

IMMIGRATION ENFORCEMENT AND FAMILY SEPARATION

Encarnacion is a Guatemalan national and the mother of a two-year-old son. She was apprehended during a workplace raid in 2007. Through a series of events out of Encarnacion's control, her son was handed over to a local church which ultimately placed him with an American couple. The couple later filed a motion to terminate Encarnacion's parental rights and adopt the boy. Encarnacion was never aware that family court proceedings were underway and was therefore not able to fully participate in decisions regarding her son's well-being. The notice to terminate her parental rights and the right to appeal were only provided in English, although her native language is Spanish. Encarnacion did not receive counsel until after the custody hearing and judgment was entered. Custody was terminated, and she is still fighting to get her son back.

Children of immigrants currently comprise 1 in 5 of all U.S. children. It is estimated that approximately 5 million of these children, the majority of whom are native-born U.S. citizens, live in mixed-status families with one or more undocumented parent. While the debate over comprehensive immigration reform has often overlooked these citizen children, inaction on immigration reform and ongoing enforcement measures are having a significant impact on thousands of America's most vulnerable children.

Particularly in the last five years, immigration enforcement activities by U.S. Immigration and Customs Enforcement (ICE) and local law enforcement agencies operating under ICE have significantly increased through both worksite and home raids. Although undocumented adults are the direct targets of such activities, the rights of American citizens, those who need to be protected the most – children – are being compromised. Findings from a joint report by the National Council of La Raza and the Urban Institute demonstrate that, on average, one child is affected for every two adults arrested in a worksite raid. According to a report by the DHS Inspector General's Office, at least 108,434 undocumented parents of U.S. citizen children were removed from the U.S. between 1998 and 2007. This figure does not include the thousands of parents who remained in detention facilities during this time period.

The impacts on child well-being and family unity resulting from such enforcement activities are immeasurable. They include separation (sometimes permanent) from one or both parents due to detention and/or deportation, interruptions in schooling because parents fear sending their children to school, short and long-term emotional trauma for separated children, and economic hardship due to the detention of the family breadwinner. In many cases, schools, early learning and child care centers, social service agencies, and communities are unprepared to respond adequately to protect the best interests of children left behind. Often, detained parents are not able to make child care arrangements, resulting in the unnecessary placement of their children in the child welfare system. Once a child is placed into foster care, it is extremely difficult for a detained parent to reunify with his or her child, especially if that parent is transferred to an out-of-state detention facility or deported before regaining custody of his or her child.

The **Humane Enforcement and Legal Protections (HELP) for Separated Children Act**, sponsored by Representative Lynn Woolsey (D-CA), would implement critically needed reforms to protect children and families impacted by immigration enforcement.

The HELP Separated Children Act would also establish a protocol for the release of designated vulnerable individuals, either into the community on bond or parole, or into non-custodial alternatives to detention programs. This bill limits enforcement activities in safe zones and the involvement of children in enforcement activities, and would help family members locate those who are detained. It would also ensure that U.S. citizen and lawfully present children that are consequently placed in the foster care system receive appropriate care and would provide for improved coordination and communication between all the entities involved to safeguard the best interest of the child and preserve family unity whenever possible.



For more information

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