these efforts has grown with their success.

#### **5. All sites, particularly those using a disaster-relief model, had to confront the challenge of long-run as well as short-run assistance.**

As each of these sites illustrated, children and families often had long-term needs, particularly given the time required for the legal process to play out. For the most part, CBOs, local governments, and churches in our study sites adjusted their responses over time due to funding constraints and changes in the volume and needs of immigrant families. The short-term disaster model was often effective in soliciting one-time or limited-duration donations from organizations, businesses, and, in one case, a philanthropist. Moreover, there was a noticeable synergy produced by cooperating organizations in response to a common emergency. Over time, however, maintaining that momentum and dedication can be taxing to individual donors and staff alike, especially for those organizations for which direct relief is not specifically a part of their mission.

Two sites merit special attention for their ability to provide longer-term support to immigrant families: Postville and New Bedford. In Postville, over the course of a year, St. Bridget's Church raised over \$900,000 from a web site, faith-based networks, and national fundraising appeals. This sum was necessary to support families for over a year after the raid, with humanitarian relief costing \$80,000 per month at its peak. St. Bridget's also provided some funding to offset legal costs (e.g., costs of filing applications for visas), although most legal assistance was provided pro bono.

In New Bedford, because some affected immigrants were able to find temporary work, the demand for emergency assistance for basic needs diminished about three months after the



raid. This allowed much more of an ongoing focus on the legal cases of detainees and their families. Catholic Charities, GBLS, and other legal aid organizations continued to provide representation services as immigrants applied for U-visas and other forms of relief from deportation. Transportation emerged as another long-term need that was continually met by CBOs, especially for getting individuals to court hearings. Our Lady of Guadalupe and Maya K'iche partnered to address this need. A sewing cooperative was started with donated sewing machines, and this proved to have therapeutic benefits to participants, as well as leading some of them to start their own businesses selling bags. A year after the raid, New Bedford school teachers were regularly meeting with the Community Foundation of Southeastern Massachusetts to continue discussing the needs of affected children, and community organizations began shifting their services to immigrant integration (e.g., English language instruction).

## **6. Humanitarian assistance and legal representation were both important.**

One significant finding from the sites is the importance of legal representation to help immigrants contest their deportation. In fact, the most important benefit an immigrant can receive after being arrested in a raid is a work permit, visa, or other mechanism to stay in the country legally and work. Only legal presence in the United States and the opportunity to work can ameliorate parent-child separation and economic hardship among affected families in the long run. As illustrated in the site descriptions above, there was great unevenness in the availability of high-quality legal advice. Smaller, more isolated places like Grand Island and Postville were able to generate significant disaster-relief efforts aimed at providing humanitarian assistance, but they had much more difficulty finding needed legal resources. This was because these resources are much more specialized and less dispersed across the country. A handful of lawyers took on all the cases in both of these sites, and in both sites most arrested immigrants went unrepresented. In Postville, one pro bono lawyer launched a deportation defense effort on behalf of more than 50 clients. By contrast, the Rapid Response Network in Van Nuys included 45 attorneys. The majority of New Bedford arrestees who chose to fight deportation and the entire Van Nuys group found representation. Even though most cases in New Bedford and Van Nuys were still pending more than a year after the raids, in the long-term a number of some significant legal victories were obtained. Greater resources possibly could

have been available for deportation defense in Miami, but most of our sample of arrested Haitians there had little to no recourse available to them against deportation.

The availability of humanitarian assistance followed a different pattern across our sites. Surprisingly, the greatest funding for humanitarian resources was raised following the raid in the smallest site: Postville. Grand Island, which is also a relatively small and isolated community, also benefitted from a significant fundraising effort including the raided employer and FBOs. The arrestees in New Bedford benefitted from their proximity to Boston in terms of humanitarian assistance, just as they had in terms of legal representation: MIRA and the local church dioceses raised significant sums in the Boston area, and the Community Foundation of Southeastern Massachusetts also provided support.

The other two major urban areas in our study—Los Angeles and Miami—had much less thorough fundraising and humanitarian response efforts. In both sites, the small number of arrestees relative to the overall immigrant population (and relative to large, ongoing ICE operations across the area) meant much less media and community attention to the plight of arrestees. This made fundraising and mounting a relief operation more difficult in these areas.

Finally, in Rogers-Springdale, both humanitarian and legal resources were limited. This partly reflected the climate toward immigrants in the area, including the active participation of city and county governments in immigration enforcement as well as anti-immigrant sentiment in those communities more generally. It also reflected the fact that, as in Miami, the arrests were scattered across a widespread area over a long period of time and generated far less media and community attention than the large workplace raid sites we studied.

## **Successes and Challenges of Institutions Providing Assistance**

We next summarize the characteristics of community responses that appeared to be effective in addressing the needs of families, as well as some of the challenges faced by response efforts.

### **Successes**

*Coalitions.* In general, a single CBO, church, or agency cannot address the myriad of family needs that result from



ICE enforcement in a community. The more effective coalitions covered many basic needs as well as legal and health services, and some included psychological counseling. These coalitions included churches, faith-based and community organizations, legal services, public schools, local government, and businesses.

St. Bridget's Church was somewhat of an exception, because it was able to raise funding and sustain an extraordinary humanitarian relief effort (costing almost \$1 million) for more than a year. However, even though St. Bridget's coordinated and disbursed virtually all of this assistance, the fundraising and media efforts were coordinated with community leaders and other religious organizations both within and outside Postville. St. Bridget's also benefitted from significant logistical support from a statewide network that included Catholic Charities of Iowa and staffing during the relief effort from Luther College in Decorah.

*Balanced combination of humanitarian and legal services.* As we have seen, both humanitarian and legal services were very important to families. On the one hand, good legal services, while hard to find, turned out to be crucial. Legal services allowed some arrested immigrants to obtain legal status that allowed them to stay in the United States with their families and obtain employment. On the other hand, the longer their deportation cases were open, the more humanitarian assistance these families needed. The comprehensive relief efforts in New Bedford and Postville were able to adequately support legal assistance and humanitarian needs until immigrants either succeeded in obtaining relief from deportation or were deported. But these operations were very well coordinated and expensive (or required intensive in-kind and pro bono labor), and lasted for more than a year.

*Schools as safe havens.* In three of our sites—Grand Island, New Bedford, and Postville—schools provided safe havens for children in the immediate aftermath of the raids and were able to retain students in the longer term. These schools were successful in retaining the trust of the immigrant community, including affected families. They were also by and large successful in keeping students engaged in learning. All three districts provided counseling for affected students. In Springdale, the schools also attempted to address the impacts of parental arrests on students, but the effectiveness of their efforts was more difficult to gauge, because the scattered nature of the raids there made it difficult to pull a sample of affected children in any one school. The public schools in Miami and Van Nuys did not mount

significant responses to raids and arrests in those locations, and we do not know how well children fared academically afterward.

*Engagement by state and local government.* Government support was evident and helpful in several of the sites. In Grand Island and Postville, government support provided public benefits to help families through difficult economic periods, even though in these sites the elected officials were not outspoken. In New Bedford, having staff from public agencies such as MDSS argue on behalf of children for their families' reunification, as well as having elected officials raise concerns about the impacts of the raid on immigrant families and the broader community, helped restore some trust in needed civic institutions, such as local schools.

*Culturally tailored outreach.* A solid understanding of the languages and cultures in immigrant communities is a key to providing effective services to these communities. Across our sites, churches and CBOs showed the most cultural competency in addressing the needs of affected families. In general, churches were active in Latino communities and had Spanish-speaking capacity, although this capacity was somewhat limited in the smaller study communities of Grand Island and Postville. In Grand Island, New Bedford, and Postville, language access and cultural competency were further complicated by the fact that many arrestees were from groups such as the Maya K'iche from Guatemala that speak rare indigenous languages. Community leaders who were originally from Guatemala played instrumental roles in the delivery of services in all three of these sites.

Public agencies also showed a degree of cultural and linguistic competence in some of our sites. In Postville, a bilingual English-Spanish caseworker from the Iowa DHS office in nearby Decorah worked closely with St. Bridget's Church to link affected families with public assistance. In Grand Island, the regional Nebraska DHHS director was from Guatemala, as were some of the social workers; they were also able to connect some affected families with benefits. The public resources available to the New Bedford arrestees were much greater: the leadership of MDSS and three dozen bilingual social workers were all involved in obtaining the release of parents.

## Challenges

*Sustaining service delivery.* Sustaining relief after a period of three to six months was a principal challenge in all of our





sites except for Postville. Persistent needs included legal services, transportation (especially in larger communities and those lacking public transportation), counseling, and humanitarian assistance in cases where arrested immigrants remained in limbo and could not work. In the early months, fundraising and donations were generally secured within the community and from nearby communities. With the progression of time, contributions faded while the needs of families in periods of prolonged detention or with drawn-out deportation cases increased (as resources from friends and families declined). Thus, fundraising from a broader base of support—as was done with national campaigns for Postville—became important to sustain service delivery.

*Translation and interpretation.* The need for bilingual staff for triage and service delivery was another common challenge across the sites. In communities like Postville and Rogers-Springdale, where immigrant communities were newer and relatively small, it was difficult to find Spanish language capacity. Even in the larger, more diverse areas, it was difficult to find interpretation for rarer languages such as those spoken by indigenous Guatemalans. In Miami, Haitian Creole interpreters were difficult to find.

*Transportation.* In Postville, Grand Island, and New Bedford, it was difficult to obtain transportation to and from immigration hearings, appointments with lawyers, and bond postings—as ICE and attorneys' offices were mostly located several hours away. In some cases, appointments with attorneys had to be done over the phone or on site, requiring the lawyers to travel frequently over long distances. Arrestees in Postville also had to travel to nearby Decorah for medical appointments at the free clinic and for renewal of public assistance. In both New Bedford and Postville, the church and community organizations arranged private transportation for these immigrants.

In Rogers and Springdale it became dangerous for unauthorized immigrants to drive at all, given that many of the 287(g) arrests were from roadblocks or traffic stops. Advocates and community leaders arranged transportation for immigrants in Rogers and Springdale on an ad hoc basis.

*Mobilizing community efforts when there is no single, large-scale raid.* It was relatively difficult to mobilize responses in Miami and Rogers-Springdale because there was no single crisis in need of a response and no major coverage of events in the media. Very few people in the community knew who the arrested immigrants were, as they were not identified by a single employer. It was generally left to their families or friends

to approach community leaders for support. There was also very little basis for targeted outreach under such circumstances, because there was no single employer, neighborhood, or period of time on which to focus outreach efforts.


*Finding legal representation can be difficult in more remote communities.* Finally, securing legal services was much more difficult in remote locations like Grand Island, Postville, and Rogers-Springdale, where there were few or no practicing immigration attorneys. Efforts following the Postville raid to link Iowa attorneys with a national base of legal support were largely ineffective. Attorneys specializing in deportation defense simply could not be recruited to work in remote, rural Iowa on a pro bono basis, and even with nearly \$1 million in funding, the St. Bridget's relief effort could not afford to pay salary and travel costs for attorneys to come to Postville from outside Iowa.

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The community responses we studied across our six sites illustrate some of the complexities and difficulties of supporting families with children in the aftermath of immigration enforcement activity. As we described earlier, whether a parent is arrested, deported, or released under supervision, families typically lose a breadwinner, resulting in economic hardship and reliance on charity or public benefits. In the immediate aftermath of the large worksite raids in three of our sites—Grand Island, New Bedford, and Postville—communities mobilized assistance for affected families. Sources of support varied, but in general these relief efforts were expensive, approaching \$1 million in Postville. Without a well-publicized raid as a catalyst, there was no such mobilization in Arkansas and Miami, leaving families there without an emergency response safety net.

A confluence of participants were involved, including churches, community organizations, nonprofit service providers (e.g., United Way agencies), state and local government agencies, employers and labor unions. These relief efforts were complicated because of the families' many needs (housing, utilities, food, and other basic needs) and because they had to be maintained for so long (for several months in Grand Island and New Bedford, and for more than a year in some cases in Postville).

Legal assistance was a crucial component of these relief efforts, and it was often expensive and difficult to obtain. Immigration law is a complex field, and there is a limited supply of qualified attorneys to defend deportation cases across the country. In general, it was easier to find legal resources in



locations near some of the major cities—New Bedford and Van Nuys—than in the smaller, more remote communities we studied. In Grand Island and Postville there were no qualified lawyers in the community, and so a handful of outside lawyers had to take on these cases. The deportation cases still being contested more than two years after the Grand Island and New Bedford raids show how long the need for this assistance can last, and how long the families contesting their deportation remain in limbo.

Our review of impacts on children and families, along with the community responses described in this chapter, show the many difficulties experienced by families following a parent's arrest. These difficulties are especially apparent following many of the individual arrests that were not the result of

large-scale raids. The families affected by individual enforcement activities do not get the publicity, the mobilized response, or the community support that many of those arrested in worksite raids receive. While the new leadership at the Department of Homeland Security has significantly curtailed the use of large-scale worksite raids, the 287(g) program has recently expanded to deputize immigration enforcement powers to more local police departments, and FOT arrests have continued at much the same rate. As long as immigration enforcement activities continue, we need to consider how to meet the goals of enforcement while mitigating the very serious impacts on the thousands of children directly affected and the millions more potentially at risk. This is the focus of attention in the concluding chapter of this report.



## 6. FACING OUR FUTURE: CONCLUSIONS AND RECOMMENDATIONS

The U. S. government is embarking on what promises to be a renewed round of spirited debate about reforming the country's immigration system. In November 2009, Secretary of Homeland Security Janet Napolitano called on the Congress to reconsider a comprehensive approach to immigration reform that would include some form of legal status for most of the country's 11 to 12 million unauthorized immigrants.<sup>69</sup> Many of the issues underlying the immigration debate are perennial: the aging U.S. workforce and need for immigrant workers, competition with U.S.-born workers, the fiscal costs of immigration, security and sovereignty concerns, respect for the law, civil rights, and the potential benefits of diversity in an increasingly globalized economy.

This report, like our predecessor report *Paying the Price*, focuses on one of the issues that has *not* been central in the debate: the impact of our current immigration policies on the 5.5 million U.S. children with unauthorized parents. These children account for 7 percent, or 1 in 14, of all children living in the United States. They and their families are by and large well integrated into the communities where they live, with the vast majority of the parents working<sup>70</sup> and the children attending school.<sup>71</sup> However, these children have an uncertain future in this country. Because their parents can be arrested and removed at any time, they live in tenuous circumstances, not knowing whether they can count on their families remaining whole or on this country remaining their home. Children who find themselves with a parent arrested for an immigration violation suffer further potential barriers to their well-being and integration, includ-

ing the loss of parental support, economic hardship, and emotional difficulties.

About two-thirds of the children in our study sample are U.S.-born citizens,<sup>72</sup> entitled to remain in the country and to receive the full benefits and responsibilities of citizenship. As American children they are a critically important component of the future U.S. workforce, needed to support a growing economy and an aging population. Their futures are for the nation to support or circumscribe, and the nation's future is theirs to make. The question, then, is what future we choose.

### Summary of Findings

Many of the findings discussed in the preceding chapters provide ample cause for concern. Our findings highlight the difficulty of balancing different policy objectives: the need for enforcement of immigration laws and our desire to preserve the integrity of families and promote the best interests of children. Despite the actions of their parents, the children bear no fault and as this report has shown, they experience deeply damaging consequences from immigration enforcement. In

<sup>69</sup> Melanie Trottman, 2009, "Immigrant Bill Is Back on the Table," *Wall Street Journal*, November 14.

<sup>70</sup> Passel and Cohn, 2009.

<sup>71</sup> For a full discussion of the integration of immigrants and their children—along with difficulties they face in poor urban communities—see Alejandro Portes and Rubén G. Rumbaut, 2001, *Legacies: The Story of the Immigrant Second Generation*, Los Angeles: University of California Press, and Rubén G. Rumbaut and Alejandro Portes, 2001, *Ethnicities: Children of Immigrants in America*, Los Angeles: University of California Press.

<sup>72</sup> This is comparable to the estimated 73 percent of all 5.5 million children of unauthorized immigrants that are U.S.-born citizens, Passel and Cohn, 2009.



several other areas of U.S. policy—child welfare, education, and the distribution of public benefits—the primary objectives are to protect children from harm and to advance their prospects regardless of their starting points in life. Yet such protections and opportunities to prosper are jeopardized when parents are caught up in immigration enforcement actions.

The discussion in the previous chapters highlights several significant findings that the American public and its leaders should take into account as part of the immigration debate.

### Family Separation

The separation of children from their parents is one of the most direct results of immigration arrests. Such separations were common in our sample, though in a large majority of cases at least one parent was able to remain with the children because he or she was either not arrested or released under supervision. Our sample included many cases in which parents were held for weeks or months in detention following their arrest, and it likely underrepresents these cases because we could not interview parents in detention. In most of our sample, two-parent families became single-parent families, although in a few cases children stayed with other relatives or friends for an extended period.

ICE’s humanitarian guidelines for large-scale worksite raids, which mandate release of single parents and those with needy children, reduced the frequency of family separation, especially in the Van Nuys raid. The application of ankle bracelets with tracking devices allowed ICE to continue to monitor arrestees without requiring detention—clearly a better outcome from the families’ point of view. Yet in Postville—where so many parents were charged criminally—and in the nonworksite arrests in Miami and Rogers-Springdale, detentions were more widespread and caused prolonged separations from at least one parent in a majority of cases. When criminal charges mandating detention are involved, it may be more difficult for ICE to consider alternatives to detention.

We also documented short-term family separations in our previous study, *Paying the Price*, but in the current study we interviewed some families more than a year after the parent was arrested. In our long-term sample, a significant number of parents had been or were soon to be deported. Deportation created difficult choices for parents, who had to decide whether to leave the country with

their families intact or leave their children behind in the United States with the other parent or another relative. There currently is no legal remedy for deportation of a parent based on harm to a child, unless a child is very sick or in other extremely unusual circumstances.<sup>73</sup> Thus, in our sample, arrested immigrants had to seek other forms of relief— asylum, domestic violence, and crime victimization, primarily, rather than separation or harm to their children, to try to avoid deportation.

There is no clear or easy choice in this heart-wrenching decision that no parent ever wants to face, as illustrated by the mixture of responses in our sample, with some parents leaving children and others taking them with them. In a significant number of cases, couples were split and siblings were split—some leaving and some staying. Our time frame was not long enough to assess the impacts on children who faced separations following deportation. Some deported parents were clearly worried enough about their children and families to risk illegal reentry to be reunited with them. In one case, a parent died making the return journey.

### Family Economic Hardship, Housing Instability, and Food Insufficiency

Steep declines in household income, economic hardship, and reliance on informal support, community charity, or public assistance were typical of sampled families with arrested parents. In all of the worksite raids, families lost breadwinners—

<sup>73</sup> Before 1996, when determining deportation cases, immigration judges could weigh length of U.S. residency, standing in the community, and hardship to children against immigration and criminal charges. But in 1996 IIRIRA narrowed judicial discretion by mandating deportation for immigrants convicted of a wide range of crimes and those without 10 years of continuous physical presence in the United States—regardless of potential harm to children in the family (8 U.S.C. § 1229b). As a practical matter, this means it is almost impossible for immigrants who entered the country illegally or those with even minor criminal offenses to have their deportation canceled by immigration judges, even when severe hardship to their children could result. For more on the difficulties of appealing deportation based on hardship to children, see James D. Kremer, Kathleen A. Moccio, and Joseph W. Hammell, 2009, “Severing a Lifeline: The Neglect of Citizen Children in America’s Immigration Enforcement Policy,” Minneapolis: Dorsey and Whitney, LLP. For a fuller description of the IIRIRA provisions affecting deportation decisions, see Donald Kerwin, 1999, “How Our Immigration Laws Divide, Impoverish, and Undermine American Families,” *Interpreter Releases* 31(76): 1213–26.



who almost always had full-time jobs and consistent employment histories, albeit at mostly low-wage jobs. Family breadwinners were also arrested in the cases we studied in Miami and Rogers-Springdale. In all of the sites in our sample—with the exception of Van Nuys—very few families had access to work following arrests. It was more difficult for people to find work in the smaller communities, especially Postville, where the raided plant was the area’s primary employer. When parents were released with ankle bracelets and monitored, it was nearly impossible for them to find another job.

We found that lost incomes were associated with housing instability. Some families lost their homes or their ability to pay rent, while others moved in with relatives to control costs, and still others—in Postville—were asked by charities to move in together to save on rental assistance. Across our study sites, many children wound up moving often and living in crowded conditions. Such instability can have adverse consequences for children, especially when coupled with other related material hardships and increased family stress.

Families in our study sample reported high levels of food hardship—many times the levels in nationally representative samples—as indicated by difficulty affording food and by parents cutting meals, skipping meals, or going hungry to feed their children. As in other studies of food hardship, parents reported that the children themselves rarely went hungry, but in many cases they worried that their children’s diets were not adequate to ensure good health.

These findings reinforce some of the short-term hardships we reported in *Paying the Price*, while also showing that some of these conditions can persist over a much longer time frame. Housing instability and food hardship lasted for many months, and even more than a year for some of the families in our long-term sample.

Economic hardship was prolonged by parental detention and by the inability of parents to work while they were contesting their deportation. We did not interview many families where parents were deported right away after their arrest—a common outcome in the first raid we studied in Grand Island—because we did not interview parents after they left the country. Most parents in our workplace raid sites were either detained for a period and then released, or released under bond or with electronic monitoring. Most of the parents chose to stay and contest their deportation. Their attempts to obtain relief from deportation lasted more than

six months in almost every case, more than a year in many cases, and more than two years (and counting) in some cases. In the cases of home raids and arrests by local police in our sample, parents were less likely to be released and were generally detained for a period of months and then deported.

### Child Behavior

Changes in child behavior represented a new focus of the current study, and parents in our sample reported many significant changes following raids and other arrests. Parents reported a large majority of children had difficulties sleeping and eating in the months immediately following the raids and other arrests, and a majority of children also cried often and clung to their parents. These behavioral changes subsided somewhat over time, but were still widespread more than six months after the raids or other arrests. Difficulties eating and sleeping, excessive crying, and clinging to parents were most common among younger children, while aggressive and withdrawn behavior was more common among the older children. There were mixed effects on children’s behavior in school, and in many cases schools were supportive environments that helped children cope. School absenteeism often increased in the short run, and in some cases, children lost their motivation for school. Overall, however, the evidence about academic difficulties among children in the sample was mixed, and in the longer term, some children were reported to be doing a little *better* than before the arrest, while others showed a bit of a slide. We may not have had a time frame long enough to observe deterioration in academic performance. Moreover, the schools were very supportive of the children in the smaller communities we studied—especially Grand Island, New Bedford, and Postville—which may have ameliorated some of the psychological impacts on children following parental arrest.

### Community Response

St. Bridget’s Church in Postville launched the most comprehensive humanitarian response of any group that we studied, but there were also large-scale community responses to the workplace raids in New Bedford, Grand Island, and Van Nuys. Coordination of services by a coalition or church, strong fundraising and publicity efforts, and provision of services through trusted locations such as churches and community-based organizations were common features in



Postville, Grand Island, and New Bedford. Provision of charity for housing, utilities, food, and other necessities for a period of months was common in all three of these sites. Humanitarian assistance was less comprehensive and less well coordinated in Van Nuys, where the response focused more on linking families to legal assistance. Nearly all the arrestees in Van Nuys were released, and it was comparatively less difficult—though by no means easy—for them to find new work following the raid.

Unlike *Paying the Price*, our current study also focuses on impacts and community responses in sites where immigrants were arrested in smaller-scale operations. This focus is especially important given the trend away from large-scale worksite raids toward more widespread arrests through FOTs and the 287(g) program. In two of our sites—Miami and Rogers-Springdale—there were no large-scale raids, and as a result, no significant publicity, fundraising, or private assistance for affected families in these locations. We found family hardship to be just as high, if not higher in Miami and Rogers-Springdale than in the other sites, but we found levels of assistance to affected families to be much lower.

Among our study's workplace raid sites, legal assistance and efforts to contest deportation appear to have been most effective in New Bedford and Van Nuys, where most of those arrested contested their deportations. A significant share have been successful, and many of the remaining cases continue to be adjudicated. Fewer people were able to contest their deportation in Postville, because most had also been charged criminally; however, about two dozen had received relief from deportation a year and a half after the raid. Legal assistance was least successful in Grand Island, the earliest of our raid sites, where more parents took voluntary departure and fewer contested their deportation. It may be that over time, owing to national- and state-level organizing efforts, lawyers became better equipped to assist immigrants caught up in raids. It may also be that new legal remedies—such as the U-visa for victims of crime—became more widely used. This was certainly the case in Postville, where most of those succeeding in contesting their deportation received U-visas.

In our two nonworkplace raid sites, however, legal remedies like U-visas were unavailable. Almost all of the Haitians arrested in Miami were on a final deportation order list, meaning that relief from deportation was very difficult. Immigrants in Rogers-Springdale were in some cases arrested for working illegally, but most were brought in on traffic violations and other criminal charges. Once they were charged

criminally, obtaining relief from immigration enforcement became much more difficult.

## The Policy Context

Our research was conducted during 2008 and early 2009, and the parents in our sample were arrested between 2006 and 2008. The period of study was one of intense enforcement activity, with a significant increase in the total number of arrests, detentions, and deportations over previous years overall—and specifically in worksite and home raids. This was a period of rapid expansion in enforcement and detention for ICE and its partner agencies. Some of the widespread confusion and difficulties faced by the families, communities, lawyers, and other responders in our study may have been the result of inevitable growing pains due to rapid expansion of ICE's operations during this period. One beneficial policy change during the period of study was the release of humanitarian guidelines for parents arrested in workplace raids of 150 or more arrests.

## Replacing Worksite Raids with Other Employer Enforcement Strategies

Enforcement has continued at a rapid pace since the Obama administration took office in 2009, but there have also been several significant shifts in enforcement policy. First, there has been a major change of direction in worksite enforcement. ICE applied the humanitarian guidelines to all worksite raids of 25 or more arrests, and following a small raid in Washington State in February 2009, there have been no further workplace raids. Instead, DHS has focused on expanding and improving E-Verify, an electronic system for verifying work authorization that was piloted several years ago and is now mandatory for all federal contractors and voluntary for most other employers. In November 2009, approximately 170,000 U.S. businesses were using the system.<sup>74</sup> During 2009 ICE also concentrated on auditing employers, leading to fines against several dozen employers and the firing of

<sup>74</sup> Immigration and Customs Enforcement, 2009, "Secretary Napolitano, ICE Assistant Secretary Morton and USCIS Director Mayorkas Announce New Campaign to Recognize Employers Committed to Maintaining a Legal Workforce," Press Release, November 19, <http://www.ice.gov/pi/nr/0911/091119washingtondc.htm>.



several thousand unauthorized workers.<sup>75</sup> These audits and firings may inflict economic hardship on immigrant families as parents lose their jobs—a topic worthy of further study. However, they avert some of the most adverse consequences for families, including the stigma of arrest, family separation, and anxiety about parental deportation.

### Expanding Operations to Arrest and Deport Criminal Aliens

ICE has continued to expand its operations to arrest, detain, and deport unauthorized immigrants with criminal histories. Despite the controversies surrounding the program, ICE signed 287(g) agreements with several new state and local law enforcement agencies in late 2009.<sup>76</sup> ICE also renegotiated most of the older agreements, and a few jurisdictions dropped out of the program. During the negotiations and in new contracts, ICE emphasized that 287(g) programs should focus primarily on serious criminals, and that participating agencies should not conduct random sweeps or arrest immigrants without criminal histories. But ICE has allowed participating jurisdictions to continue some street-level operations. Moreover, ICE has expanded the Secure Communities program, which allows for electronic screening of the immigration status of all inmates when they are booked, with the goal of screening all inmates in state and local prisons by 2013.<sup>77</sup> Together with an expanded set of 287(g) agreements, Secure Communities will cast a much wider net to find and deport unauthorized immigrants with criminal histories. The expansion of Secure Communities

and 287(g) agreements could theoretically lead to a much larger number of arrests and deportations, but targeting the focus of these efforts on immigrants who have committed serious crimes could potentially reduce the scope of these programs.<sup>78</sup>

### Continuing Arrests by Fugitive Operations Teams

ICE has also stated that it will continue operations to identify, detain, and deport unauthorized immigrants with outstanding deportation orders. ICE is continuing large sweeps by FOTs but focusing more on immigrants who have committed serious crimes. For instance, during three days in early December 2009, FOTs conducted their largest single sweep to date. The FOTs arrested almost 300 immigrants in California, about 80 percent of whom had committed violent or other serious crimes.<sup>79</sup> At the same time, ICE is releasing some of those caught up in the FOT sweeps.<sup>80</sup> About 30,000 Haitians remain on a final deportation list, and ICE may continue to target this population for deportation.<sup>81</sup> Advocates have requested that the federal government extend TPS to Haitians to prevent their deportation, but as of late 2009 there had not been any progress on this issue.

### Redesigning the Detention System

There have been criticisms—some of which are reflected in this report—of ICE detention policies for separating families, detaining children, moving detainees to inaccessible locations, preventing communication with lawyers and family members, and contracting out detention to private companies with poor

<sup>75</sup> In May 2009, American Apparel, a garment manufacturer in Los Angeles, fired 1,800 immigrants after an ICE audit (Neil A. Lewis, 2009, “Immigration Officials to Audit 1,000 More Companies,” *New York Times*, November 20). For an overview of ICE’s new worksite enforcement policy, see Immigration and Customs Enforcement, 2009, “Worksite Enforcement Strategy,” Fact Sheet, April 30, [http://www.ice.gov/doclib/pi/news/factsheets/worksite\\_strategy.pdf](http://www.ice.gov/doclib/pi/news/factsheets/worksite_strategy.pdf). For a description of results of the new policy as of November 2009, see Immigration and Customs Enforcement, 2009, “ICE Assistant Secretary John Morton Announces 1,000 New Workplace Audits to Hold Employers Accountable for Their Hiring Practices,” Press Release, November 19, <http://www.ice.gov/pi/nr/0911/091119washingtondc2.htm>.

<sup>76</sup> Randal C. Archibald, 2009, “U.S. Alters Disputed Immigration Rules for Police,” *New York Times*, October 16.

<sup>77</sup> Chris Strohm, 2009, “Search for Illegal Immigrants Widens,” *Congress Daily*, November 12.

<sup>78</sup> A significant concern remains that 287(g) and other state and local coordination programs have resulted in increasing numbers of immigrants being referred to ICE due to immigration violations or minor crimes. For statistics on the charges against immigrants referred into ICE detention from these various programs, see Schriro, 2009, pp. 12–13.

<sup>79</sup> Randal C. Archibald, 2009, “Immigration Officials Arrest 300 in California,” *New York Times*, December 11.

<sup>80</sup> For example, a group of immigrants arrested by FOTs in New Jersey were recently released, under supervision and with work permits, while they contest their deportation. A local church has developed a compact with ICE to help supervise these immigrants. Nina Bernstein, 2009, “New Jersey Church Works with U.S. to Spare Immigrants Detention,” *New York Times*, December 12.

<sup>81</sup> Kirk Semple, 2009, “Haitians in U.S. Illegally Look for Signs of a Deporting Reprieve,” *New York Times*, May 27.



track records in how they treat detainees. In October 2009, DHS released a report with recommendations for a major overhaul of the immigration detention system,<sup>82</sup> which would include keeping only persons with serious criminal records in secure settings, developing less secure facilities for detainees without criminal records or who otherwise present little risk to others, using alternatives to detention more often, keeping detainees in major metropolitan areas closer to their families and attorneys, and providing easier access to and communication with detainees. Given the size of the current system—over 30,000 detainees in more than 200 facilities on any given night—such an overhaul would be a large and complex undertaking. But further increasing alternatives to detention and developing a system that allows family members better access to detainees would clearly benefit children with arrested parents.

### Setting the Context for Immigration Reform

The Obama administration has announced its intention to seek another round of debate over comprehensive immigration reform starting in 2010, although the amount of support in Congress is uncertain. Comprehensive reform bills failed twice in 2006 and 2007, in part due to the impression that enforcement efforts had not been successful. The Obama administration and one of the key proponents of reform, Senator Charles Schumer, have stated that any new reform effort would focus on enforcement first, followed by legalization.<sup>83</sup> The administration and DHS are making the case that enforcement is succeeding, based on an historic reduction in Southwest border apprehensions (which are down about two-thirds since 2000), a high level of deportations (which rose 65 percent to 387,000 in the fiscal year ending in September 2009), and employer enforcement efforts via E-Verify alongside a growing number of workplace investigations and fines.<sup>84</sup> As was the case in 2006 and 2007, there is a

<sup>82</sup> Schriro, 2009.

<sup>83</sup> Julia Preston, 2009, “White House Plan on Immigration Includes Legal Status,” *New York Times*, November 13; Senator Charles E. Schumer, 2009, “Schumer Announces Principles for Comprehensive Immigration Reform Bill in Works in Senate,” June 24, [http://schumer.senate.gov/new\\_website/record.cfm?id=314990](http://schumer.senate.gov/new_website/record.cfm?id=314990).

<sup>84</sup> Melanie Trottman, 2009, “Immigrant Bill Is Back on Table,” *Wall Street Journal*, November 14; Manuel Valdes, 2009, “Criminal Deportations Spike in Pacific Northwest,” *Associated Press*, November 19.

continuing pressure to prove that enforcement is working, and this could lead to increasing arrests and deportations.

## Recommendations

In this climate of change, it is particularly important that the evidence about impacts of immigration enforcement on children informs policy decisions and implementation. The following recommendations draw on the findings of our research:

### Changes to Current Immigration Laws

#### 1. Congress should modify current immigration law to take into account the circumstances and interests of all children, especially U.S. citizen children, during deportation proceedings.

In 1996, IIRIRA set the stage for many of the sweeping enforcement operations undertaken by ICE and state and local law enforcement agencies in recent years. It authorized the federal government to enter into agreements with state and local agencies to enforce immigration laws, and expanded the range of crimes for which immigrants must be detained and can be deported. Most importantly for our research, the 1996 law limited relief from deportation. Among other changes, it removed the discretion of immigration judges to weigh the significant harm that would result to a U.S. citizen child of a deported parent in considering this relief.<sup>85</sup>

We recommend modification of these provisions, either as part of a comprehensive reform bill or as stand-alone legislation, as follows.

First, the law should be amended so that a U.S. citizen child under age 18, with representation from a legal guardian (i.e., a *guardian ad litem*), should be allowed by law to petition for the lawful admission and residency of his or her parent through the family immigration process for immediate relatives. This would require an amendment to the definition of “immediate relative” in current law (which includes spouses and children of adult legal residents) to include the parents of minor children.<sup>86</sup>

<sup>85</sup> Kremer, Moccio, and Hammell, 2009; Kerwin, 1999.

<sup>86</sup> It would also be necessary to revise the requirements in IIRIRA around the affidavits of support, which require sponsors to document family incomes at or above 125 percent of the federal poverty level to petition for their relatives. This requirement would preclude most children from sponsoring their parents. For more on affidavits of support see Kerwin, 1999.





Prioritizing the admission of parents with minor citizen children would be the broadest change to current law and could be an important provision of a comprehensive reform bill. Comprehensive reform efforts could also make the parents of citizen children a priority group for establishing legal residency, while requiring them to meet the same requirements as others in the population to be legalized (i.e., to pay fines for illegal entry).

Second, the rights and interests of children during deportation proceedings should be recognized by law. Before IIRIRA, the law allowed immigration judges to grant relief from deportation when it would cause hardship to children, but IIRIRA raised the bar for such a determination to “exceptional and extremely unusual hardship”—a standard that is seldom met in practice.<sup>87</sup> In addition, IIRIRA made immigrants with criminal charges and those with insufficient consecutive time in the United States ineligible for such relief. We would recommend that Congress establish an alternative standard such that if a parent’s deportation were likely to cause substantial economic, psychological, or development hardship to children, the parent could remain in the United States.<sup>88</sup> We also recommend that Congress allow immigration judges to evaluate deportation cases individually, as they did before 1996, and weigh the potential harm to children against the seriousness of immigration offenses, danger to the community, flight risk, and other factors.<sup>89</sup> Legislation revising the criteria for relief from deportation based on hardship to a citizen child has been introduced in recent years, and such legislation would directly address this issue.<sup>90</sup>

Policy changes regarding the arrest, detention, and release of parents can only go so far in ameliorating the hardship of children in these circumstances. Deportation inevitably results in either prolonged separation of the family or the de facto deportation of children to the parents’ country of origin. Additionally, the removal of parents results in economic hardship for children whether the children remain in or leave the United States. Ultimately, children would best be protected if immigration judges could weigh the harm to children against other factors in considering their parents’ deportation.

Finally, while it may seem largely symbolic, the United States should indicate its strong commitment to protecting the interests of children by signing on to and ratifying the International Convention on the Rights of the Child and bring detention and deportation standards for parents to international norms.<sup>91</sup> Signing on to the convention would signal that the U.S. government is serious about extending protections to children into all aspects of federal policy, including immigration enforcement. It could also facilitate harmonizing protections for children during immigration proceedings along the lines of those in other countries. Only the United States and Somalia have not signed the convention.<sup>92</sup>

Signing on to the convention, and most importantly, making the appropriate adjustments to immigration laws consistent with these international norms and with American values are the main and most far-reaching changes that the United States should make to protect children from any harm that may result from the arrest of their immigrant parents.

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<sup>87</sup> 8 U.S.C. § 1229b. A related issue is whether or not parents can legally return to the United States after their deportation. Bars on legal reentry currently run from 3 to 10 years for most deportees, and hardship to a child is *not* a consideration in establishing these bars (Kremer, Moccio, and Hammell, 2009).

<sup>88</sup> For a fuller explanation, see Kremer, Moccio, and Hammell, 2009.

<sup>89</sup> For more on this recommendation, see Kerwin, 1999.

<sup>90</sup> In the 111th Congress, Rep. José Serrano and 33 cosponsors introduced House Resolution 1176, the “Child Citizen Protection Act,” which would “provide discretionary authority to an immigration judge to determine that an alien parent of a United States citizen child should not be ordered removed, deported, or excluded from the United States.” OpenCongress bill summary, <http://www.opencongress.org/bill/110-h1176/show>. Rep. Serrano and others sponsored similar legislation in previous Congresses, but it failed to

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pass. Such protections for children against parental deportation are also included in a Democratic comprehensive reform bill introduced in the House in December 2009: the Immigration Reform for America’s Security and Prosperity Act of 2009. For more information see, Immigration Policy Center, “Summary of the Immigration Reform for America’s Security and Prosperity Act of 2009,” December 15, 2009, <http://immigrationpolicy.org/just-facts/summary-comprehensive-immigration-reform-americas-security-and-prosperity-act-2009>.

<sup>91</sup> UNICEF, “Convention on the Rights of the Child,” August 28, 2008, <http://www.unicef.org/crc/>, accessed November 20, 2009.

<sup>92</sup> Amnesty International USA, “Convention on the Rights of the Child,” <http://www.amnestyusa.org/children/convention-on-the-rights-of-the-child/page.do?id=1101777>.



## Changes in Immigration Enforcement Strategies

ICE should also continue to review and revise its enforcement policies in a number of critical areas.<sup>93</sup> This is important because, given the difficulties experienced in 2006 and 2007 in passing comprehensive immigration reform, the prognosis for a successful bill in 2010 is uncertain. In addition, stand-alone legislation protecting the rights of children in deportation proceedings has also been considered but not passed recently. Without such legislative changes, the law instructs ICE to arrest, detain, and deport unauthorized immigrants for a broad variety of charges, and the agency will continue to experience pressure to show results in terms of deporting large numbers of immigrants, finding and removing criminal aliens, and targeting employers who hire unauthorized workers. Our specific recommendations for enforcement changes are as follows:

### **2. ICE should continue the de facto moratorium on worksite raids.**

We applaud ICE's apparent decision to stop large-scale worksite raids and focus instead on investigating and fining employers and increasing use of E-Verify. Our current and previous work, along with the research of many others, has highlighted the harmful child-specific and community-wide effects of such raids due to their large numbers of arrests and shows of force, which have overwhelmed many communities. It is much more humane, practical, and effective to focus on changing employer behavior, rather than punishing parents for working and children for having working parents.

### **3. Law enforcement should allow alternatives to detention for arrested parents who represent neither a danger to the community nor a flight risk in all types of enforcement operations, as long as mandatory detention rules do not apply to these parents.**

The humanitarian release rules that applied to the worksite raids we studied in Postville and Van Nuys should apply to

<sup>93</sup> Congress might choose to weigh in on ICE procedures during enforcement operations, including several of the issues discussed below. For instance, in the 111th Congress, Representative Lynn Woolsey and seven cosponsors have introduced H.R. 3531, the Humane Enforcement and Legal Protections for Separated Children Act (HELP Act). The HELP Act would require ICE to identify parents and other vulnerable populations apprehended during immigration enforcement activities, establish procedures for treating parents and children respectfully during arrest and detention, and set guidelines for their release or placement into alternatives to detention programs.

arrests by FOTs and referrals from state and local law enforcement agencies. The humanitarian guidelines ICE issued in November 2007 regarding the quick release of parents in large-scale worksite raids made a significant difference for many families and children in Van Nuys and Postville.

We observed worse impacts on family hardship and children's behavior in those cases where parents were detained for long periods of time. The extension of these humanitarian guidelines to cover raids in which 25 or more workers are arrested and the absence of large-scale worksite raids in the past year are positive developments. However, until these guidelines cover the full range of enforcement activities by ICE and its partner agencies, which result in a larger number of arrests, most children will remain unprotected and family separations will continue to be a significant problem. On a broader scale, DHS and ICE are currently reviewing detention policies, and as they do so, the agencies should consider further developing alternatives to detention for parents.

### **4. As ICE reforms the system, the agency should develop supervised release policies and other alternative forms of detention with the needs of parents and children in mind.**

Our research also suggests that parent-child separation has harmful effects on children over the long term. ICE has in many cases established alternative forms of detention for parents during the period of weeks, months, and sometimes years between arrest and eventual deportation. In particular, ICE should consider alternatives to using ankle bracelets for longer periods of time when other types of supervised release—having less impact on mobility for the parent and less stigma for the whole family—could be implemented, particularly if this can be done without significantly compromising the goal of monitoring.

### **5. ICE should improve screening and data collection on arrests, detentions, and deportations that involve parents and release such data publicly.**

Here, too, ICE made significant progress in the later worksite raids: we heard that ICE was thorough in screening parents in Postville and Van Nuys, and only heard of one case in Postville where a parent served a full five-month sentence because she was afraid to reveal that she had young children. But there are no published, comprehensive data



on the number of parents who are arrested—the DHS Inspector General’s report provides only a limited estimate over a 10-year period.<sup>94</sup> In order to determine whether arrestees have children, ICE should provide full access to immigration lawyers, home country consulates, social service providers, and child welfare representatives. This may be more difficult for isolated arrests and smaller operations than for larger-scale worksite raids, but if ICE were to better centralize investigative and detention operations, then such procedures could be institutionalized. Improved screening and data collection should be required as part of the training and activities of state and local officers in the 287(g) program as well, with ICE officers screening for children a second time when detained immigrants are picked up from state and local facilities.

**6. Law enforcement should allow greater access to arrested immigrants during their processing and detention, including minimizing transfer of detainees to remote locations and supporting children’s communication and visitation with detained parents.**

For those parents who are detained, it is important to grant access not only to third parties to screen for children, but also to lawyers to provide for their defense and to consular officials to address other needs. In this area we noted fewer improvements over time: access was as problematic in Postville, the last raid we studied, as it was in the earlier raids in Grand Island and New Bedford. Detainees need access to these resources not only in the initial period following the raid, when consulting a lawyer is critical, but also when detention lasts for days, weeks, or months. Communication with children throughout a parent’s detention is important for children’s psychological well-being, as we noted in some examples in this report. The DHS report on reforming immigration detention suggested developing less punitive facilities for detainees who do not have criminal records or otherwise are not a danger to others.<sup>95</sup> ICE should develop such facilities to allow children and other family members frequent and easy access to detained parents, in those cases where supervised release is not possible. We also recommend, as did the DHS report, that immigrants be detained near their fami-

lies and communities, and that families be informed of impending transfers.<sup>96</sup>

**7. Allow parents who have a potentially valid claim the opportunity to work while contesting their deportation, by issuing work permits early on and expediting processing of U-visas for parents who are victims of crimes.**

In our long-term sample, we found substantial food hardship and housing instability in families where parents were released but could not work while contesting their deportation. In a large number of cases—a majority of our sample in Postville—the legal procedures and resulting hardship lasted for several months. In some cases in Postville, parents contesting deportation remained monitored by ankle bracelets, could not work, and were entirely dependent on charity for their survival for over a year. We recommend that ICE provide work permits early on for parents who have put forth what may be a valid claim for temporary or permanent residency (for example, as a victim of crime or abuse, a cooperative witness, or an asylum claimant). The parents in this category amounted to a fraction of all the cases in our study sites—thus far, less than 10 percent in Grand Island and New Bedford, and about 15 percent in Postville. DHS should expedite processing of U-visas, as many immigrants who are illegally employed may be the victims of crimes, as was the case at Agriprocessors in Postville and Michael Bianco in New Bedford.

**8. ICE should work with other agencies, state and local governments, and the nonprofit sector to develop plans for the well-being of children when their parents are deported.**

Absent changes in immigration law, only a small fraction of parents will be able to contest their deportation. In the

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<sup>96</sup> A more recent report by the DHS Office of Inspector General found that detainees are frequently transferred without regard to eligibility for release and with incomplete information about their status, legal counsel, and other factors. The report concludes that poor information exchange among ICE offices and between ICE and the immigration courts results in detainees getting lost in the system and being transferred far from legal counsel and family members. This is consistent with what we heard from the community and family respondents we interviewed. See Department of Homeland Security, Office of Inspector General, 2009, “Immigration and Customs Enforcement Policies and Procedures Related to Detainee Transfers,” OIG 10-13, Washington, DC: Department of Homeland Security.

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<sup>94</sup> Department of Homeland Security, 2009.

<sup>95</sup> Schriro, 2009.



majority of cases where deportation is a likely result, deportation should be timed such that a plan for the well-being of children can be developed, either in the United States or in the parents' return country. Such a plan should provide for education, health, and family stability. For example, in a situation where a parent is being deported and the rest of the family is likely to return to the parent's country of origin as well, it may be important for children to be able to complete the academic year in the United States. If children are receiving special medical treatment, arrangements to continue treatment should be made in their new place of residence.

### Changes in Community Response Efforts and Services to Affected Children and Families

Absent comprehensive reform or other legislation to prevent deportation, there will continue to be large numbers of arrests, detentions, and deportations of parents. Changes in ICE procedures can only go so far to ameliorate family separation, economic hardship, and other consequences for children. ICE is limited in its ability to be responsive to children's needs by its primary law enforcement mission. The welfare of children with arrested and deported parents is also the responsibility of community institutions—here defined broadly as institutions in affected communities, nationally in the United States and transnationally in communities of origin. Our research demonstrated both the successes of and the challenges experienced by these institutions in supporting families during and after enforcement actions, and we draw a number of recommendations from this evidence.

#### **9. The special role of schools and early childhood programs, amply demonstrated in the study, should be strengthened through policies that ensure early alerts from ICE and local law enforcement and through plans developed in advance by schools themselves to protect children in the immediate aftermath of raids or other arrests and to provide safe havens and comfortable learning environments.**

Public schools are a universal institution, operating in every U.S. community and which all children are entitled to attend. Schools in our study sites provided both short- and long-term support to children and families. School districts in three of our sites—Grand Island, New Bedford, and Postville—were able to obtain information about the raids relatively quickly and developed plans to ensure that no chil-

dren were left without parents after school. We recommend that local law enforcement agencies also inform local school districts, early childhood programs, and social service agencies of impending raids and ongoing small-scale enforcement activities. Schools and other community institutions for their part should develop plans to ensure the safety of children in the event of a raid or other form of parental arrest.

Children and families experiencing parental arrest may need counseling and other mental health services over the long term. Due to their universal presence, schools may be the best place to provide children with counseling, but many school districts may be unable to afford counseling for large numbers of children over a long period of time. Significant numbers of children in both New Bedford and Postville received counseling following the raids in these communities. Finding resources for counseling adults may be more difficult, and we only heard about significant or sustained counseling efforts for adults in Postville. Finding counselors who understand the language and culture of affected immigrants may be another hurdle. Additionally, immigrants are often reluctant to attend counseling; they may respond better to interventions by clergy or from more informal healing activities, like the sewing circles many of the women formed in New Bedford.

#### **10. Lawyers, community leaders, immigrant-serving organizations, faith-based organizations, and other trusted community actors should educate parents about the current protocols used by immigration enforcement agents and how best to respond in the circumstances where parents are detained and asked whether they have children.**

In Massachusetts, local community-based organizations and legal service agencies have conducted trainings and produced concise, easy-to-read guides about how families, individuals, and institutions can respond to home or workplace raids. These guides discuss individuals' rights if they are detained, as well as how to notify attorneys, family members, and others about their arrest.<sup>97</sup> Before the Postville raid, lawyers and community leaders across Iowa had developed a network to

<sup>97</sup> For a comprehensive guide for families and communities on how to prepare for immigration raids and other arrests, as well as a list of resources developed at the state and local levels, see National Council of La Raza, 2009, "Community Responses to Immigration Raids: A Collection of Resources," [http://www.nclr.org/files/54953\\_file\\_Comprehensive\\_Raids\\_Resources.pdf](http://www.nclr.org/files/54953_file_Comprehensive_Raids_Resources.pdf).



disseminate such information and develop plans to respond to raids, but the network did not reach Postville in time for the raid.

**11. State and local child welfare agencies, along with foundations, experts, and advocates specializing in child welfare issues, should consider appropriate avenues to protect and advance the interests of children whose parents are caught up in immigration enforcement.**

Public child welfare agencies may in some circumstances be able to assist families, as in the example of MDSS during the New Bedford raid, where the agency maintained a focus on the best interests of children, pressed ICE to release parents, and avoided removal of children from their homes after parental arrest. However, the role of child welfare agencies is not always clear-cut, and there is some danger that their involvement could lead to separation of children from parents. These risks are particularly great if agency staff do not have expertise in reaching out to extended families, knowledge of immigration laws (or access to such knowledge), and considerable cultural competence. Further work to identify positive practices and roles for the child welfare system would be helpful.

**12. National, state, and local networks of deportation defense lawyers should be established, for instance, through chapters of the American Bar Association and the American Immigration Lawyers Association.**

Legal resources were uneven across our study sites, with the strongest networks in New Bedford and Van Nuys, where lawyers helped the largest numbers of immigrants contest their deportation. Lawyers across Iowa had begun setting up a network before the Postville raid, but it was too small and too far from Postville to be of much assistance. As a result, a single lawyer out of Des Moines wound up handling most of the cases. Deportation defense is a difficult task under current U.S. immigration law, and it is seldom profitable, especially when deportees do not have the resources to pay lawyers—as was the case for families in our sample. Thus, we would recommend that foundations, large law firms, and other institutions develop and support networks of deportation defense lawyers at the national, state, and local levels.

**13. Both legal and humanitarian assistance should be coordinated by and offered through trusted community institutions such as those in faith-based and immigrant-serving organizations.**

Trusted community institutions should conduct outreach to affected families and facilitate their enrollment in public assistance programs. The best example of this was in Postville, where St. Bridget’s Church centralized services and hosted staff from a nearby health clinic and from the Iowa DHS, which took food stamp applications on site and significantly lessened the level of food hardship in this community relative to the other sites. Churches also played important roles in relief provision, to one degree or another, in all of our other study sites. Many nonprofit and faith-based organizations lack the financial resources or infrastructure to sustain large-scale or long-term relief so it is also important for these organizations to help link eligible families with public benefits to help them overcome the material hardships that children in particular might otherwise experience.


We recommend that state and local government agencies work as closely as possible with faith-based organizations and community organizations in immigrant communities to develop plans for service delivery to families affected by immigration arrests.

**14. Institutions such as churches and community organizations that provide humanitarian assistance should be prepared to continue assistance over the long term.**

Detentions often last for months, and deportation proceedings, including subsequent appeals, can last for years, but the relief efforts we studied were mostly concentrated in the first days and weeks following worksite raids. The exceptions were in Postville, where religious groups managed to raise enough money to continue supporting families for more than a year, and in New Bedford, where local organizations such as Catholic Charities kept up intensive efforts to support families for many months. Housing is generally a family’s most expensive basic need, and families often wind up crowding together to reduce costs. Over the long term, responding institutions should concentrate on housing as well as other forms of support.

**15. Nongovernmental institutions such as churches, CBOs, foundations, and advocacy organizations, alongside state and federal governments, should consider strategies for coordinating health and education services for citizen children who cross back and forth between nations as a result of parental deportation.**

Even though many of the parents in our study contested their deportation, the majority of them have been or may



eventually be deported. Parents faced heart-wrenching decisions about whether to take their children with them or leave them in the United States with another parent or relative. There has been little documentation of conditions that await children after deportation, but in general the receiving communities in Mexico, Central America, and elsewhere are poor, with limited infrastructure in health, education, and other basic necessities for children. Even when schools and other services are relatively strong, they are not well coordinated with U.S. school and health systems, and children who move back and forth may lose ground and fall into gaps. The numbers of U.S. deportees—hundreds of thousands every year—are now sufficient to warrant partnerships between U.S. and receiving community service providers (such as schools) and potentially, investments in receiving communities as well. Without such linkages and investments, the children of deportees will continue to experience hardship and limited opportunities for their future.

## Conclusion

In conclusion, our report finds substantial economic hardship and emotional difficulties for children with parents arrested in immigration raids. Worksite raids have received the most attention—both from the press and in terms of community responses—but other forms of arrest such as those by FOTs and the state and local police have similar impacts on children—long-term family separation, economic

hardship, and changes in children's behavior. As the U.S. government shifts its attention from controversial large-scale workplace raids to other forms of enforcement, protections for children during parental arrest, detention, and deportation are critical. Comprehensive immigration reform could consider the presence of U.S. citizen children as a central criterion for legalization. Absent comprehensive reform, the most important protection for children would be allowing immigration judges to consider the harm that children would face if deported or separated from deported parents, but this would require legislation reforming the process for contesting deportation. It is likely that comprehensive reform or other immigration legislation would take some time to pass and possibly might not pass at all. In the meantime, ICE should continue to reform its enforcement and detention operations—keeping the best interests of children in mind. And national, state, and local institutions involved in protecting children and integrating immigrants should continue to plan strategies to respond to immigration operations—both large and small. The substantial resources that community institutions have expended on supporting affected families in the aftermath of ICE operations—alongside the large sums ICE has spent on the operations themselves—show how costly our current broken immigration system has become in financial terms. However, the underlying price that is paid by children poses a much longer-term burden that will continue to extend into the future unless it is faced squarely and practically by the United States.





The Urban Institute

2100 M Street, NW  
Washington, DC 20037  
ph 202.833.7200  
fax 202.467.5775  
<http://www.urban.org>