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Interrupted Family Ties: How the Detention or Deportation of a Parent Transforms Family Life

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Policy Brief | Interrupted Family Ties: How the Detention or Deportation of a Parent Transforms Family
Life

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Part I. Executive Summary

TOPIC

Estimates suggest that between 2011 and 2013, at least half a million children experienced the deportation of a parent (Capps et al. 2015). While multiple studies document the numerous psychological and economic effects of this aggressive system of immigration enforcement, an understudied area in this literature is how families navigate family life throughout the process of a detention and/or deportation. By doing so, this study recognizes that families perform new roles including advocacy, emotional anchoring, and financial laboring in an attempt to maintain family wellbeing.

RESEARCH QUESTION AND PROBLEM

The disproportionate targeting of Latino working-class families characterizes the current era of mass detention and deportation. However, family life does not stop for the families separated by either borders or detention walls. Hence, this study seeks to understand how Latino families navigate family life.

Specifically, this study asks: (1) How do Latino families navigate family life throughout the detention and deportation processes? (2) In what ways do different familial structures navigate family life?

METHOD

This interview-based study utilizes 28 semi-structured, in-depth interviews with individuals who previously experienced the detention or deportation of a parent in their families. This includes interviews with the previously detained/deported parent, current/former partners, and/or minor/adult children. Note, not everyone in each household participated.

SIGNIFICANCE

Latinos are the youngest racial and ethnic group in the US, and as such, their childhood development is intrinsically linked to the nation's future (Lopez and Radford 2017). Childhood development depends in part on the wellbeing of families. The country's social and economic future depends on healthy and well-integrated members of society, and with policies of mass detention and deportation, the US is denying this generation a healthy upbringing, a sense of belonging, and opportunities for socioeconomic mobility.

KEY PRELIMINARY FINDINGS

- Despite the significant challenges during and following a parent's detention and/or deportation, family members, including children, emerge as active respondents. In part, children's US citizen status allows them to enter immigration enforcement system as advocates. Others emerged as emotional anchors and financial contributors of the household.
- Both detention and deportation are costly processes that require families to expend their resources, time, and money alongside the stress and the uncertainty that comes with supporting someone in deportation proceedings.
- Experiences of the effects of detention and deportation differ based on family structure. Because family structure often also determines the resources in the home, a deportation of a mother vs. a father resulted in different effects for the family.
- A father's deportation from a nuclear family generally resulted in the most severe consequences, as fathers were usually the main breadwinners. A mother's deportation from a nuclear family usually resulted in dual-households, a household in the US and in their country of origin. On the other hand, families with separated parents did not result in economic restructuring.

INNOVATION

This study makes two important innovations to how family life is thought about. First, this study recognizes that family members are active respondents throughout the process of detention and deportation. As such, they take several measures to maintain family well-being.

Secondly, this study integrates experiences from multiple familial configurations. While most research has concentrated on the experiences of a deported father from a nuclear family, immigrant families are diverse. Single mother led households represent 30 percent of Latino immigrant households (Menjivar, Abrego, and Schmalzbauer 2016). In addition, there are indications that women are increasingly put into deportation proceedings, representing at least 10 percent of the currently detained population (Rabin 2009).

LIMITATIONS

This study occurred during a specific political time when anti-immigrant rhetoric and policies characterized the federal government. Despite this federal context, most participants lived in California, a region characterized by its embrace of immigrant integration policies. Hence, this study is conducted under a specific time and place.

POLICY RECOMMENDATIONS

- Increase binational services and programs that can support family ties across borders. This would not only help in mitigating the negative effects on children's lives but also the extensive labor they take up.
- Provide resources as parents and family members are undergoing each step of the procedure. This goes beyond providing legal guidance and includes economic support, transportation support, translation services, building community support, and developing multiple strategies for a holistic advocacy.
- Implement prosecutorial discretion and other procedures allowing for judges to once again consider an immigrant's family ties and responsibilities prior to making decisions on removal proceedings.

Part II. Policy Brief

TOPIC

In the last twenty years, Human Rights Watch estimates that United States has deported approximately five million people (2017). Despite most undocumented immigrants being long-term residents who are well-integrated into communities and families (Passel and Cohn 2016), current US immigration law allows for none or close to no consideration of how potential family members, including US citizens, would be affected.

Starting in 1996, the legal treatment of immigrants significantly changed (Abrego et al. 2017; Golash-Boza 2015; Kanstroom 2012). The Illegal Immigration Reform and Responsibility Act (IIRIRA) and the Antiterrorism and Effective Death Penalty Act (AEDPA) greatly expanded how immigration law defined an aggravated felony and affected even legal permanent residents. Likewise, these laws also included the 287(g) provision, legalizing local law enforcement agencies' cooperation agreements with immigration enforcement agencies. Together, these laws and policies cemented "crimmigration," an increasing merger between immigration and criminal law resulting in an increase of immigration enforcement within the interior of the US (Armenta 2017; Menjívar, Gómez Cervantes, and Alvord 2018; Stumpf 2006). In part, these laws relied on criminalizing immigrants, despite the ample research challenging the conflation of unauthorized status and propensity to criminal behavior.

Regardless of criminal record, the US disproportionately deports Latino working-class male immigrants, the majority of whom are parents to US citizen children. Families are left to shoulder several long-term and severe effects in this current era of mass deportation. Sociologist Johanna Dreby (2015b) introduced the "Pyramid of Immigration Enforcement Effects" to help illustrate how aggressive immigration enforcement policies affect a mass number of families. The largest group of children affected are those with undocumented parents who have yet to face detention and deportation. Typically, these children are already vulnerable on several fronts including being more economically vulnerable, less likely to have health insurance, and more likely to develop toxic stress (Artiga and Ubri 2017; Dreby 2015b; Zayas et al. 2015). Consequentially, when a detention or a deportation does occur, these families face a plethora of even more severe effects. Studies find that these families face greater economic precarity, suffer from more mental health illnesses, and experience difficulties in school achievement (Artiga and Ubri 2017; Rojas-Flores et al. 2017; Wessler 2011; Zayas 2015). Likewise, mothers who remain in the US after a deportation of a partner tend to experience "suddenly single motherhood," where they become both the economic provider and the home provider (Dreby 2015a). These mothers also experience their own effects such as cognitive difficulties, withdrawing from social programs, and difficulties in parenting (Artiga and Ubri 2017; Dreby 2015a; Hagan, Castro, and Rodriguez 2009).

RESEARCH QUESTION & PROBLEM

Focusing on the psychological and financial effects fails to capture the full impact of immigration enforcement. First, while most studies have focused on the effects on families, this study focuses on the navigation of family life throughout the process of detention and deportation. It recognizes that families are active respondents throughout the process of immigration enforcement.

Second, the transnational literature demonstrates that family life can survive across borders. It comes, however, through continuous effort and supporting resources. Satisfaction with family life is also determined to some degree by the fulfillment of expectations including gender expectations, perceptions of fulfilling responsibilities, and strength of social networks (Abrego 2009, 2014). Therefore, it is reasonable to expect that similar conditions apply to these families throughout the deportation process, where family life is maintained but restructured.

Hence, this study asks: (1) How do families navigate family life throughout the detention and deportation processes? (2) In what ways do different familial structures navigate family life?

METHOD

To understand the consequences of immigration enforcement on family life, I interviewed families where a family member previously faced removal proceedings. Because this is a hidden population, I recruited participants through a variety of methods. First, I recruited from various non-governmental organizations. As Andrews (2017) points out, however, these methods often fail to include those less publicly engaged. To remedy this issue, I recruited participants through non-random snowball sampling. Given the sensitivity of this topic, participants often fearfully asked if their stories could reach Immigration and Customs Enforcement (ICE), an agency in charge of immigration enforcement.

I utilized semi-structured, in-depth interviews to allow participants an opportunity to bring in what they deemed important. Responses painted a complex picture, and this methodology allowed for the respondent to delve into those complexity.

Whenever possible, I included multiple family members from a single family. In conducting the interviews, I discovered not all family members possessed the same access to legal information. For instance, not all children knew of their parents' criminal histories. Moreover, because of the complexity of immigration law, respondents sometimes experienced difficulties understanding and articulating the immigration proceedings that affected them. Hence, interviewing multiple family members helped to piece together the legal side of their experiences.

Beginning March 2017, I conducted 28 semi-structured, in-depth interviews, mostly with family members, either partners, former partners, or children of a deported mother or father. In a few cases, I interviewed the deported parent themselves. I completed 17 interviews with 12 families whose father was targeted by immigration enforcement and 10 interviews with 5 families whose mother was previously targeted. Of note, one of the participants in this sample had both parents deported.

For the purposes of this paper, I conceptualize family structures in three different ways: (1) nuclear families with a father removed, (2) nuclear families with a mother removed, and (3) families with separated parents families where a father was removed. Although families with separated parents did not usually depend financially on the father nor did he participate every day in their lives, the father still represented a significant part of the family.

SIGNIFICANCE

The Latino community disproportionately bears the brunt of deportation policies. Sociologists Hondagneu-Sotelo and Golash-Boza (2013) describe mass deportation in the current era as a racial and gendered removal project. Most deportations in the current era have been against Latino immigrant men. Because of this gendered nature, most studies on deportation effects focus on the deportation of a father from a nuclear family (Dreby 2015b). For instance, the phenomena of "suddenly single mothers" describes the process of mothers becoming the economic providers in the family when a father is abruptly deported (Dreby 2013). However, other reports point to the increasing presence of women in immigration detention (Rabin 2009).

Moreover, Latinos are the youngest racial and ethnic group in the US, and as such, their childhood development is intrinsically linked to the nation's future. (Lopez and Radford 2017). The country's social and economic future depends on healthy and well-integrated members of society, and with policies of mass detention and deportation, the US is denying this generation a healthy upbringing, a sense of belonging, and opportunities for socioeconomic mobility. This places the US own economic and social future in peril.

KEY FINDINGS

Preliminary Findings

Interview data related to the navigation of family life highlighted the following 3 themes: (1) advocacy, (2) emotional anchoring, and (3) financial laboring.

Advocacy

As previously mentioned, not all deported parents experienced court proceedings. For those that did, children often took the lead to defend their parents during this portion of the deportation experience. In part, these children's US citizen status afforded them some comfort to speak out on their families' behalf. Partners and former partners usually acted as facilitators to the child's advocacy. However, almost all families perceived that their advocacy was futile, receiving only stoic reactions at best.

For instance, Rosemary¹, a US citizen mother, spoke of how her daughter, Rosita, at that time only eight years old, became involved with her former partner's court proceedings. She stated,

The judge did ask [my ex-partner] to have [our daughter], write a letter to [the judge] stating why her dad should stay. So, she wrote a letter and even had a picture on it... And the letter just said, "I want my dad to stay because he is my dad... On our days off, we got out as a family."

Coming from a family of separated parents, Rosita, through the letter and the picture, demonstrated how integral her father was to family life. While it is Rosita who fulfilled this important labor for her father, Rosemary also supports her former partner by bringing Rosita to the court proceedings. As Rosemary continued telling her experience, she recalled how the judge, upon learning that her ex-partner had no legal representation, refused to read the letter Rosita crafted, despite having asked for the letter.

Rosita was not the only person asked to take on advocacy during a father's legal proceedings. Miriam also intervened on behalf of her father. Again, she was asked by a legal actor to become involved in the proceedings, this time her father's immigration attorney, but embraced it as an opportunity to defend her father and reiterate the importance of her father in their family life. She recalled her involvement in the San Francisco court proceedings as:

It was like at the end when I was brought in, it was just him and his lawyer and the judge and [ICE]. They told me to share about how it would affect us. And then, and then, I started crying. So, I couldn't finish, and I looked over to the side and my dad started crying. And his lawyer started crying. So, I was like, I cannot finish this... The prosecutor, he asked my dad's lawyer for me to leave because sensitive information would be released, and they didn't know how I would take it, and so that made me angry as well because I wanted to know. And I mean I know about most of this. So, I don't understand what is too sensitive for me to know.

Miriam's involvement in the court proceeding required an extensive emotional work. However, even with this advocacy, she felt the courts failed to consider her voice and her family life. Moreover, as the prosecutor made clear, she was not considered part of the process of removal since she was forced to mostly wait outside. Xochitl recalled similar experiences. She undertook numerous roles as a second grader without being asked, including visiting her father every weekend in federal prison and later in detention, writing multiple letters to elected officials, and hand-delivering a letter to the First Lady during a school field trip to advocate for her father. When asked why she engaged in this level of advocacy, she stated,

For me, it was just like another one of those moments where I was the mouthpiece for something... nor did I think that it was something like extraordinary. I just viewed it as

¹ All names utilized are pseudonyms.

this is my role, and this is what I am going to do to try and protect my family, and these are the steps that I am taking.

Xochitl described her advocacy as necessary action for family life but also as part of her ordinary duties as an immigrant child. Like Rosita, Xochitl's mother performed the critical work of providing Xochitl with the resources she needed to engage in advocacy including, taking her to visit her father, helping mail the letters, and sponsoring the trip to the capital.

Children's advocacy, including Xochitl's, represents a challenge to the normalization of detention and deportation proceedings that does not care for the pain families endure. Despite the lack of legal recognition of the hardships these children will be made to endure with a deportation, their outspoken voices represent an acute awareness of what is to come with a deportation and their ability to challenge it. Coming from nuclear families or from separated parents did not make a difference in whether these children defended family life.

Emotional Anchoring

While not all family members took up advocacy roles, others including children labored for emotional wellbeing. This is especially meaningful because most parents did not share their ongoing experiences with detention and deportation with others and instead relied on other family members for emotional support. This held true for all type of family structures. Rene Leon, a US citizen of a nuclear family with a deported father, said,

A lot of times [my mother] would cope with me. I would listen even though I was just a kid; I would listen even though my brother and sister did not want to hear it, just block it off, but I would listen. But a lot of the times I would hear her problems, like her personal feelings.

Although, as Rene noted, some children did not offer this emotional support to the parent that remained behind, Rene filled this need for his mother. At a time when his mother faced both emotional and financial precarity, she relied on Rene to fill the need of emotional support.

Similarly, partners or former partners of deportees labored for their family's emotional wellbeing. When Sara Garcia, an undocumented mother of four, spoke of the psychological pain that her daughter endured, she also spoke of the ways in which she attempted to mitigate this,

And I struggled because she got gravely ill, she entered into a depression. She entered into that illness of bipolar. And I had to pick her up from school, running from work to pick her up. And if I could not find her, I would have to look in all the libraries and all the parks because she would not stay. And so it was chaos with her.

Despite Sara suddenly entering into single motherhood and dealing with her own pain of losing her partner, she also had to perform this extensive labor to ensure her daughter was safe during this process. Parenting for Sara takes on additional roles, including emotionally supporting her daughter facing mental illness.

Not all family members filled their new roles with ease. Miriam shared the difficulties of realizing that she was her father's emotional anchor during this process. She shared,

I was frustrated with my dad... kinda about everything, like asking me to read over the papers and stuff. And I did get frustrated when [my mother said,] "Well why don't you want to go with him to pay the bond," and I was like, "I don't know it's just a lot." And she was like, "Oh, well he is kind of leaning on you because he is also scared, and so just being there to be able to translate is helping him make the process a bit smoother." That

is kind of when I realized oh, wow. I didn't even think about my dad being scared as well.

Although Miriam's relationship with her father had previously been rocky, her mother played an important part in motivating Miriam to become her father's emotional anchor. Miriam then realized that her work in walking her father through the deportation process provided emotional support, not just the logistical support. However, her unease with this role speaks to the amount of burden these family members are taking on apart from psychological and financial work.

Financial Differences

All three types of families tended to financially support their loved one as they underwent detention and deportation. This included paying for trips to visit a loved in detention, supporting a loved one's needs in detention, including food and communication, obtaining an immigration attorney, and paying for a loved one's needs after deportation. These obligations, while changing the families' financial arrangements, did not amount to the most notable economic change in family life; instead, the loss of a breadwinner usually warranted the most severe changes.

A clear difference emerged between the three family types when speaking about how they were economically affected with their parent removed. Nuclear families with a father removed tended to describe the most severe economic effects. Because nuclear families tended to have a breadwinning father and a stay-at-home or only supplementary income mother, these families experienced the most significant change in financial arrangements. Quixote's² family lost their main breadwinner when their father was detained. As a result, Quixote's role as providing economically being critical to sustain the family. They described it as,

We didn't have money to eat. We didn't have money to pay the rent. I started working informally at 15 and still have not stopped... Like going through evictions, going through not having money to eat, it still haunts us to this day.

Quixote, like other family members of nuclear families, characterized the post-deportation family life as resulting in severely limited resources. Removing the father usually meant removing the breadwinner for these families, who consequently faced housing and food insecurity. Unsurprisingly, Quixote entered the paid labor force at the age of 15 to fulfill the desperately needed basics in the household. Children from nuclear families with a father removed either entered the paid labor force or began making larger economic contributions from their paid employment. Others, usually the eldest, fulfilled economic needs in other ways such as providing free child care in lieu of a paid baby sitter for a mother who previously stayed at home.

Still, children found other ways to respond to the distressing situation of having a breadwinner removed. Cynthia Casanova, for instance, changed her school routine at nine years of age. She stated,

My elementary school, they used to sell lollipops. I used to get lollipops every day, and then like once this happened, like you are tempted, but then you realize, like, oh wait. We barely have enough money to get through. Why am I going to spend all this money?

Despite Cynthia's young age restricting her ability to enter the paid labor force, she adjusted her lifestyle in an attempt to fulfill the economic needs. While this labor might not have made a dent in the severe necessity that resulted from losing her father, it testifies to the pursuit of family wellbeing she undertook.

Nuclear families with a mother deported also described economic changes to the family. The Barber family described a common economic arrangement to approaching a mother's deportation: paying

² Quixote's pronoun is they.

for two households in two countries. Like the above nuclear families, most of these families had a nuclear breadwinning father with a stay at home mother. When the mother was deported or detained, the breadwinning father usually remained in the United States and supported the mother back in her home country. The children, however, they did not characterize their mother's deportation by the severe economic effects like the previous children. Instead, they spoke of visiting their mothers during the summer break paid for by their fathers or the eldest sibling.

Contrasting this, children described the least financial change of all family arrangements when a father was deported from a family with separated parents. Marcela Diaz, for instance, described her family arrangements as, "he was not really giving [my mother] any money... because my mother has always worked ever since we migrated to the US." Unlike the effects described by the nuclear families, these families did not describe a father's deportation as a detriment to the family's finances. The one difference that Laura Diaz described that resulted was their older brother occasionally remitting money back to her father.

Family structure determined to a large degree the severity of financial effects. In this arena, family structure beforehand mattered in how the family was affected financially.

INNOVATION

This study makes two important innovations to how family life is understood in a post-detention/post-deportation context. First, this study recognizes that family members are active respondents during the process of detention and deportation. As such, they take several measures to try to maintain family well-being throughout this process. These strategies for managing family life offer some perspective on how to mitigate the severe negative implications of mass detention and deportation.

Second, this study integrates experiences from multiple familial configurations. While most research has concentrated on the experiences of a deported father from a nuclear family given the gendered immigration enforcement, immigrant families are diverse, and there are indications that women are increasingly detained and deported (Golash-Boza and Hondagneu-Sotelo 2013; Rabin 2009). Approximately 30 percent of immigrant families are headed by a single parent (Menjivar, Abrego, and Schmalzbaeur 2016). Because research has yet to fully examine single-parent households, the effects of immigrant detention on single-parent households are unknown. This research begins to make inroads into understanding how detention and deportation affects other family configurations and families where.

LIMITATIONS

I conducted this study under a specific political context. I began conducting interviews in March 2017 during the "Trump effect," a particularly hostile political context for immigrants (Potok 2017). Almost all participants noted the current administration's stance on immigration, even though only four families suffered detention and/or deportation during this administration. Moreover, all respondents experienced detention and/or deportation in California, and all but three respondents were currently residing in California. California is home to the largest undocumented population in the nation. In the past 10 years, the state has championed pro-immigrant integration policies such as the California Values Act and driver's licenses for undocumented immigrants. Therefore, respondents lived in both a hostile federal political context and a relatively receptive state context. Focusing on this specific geographical region does limit the generalizability of the findings.

This study also does not attempt to address all experiences of family life post-detention/deportation; instead, it addresses only families who decided their children would remain in the US. Other families face different situations, such as all family members returning to home countries or Child Protective Services retaining custody of the children. Families who have decided that children are to remain in the US might differ from the population of all affected families.

POLICY & PRACTICE RECOMMENDATIONS

If policymakers made family reunification a cornerstone of immigration law, passing comprehensive immigration reform would help to ensure that in the future families would not shoulder this labor. However, considering the current political context and that millions of families are already living in forced separations, this necessitates several policy changes to mitigate the negative effects ease navigating family life in a post-detention/post-deportation context.

Provide resources as parents and family members are undergoing each step of the procedure. This goes beyond providing legal guidance to a multi-strategy approach that includes mental health support, economic support, transportation support, translation services, and building community support for families.

- Deportation defense should be thought of as a multiple-needs approach. Drawing from the “one-stop center” model from workforce development programs, a state agency or an organization can ease the burden on families by offering a variety of services at one location. Moreover, this can allow for solidarity to be built across families currently undergoing these processes.
- California has led the nation with the implementation of deportation funds; however, the state and the federal governments should consider implementing a broader set of funding to mitigate the economic loss and costs for families, not just legal defense.

Increase binational services and programs that can support family ties across borders. This would not only help in mitigating the negative effects on children’s lives but also the extensive labor they take up.

- Mass deportation needs to be treated as a mass public health crisis for both the United States and the top receiving countries, such as Mexico, Guatemala, Honduras, and El Salvador, given deportation introduces a vast number of mental health effects (U.S. Immigration and Customs Enforcement 2017). The Office of Binational Border Health is well-networked with its Mexican counterparts in Baja California, Mexico to begin a pilot program and services to support these ties. A model could be built here and its lessons applied in other countries.
- Resources and funds can make different strategies accessible for more families. For instance, while most children of deported mothers returned to their mother’s home country for summer vacations, children of fathers did not. A resource fund can support children who wish to visit their fathers.

Re-center the family in immigration law.

- Re-implement prosecutorial and judicial discretion allowing for judges and prosecutors to once again consider an immigrant’s family ties prior to making decisions on removal proceedings (American Immigration Council 2018). Following this, immigration law can be restructured to allow for family ties to be a significant point of consideration.
- Remove the five- and ten-year bans to re-entry that follows a deportation (American Immigration Council 2016). Currently, even if parents qualify in the future for green cards based on their relationships to their US citizen children, for example once those children turn 21, they are unable to apply until the time ban has been completed. Removing these barriers would allow for quicker legal reunification.
- Families, especially US citizen children, are already advocating for their family members despite often going unheard by the law. Currently, one route to a removal waiver is to demonstrate “extreme hardship” on US citizen family members, but rarely are families able to make a successful case (Weisenberger 2011). By expanding how the law defines “extreme hardship,” the law can recognize the already outspoken voices of these families.

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