



U.S. Citizen Children Impacted by Immigration Enforcement

In the United States today, more than 16.7 million people share a home with at least one family member, often a parent, who is unauthorized. Almost six million of these people are children under the age of 18.¹ Consequently, immigration enforcement actions—and the ever-present threat of enforcement action—have significant physical, emotional, developmental, and economic repercussions for millions of children across the country. Deportations of parents and other family members have serious consequences that affect children – including U.S. Citizen children – and extend to entire communities and the country as a whole.

This fact sheet provides an overview of the children who are impacted by immigration enforcement actions, the challenges and risk factors that these children face, and the existing mechanisms designed to protect children if a parent is detained or deported.

Millions of U.S. citizen children have unauthorized parents and family members.

- [4.1 million U.S. citizen children](#) under the age of 18 live with at least one unauthorized **parent**, according to the most recent estimates available (analyzing 2009-2013 U.S. Census data).²
- [5.9 million U.S. citizen children](#) under the age of 18 live with an unauthorized **family member**, according to the most recent estimates available (analyzing 2010-2014 census data).³
- Roughly [half-a-million U.S. citizen children](#) experienced the apprehension, detention, and deportation of at least one parent in the course of about two years, according to the most recent estimates available (analyzing Immigration and Customs Enforcement (ICE) data between 2011 and 2013).⁴
- As of 2017, Temporary Protected Status (TPS) holders from El Salvador, Honduras, and Haiti had an estimated 273,000 [U.S.-born citizen children](#).⁵ With those TPS designations terminated, many of these parents will become unauthorized by the end of 2019.⁶
- More than 17 million U.S. citizen children have at least one foreign-born parent, including parents who are naturalized citizens, lawfully present immigrants, and unauthorized immigrants.⁷

Immigration enforcement—and the threat of enforcement—can negatively impact a child’s long-term health and development.

- A child’s risk of experiencing mental health problems like depression, anxiety, and severe psychological distress increases following the detention and/or deportation of a parent.⁸ Since late 2016, [doctors and service providers](#) have reported anecdotally that they have seen more children exhibiting stress- and anxiety-related behavioral changes, including symptoms of “[toxic-stress](#),” due to fear that a family member will be deported.⁹
- Children experience toxic stress when they are suddenly separated from their parents, which negatively

impacts brain development. They are also at greater risk of developing chronic mental health conditions that include depression and post-traumatic stress disorder (PTSD),¹⁰ as well as physical conditions such as cancer, stroke, diabetes, and heart disease.¹¹

- A [2010 study](#) of immigration-related parental arrests (at home or worksites) found that the majority of children experienced at least four adverse behavioral changes in the six months following a raid or arrest. Compared to the previous six months, children cried or were afraid more often; changed their eating or sleeping habits; and/or were more anxious, withdrawn, clingy, angry, or aggressive.¹²
- Even before birth, immigration enforcement can put a child's health at risk. The [2008 worksite raid](#) in Postville, Iowa—the largest single-site immigration raid in U.S. history—was tied to premature and underweight births, complications that put babies at risk for infant death or long-term health problems. [Researchers found](#) that babies born to Latina mothers in Iowa within 37 weeks of the raid were 24 percent more likely to be underweight compared to the previous year. This increased risk was not evident in babies born to non-Latina white mothers in Iowa.¹³
- Fear and uncertainty among immigrant families leads to decreased participation in the health coverage programs Medicaid and CHIP. In turn, lack of coverage through Medicaid/CHIP can hinder a child's healthy growth and development and threaten a family's financial stability.¹⁴ Citizen children are more likely to be uninsured if they have an immigrant parent than children with U.S.-born parents.¹⁵

Children who reside in communities that partner with ICE or are the focus of ICE raids experience negative educational outcomes.

- Communities with local law enforcement agencies that choose to partner with ICE by entering into 287(g) agreements experience a large displacement of Hispanic students as families choose to leave or avoid moving into those communities.¹⁶ A Stanford University [study](#) analyzing the effects of 287(g) agreements on public school enrollment between 2005 and 2010 found that when local communities entered into 287(g) agreements between 2005 and 2010, the number of Hispanic students decreased nearly 10 percent within 2 years.¹⁷
- Large-scale ICE enforcement can impact school attendance for students with friends or family members affected by raids. After a mass raid in eastern Tennessee occurred in April 2018, more than 500 students were absent from school the following day.¹⁸
- Educators surveyed in 2017 and 2018 reported several concerns related to immigration enforcement, including student absences, decline in academic performance, and less involvement from parents.¹⁹ Eighty-four percent of educators said students from immigrant families expressed concerns about enforcement while at school.²⁰

The detention or deportation of a parent puts children at risk of economic instability.

The deportation, and even the arrest or detention, of a parent or other household family member has significant short- and long-term financial implications. U.S. citizen children and any remaining family members can face substantial economic disadvantages following the removal of a primary provider.²¹ In general, increases in immigration enforcement have been linked to higher poverty rates among U.S. citizen children with likely unauthorized parents.²²

- An analysis of 2014 median family incomes estimated that a family's income would [decrease by 50 percent](#) following the deportation of a family member.²³
- A study of immigration enforcement in six U.S. locations between 2006 and 2009 found that families [lost 40 to 90 percent](#) of their income, or an average of 70 percent, within six months of a parent's immigration-related arrest, detention, or deportation.²⁴
- The ability to afford housing may become more tenuous following the deportation of a provider, resulting in the loss of a family's home and more frequent relocations.²⁵
- A [2016 study](#) of immigration enforcement and housing foreclosures found that "deportations exacerbate rates of foreclosure among Latinos by removing income earners from owner-occupied households."²⁶ Furthermore, the research revealed that counties with 287(g) agreements, which authorize immigration enforcement collaboration between local police and ICE, had substantially higher foreclosure rates among Latinos.²⁷

Children may end up in the child welfare system following the detention or deportation of their parent.

Parents—regardless of immigration status, detention, or deportation—have a constitutional right to custody of their children (unless deemed unfit).²⁸ While the child welfare system generally recognizes that it is in a child's best interest to remain with a parent or family member, the intersection with immigration enforcement can negatively impact parental rights and thus a child's well-being.²⁹ For example, the lack of coordination between agencies has historically led to prolonged family separation and even termination of parental rights.³⁰

To ensure that enforcement activities did not "unnecessarily disrupt the parental rights" of parents or legal guardians of minor children, ICE issued its [Parental Interests Directive](#) in 2013. The Parental Interests Directive was replaced in 2017 with a new [policy](#). The 2017 policy eliminated many aspects of the 2013 directive, including guidance for the use of prosecutorial discretion in cases involving children and all references to parental rights. The 2017 directive instead instructs ICE agents to "remain cognizant of the impact enforcement actions may have" on certain children.³¹

- According to ICE's 2017 [Detained Parents Directive](#), when certain minor children are encountered during immigration enforcement, ICE agents should "generally accommodate" the parent or legal guardian's efforts to make child care arrangements **before** contacting local child welfare or law enforcement to take temporary custody.³²
- If a parent is unable to arrange childcare or custody prior to detention or deportation, the child may be taken by the state's Child Protective Services (CPS) for placement and case management. The child is usually placed in an emergency shelter, group home, or with a relative, friend, or stranger in a foster home while custody is determined in family court.³³
- An [estimated 5,000](#) children in foster care had a detained or deported parent in 2011, according to a national study.³⁴
- Children in foster care in counties with 287(g) agreements were [29 percent](#) more likely to have detained or deported parents compared to non-287(g) counties studied in 2011.³⁵

There are limited mechanisms to safeguard parental rights, which are incredibly difficult for parents to regain following detention or deportation.

All parents have the right to receive a notification of custody proceedings affecting their children, attend such proceedings, and receive copies of related court documents.³⁶ Yet there are few enforceable, permanent policies in place to protect these rights.

- Federal law mandates that parental rights be terminated if a child has been out of a parent’s custody for 15 of the past 22 months.³⁷ Policies and procedures vary by state, but in order to maintain or regain parental rights, CPS generally implements a reunification plan that requires a parent to have regular contact with the child and participate in family court hearings.³⁸ Detained or deported parents have historically faced significant barriers to these requirements.³⁹
- Parents may request release from detention in order to care for their children while they are in immigration proceedings. However, ICE no longer provides its personnel with guidance for exercising such discretion in cases that involve a child.⁴⁰
- The 2017 directive generally instructs agents to facilitate regular visitation for detained parents and their minor children, though no longer emphasizes in-person visitation. ICE personnel should also arrange for a detained parent's participation in custody proceedings when required by a court.⁴¹

Significant issues persist for detained parents who may be dealing with both immigration and custody proceedings. Since ICE is not required to inform CPS of a parent’s whereabouts, CPS may have difficulty locating and properly notifying a detained parent; family courts and caseworkers may not understand why a parent is detained and unable to participate in proceedings; and ICE officials may underestimate the impact that enforcement has on U.S. citizen children who are likely to be left behind.⁴²

Parents with a final deportation order must make the difficult decision of whether to bring their children—including U.S. citizen children—with them.

ICE issued more than [200,000 deportation orders](#) between 2010 and 2012 for parents who report having U.S. citizen children, according to the most recent estimates of government data available.⁴³ While the government does not track whether U.S. citizen children stay in the United States or leave with a deported parent, both scenarios occur and pose challenges.

- If parental rights remain intact, parents with a pending deportation may make custody arrangements for their children to stay in the United States. ICE is supposed to “accommodate, to the extent practicable,” a detained parent's efforts to make guardianship or travel arrangements for the child prior to deportation.⁴⁴
- If a child’s custody is still being determined after a parent has been deported, the ability of the parent to regain custody or participate in proceedings—even if the court requires the parent’s attendance—is extremely limited. ICE no longer has guidance to consider facilitating the travel of a deported parent back to the United States to participate in proceedings that may result in the termination of parental rights.⁴⁵

Deported parents have the right to reunite with their children outside of the United States as long as the reunification plan is ongoing, but this requires significant coordination between family members, the parent country’s consulate, and U.S. state and federal agencies.⁴⁶ It can be difficult for deported parents to prove that

they can provide for their children in a stable and safe environment in the country of deportation, based on many of the same conditions that may have triggered the parent's migration to the United States in the first place.⁴⁷

Endnotes

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