

PARENTING IN THE CONTEXT OF DEPORTATION RISK

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It is estimated that 6 million of the 11 million undocumented individuals living in the U.S are parents of minor children. Undocumented status means they do not have the legal paperwork required to get a formal job and are unable to access many resources provided by the state and federal governments. In addition to restrictions from work and government services, undocumented parents live each day with the threat of deportation and ultimately, the possibility of separation from their children. Deportations disproportionately impact the Latino community – 96% of all people deported were from Latin Americaⁱ and the majority of children with at least one undocumented parent are Latino, mostly from Mexico (70%) and other Latin American countries (17%).ⁱⁱ How does the threat of deportation impact their everyday lives and parenting decisions? A new study undertaken in collaboration between the University of Houston and University of Texas at Austin interviewed 40 undocumented Latino parents to better understand their experiences living “without papers” in Texas.

KEY FINDINGS

15% of parents reported long-term separation from their children

Higher parenting stress is associated with more severe depressive symptoms in undocumented parents

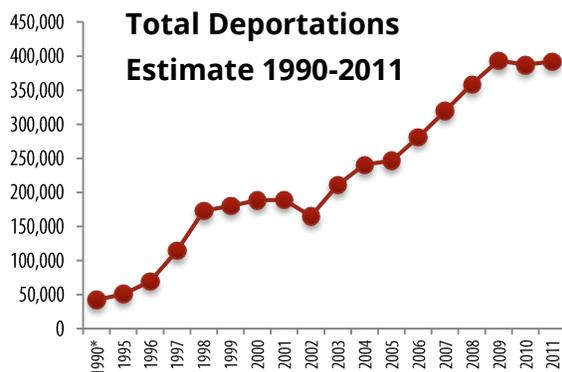
Almost a quarter of the parents (23%) reported that their children hoped to fix their legal status for them

50% of parents did not have an explicit plan for the care of their children in the event of deportation

A CONTEXT OF INCREASING DEPORTATION

Changes in US immigration policy have resulted in a dramatic increase in the number of detentions and deportations—in 2011, nearly 400,000 people were deported from the US, three times the number of immigrants deported over the previous ten years combined.ⁱⁱⁱ

The 1996 laws – the Illegal Immigration Reform and Immigration Responsibility Act (IIRAIRA) and the Anti-terrorism and Effective Death Penalty Act (AEDPA) – made two changes to immigration policy that



have, in part, led to the increase in deportations. One, both laws expanded the list of crimes considered “aggravated felonies” for immigration purposes. This increased the number of crimes that could lead to mandatory detention and deportation to include even misdemeanors, like driving under the influence.^{iv} Two, IIRAIRA added Section 287(g) to the Immigration and Nationality Act. This allowed the federal government to enter into agreements with state and local law enforcement agencies that authorize local agents to perform select immigration

functions.^v On top of these changes that increase the likelihood of deportation, the laws also essentially eliminated judicial discretion, meaning that in cases where an immigrant is convicted of a deportable offense, immigration judges⁷ are no longer able to make decisions that could permit them to stay based on characteristics of individual cases, even in situations where an immigrant holds strong family ties and work history or where it is in the best interest of a child.^{vi}

Additionally, the passage of the Patriot Act in 2001 reorganized the Immigration and Naturalization Services (INS) into an arm of national security as the Immigration and Customs Enforcement (ICE) branch of the new Department of Homeland Security. According to its strategic plan “Endgame,” ICE’s mission is to implement policies that would “build capacity to remove all removable aliens” by 2012.^{vii} In line with this strategy in 2008 ICE initiated the 287g Agreement program – Secure Communities—that required transfer of fingerprint data on all people booked into local jails to ICE. When prints match a noncitizen, ICE may then take custody and initiate deportation proceedings. Though the aim is to target “criminal aliens,” substantial evidence has shown that the majority of deportations under the program have not been high priority criminals.^{viii}

PARENTING STRESS

Parenting stress is more than the everyday challenges of being a parent. Rather, it occurs when the demands of parenthood exceed the perceived personal and social resources available to deal with challenges.^{ix}

Parenting stress is important to recognize as it has been found to be associated with lower life satisfaction, higher depression, greater marital discord, and increased likelihood of separation or divorce.^x Additionally, its effects are often transmitted to the children. Children whose parents experience high levels of parenting stress exhibit greater mental health problems and, for younger children, lower academic achievement.^{xi} While it seems likely that legal vulnerability of deportation risk faced by undocumented parents would increase family stress—thus lowering child well-being— little is known about parenting stress in this context.



UNDOCUMENTED PARENTING STUDY

DEMOGRAPHICS OF STUDY PARENTS	
Mexican	97.5%
Female	85%
Mean age	37 (+/- 7.4) years
Mean time in the U.S	15.8 (+/-6.4) years
Mean persons per household	5 (+/- 1.9) people
Mean number of children	3 (+/-1.5) children

The current study sought to understand the challenges of parenting in the context of detention and deportation risk. Researchers conducted and recorded interviews with 40 undocumented parents, 20 in Houston and 20 in Austin, during the summer of 2012. Participants were all parents 21 years of age or older. The majority (80%) were married or in a committed

relationship and they had on average, 5 people per household and 3 children. Many families were mixed status, reporting on average 2 biological citizen children; 83 of the 121 children were reportedly US citizens. None of the parents interviewed had been previously deported nor were they in deportation hearings.

Participants were recruited via collaborations with community organizations and snowball sampling in each city. They were asked general questions about their households as well as questions that measure concepts like stress, hardship, food insecurity, social support and depression. Additionally, they discussed in detail with researchers their experience living in the United States without documentation and how it affected their parenting, economic situation and sense of safety. Analysis was guided by interpretive phenomenology.

EXPOSURE TO TRAUMA DURING IMMIGRATION IMPACTS PARENTING

Parents reported immigrating to the U.S. for a number of reasons including: to find relief from financial hardship, avoid cartel and community violence, and reunite with family already in the U.S. The cost of the journey to the United States was, however, often high. Not only in terms of the thousands of dollars paid per person, but also in the exposure to dangerous situations such as high-water river crossings, days and nights exposed in the desert, lack of food and water, theft and, for a few, even homicide and rape.

“There is a lot of danger and it is worse in the hot season. Many times, you don’t have any water. You can die and the dreams you have of improving the lives of your family are interrupted and they will be alone.”

The trauma experienced during the immigration journey impacts parenting, both in the journey itself as parents face watching their children endure extreme conditions or are separated from their children for long periods of time,^{xii} and in how it impacts their parenting decisions after they settle down in the U.S. One mother described feeling a loss of control when she was separated from her children during their crossing saying, “you know that they are ahead or behind but you don’t where (they are). I have never separated from my children before and I didn’t know how they were and how they were going to cross them. I was so afraid.”

Many parents reported traumatic memories of the border crossings. For some, those memories seem to haunt them and kept them from returning home. One mother discussed how she missed her two adult children but could not think about going through the journey again; “I cannot return, because it was too difficult...it was very traumatic crossing the river.” A mother related how the suffering she endured crossing into the United States made her afraid she could die trying to return if she were to be deported. “What would happen if I tried to return and I died on the way? What would my children do? I could not [return], for their sake no, I would rather stay here with them and try to get ahead.”

PARENTING WITHOUT DOCUMENTATION IS UNIQUELY STRESSFUL

Raising children in the United States without legal status adds unique challenges to the already stressful task of parenting. These challenges are related to fear of detection and deportation that could lead to family separation, powerlessness in protecting children from impact and stigma of undocumented status and anti-immigrant sentiment, and the changes in family dynamics connected to lack of legal status.

These stressors are unique to immigrant parents and negatively affected many of the parents in the study. We explored these impacts by asking a series of questions to assess levels of depression and stress. About 25% of parents interviewed showed signs of clinical depression (8% mild, 12.5% moderate and 5% severe) using the Patient Health Questionnaire (PHQ-9). Moderate to severe depressive symptoms were associated with higher levels of both parenting and immigration stress as measured by the Hispanic Stress Inventory.

PARENTING STRESSORS

- Persistent fear of detection
- Sense of powerlessness to shield against the impact and stigma of undocumented status
- Changes in family dynamics

DIFFERENCES IN PARENTING & IMMIGRATION STRESS BY LEVEL OF DEPRESSION

Measure	Depression Level	Mean Score (<i>SD</i>)	Significance
Parenting stress	Mild	1.19 (0.28)	<i>t</i>(16) = -2.04, <i>p</i> = 0.058
	Moderate/Severe	1.53 (0.63)	
Immigration stress	Mild	2.09 (0.86)	<i>t</i>(38) = -2.95, <i>p</i> = 0.005
	Moderate/Severe	2.85 (0.67)	

Mean scores on parenting stress and immigration stress were significantly higher in parents who reported moderate to severe levels of depression

PERSISTENT FEAR OF DETECTION

“Living here without papers feels like you are in prison- like a bird in a cage.”



Aggressive immigration policies negatively impact Latino immigrant families, regardless of whether or not a family member is actually detained or deported. Parents in the study describe life without papers as a life without security and freedom. In many cases, participants reported fear of law enforcement because of policies, like Secure Communities, that put them at risk for deportation even if they were detained for minor traffic offenses. One father stated, “I know that there are many honest police officers and also that there are many that simply will look to see if one is an immigrant. And they arrest you because you don’t carry a license or they arrest you because you ran a stop sign.” They also described an increased general sense of fear that they or their family were

in danger. As one mother put it, “Well its not pretty, it’s ugly, because one always has fear that at any time they could fall or something, that immigration could be there, it is like a fear, a dread, that if you go out you don’t know if you are going to come back.”

Parents spoke about fear of detection as putting them in a situation in which they felt trapped. Many talked about feeling prohibited from visiting family in their home country and the constant worry about not being able to go home in case of an emergency. For some this indeed led to never seeing loved ones again. “I feel bad because my grandmother died...and I really wanted to go and see her.... I could go but the problem is, how will I return? I have my family here.”

“I have this difficulty with my oldest daughter who does not have papers. When she reached a certain age other kids from our own race began to ask her if she had papers [...]. It is very frustrating and difficult.”

Ultimately, what most affected parents with regards to being discovered is the possibility it brings of separation from their children in the United States or, even worse, their placement in the foster care system. One mother said, “a million times, I prefer to be with him then separated from him...no my God, if they took him from me I would die.” Many state they would be willing to risk a potentially traumatic journey to return to the United States if deported in order to reunite with children. One father said, “I have told her that if I am deported she needs to have the strength to keep moving forward and I will do all that is possible to return.”

POWERLESSNESS IN SHIELDING AGAINST THE NEGATIVE IMPACT ON WELL-BEING

Undocumented status adds to parenting stress: not only the stress of avoiding detection, but also the stress of buffering the impact that undocumented status may have on their children. Parents must make decisions with regards to talking about their status to their children. This becomes particularly important as lack of legal status can lead to experiences of discrimination. In some cases parents also must help their undocumented children understand the limitations of their own status.

Some parents are forced to have conversations about their status when their children confront them directly, as in the case of one mother who said her son one day simply asked her directly, “Mom, in the school they say all the moms are undocumented. I want to know why you don’t have papers.” Other parents choose to deal with this by either being completely open with their children from the outset, waiting until their children have reached a certain age, or attempting to avoid it completely. Several parents spoke about the decision not to talk to their children about their status. As one parent explained, “I think that we haven’t spoken to them about it because they would feel bad and sad, and I think that I don’t want them to live their whole lives with the fear in their heart that they have to be afraid or that they have to hide themselves from the police or things like that.”

Parents describe being undocumented as adding another aspect of their identity for which they felt discriminated against, on top of and interconnected with racism and language-based discrimination. As one

“Sometimes people ask me things in English, like ‘where is the bathroom?’ and I have no idea what they are saying...one time a woman yelled at me –‘Mexicans why don’t they just go back to their country, here we speak English ’”

woman put it succinctly, “They don’t value you because you are Latina. Because they know you don’t speak English and you don’t have papers. These are the three things that are most important.” Another pointed out the impact of this on daily life, explaining “people you meet are racist. You meet people in the stores that, even though they speak Spanish, they will speak to you in English just to

humiliate you. This has been the most difficult aspect of living in this country.”

Not only do undocumented parents have to deal with the impact the status has on their own lives, but many also have to help their undocumented children come to terms with their status. This puts them in a situation where they can do little to help ease their child’s stress and fear, further exacerbating parenting stress. As one mother explained, “The truth is that my daughter is not from here and she gets sad because she says that they give opportunities to the children that are from here but not to her.”

Generally, although undocumented status clearly affected parental well-being, the focus for many parents was on how it impacted their children. One mother said, “my children are sad. They are terrified of us being deported and being in foster care. That is their greatest fear.” Another lamented that her thirteen year old daughter, “gets sad and cries because of the situation in which we find ourselves.” Among parents we interviewed, 53% reported that their children knew of their documentation status. Of the parents whose children were aware of their status, 43% reported that their children were afraid and anxious about the possibility of their deportation.

CHANGES IN FAMILY DYNAMICS

Parenting without documentation changes family dynamics. Children of undocumented parents often take on responsibility for family challenges that adults may otherwise assume. One situation which parents commonly reported is their citizen children take responsibility for fixing their parent’s status. Conversations such as this one, where a mother told us her son asked, “How old do I have to be to get [your papers] in order? Well, don’t you worry, I am going to get your papers in order” were commonplace. In fact, 23% of parents interviewed reported that their children had reassured them that they would fix their legal status for them once they were older.

“When I am older I am going to fix your papers so that you don’t suffer...and so that you can work and make good money.”



“We went to an office and my son was standing next to the woman who was explaining something to us, and my husband said ‘Oh I do not understand anything.’ At that point my son explained what she was saying to us. [...] He can already defend himself- he defends us a little bit in English.”

I go, they do not speak to me. I don't know if it is because I don't speak English, but no one directs their conversation to me. They speak to my son.” Parents also recognized that their reliance on their children for communication may both frustrate and cause worry for children. One mother remembered a time when her child scolded her warning, “we are not always going to be around to help you. When we are at school and you have to go to the store, who will help you?”



Many situations in which parents reported this role reversal occurred because of the need to rely on their children as interpreters. While this may not be a situation unique to undocumented parents, parents described feeling disempowered by the treatment they receive when their children are brokering communication. “I feel that in my son's school they only acknowledge him. [...] Like when we went to register him for classes they would not talk to me- they only spoke to him. He was entering 6th grade and they were Americans and I have noticed when

Several parents discussed changes in family dynamics in terms of a power shift that made discipline challenging. Fear of detention and deportation led some to feel powerless confronting a child's behavior problems. In a few cases parents mentioned that their child had threatened to call the police if they were to follow through with punishing them. As one father explained, “he knows that he can call 911 if I scold him... so for fear of being undocumented I let him do what he wants.”

Parent-child dynamics in some cases changed because the family structure changed. About 17% of the parents interviewed said they had left children behind with family members in their home country, whether temporarily or permanently. The distance strained the parent-child relationship, changing the family system. A mother stated, “they feel like I abandoned them. They feel that I did not want to return. They are resentful. The boy is grown and does not talk to me and the girl will only talk to me sometimes.” Another mother talked about wanting to see her kids, but was concerned as she felt they were not really her children anymore because she did not raise them.

ENSURING CHILD SAFETY

Detention and deportation hold varying consequences for families: from family disruption and loss of income, to the uprooting of a child from their community^{xiii}, to the permanent loss of a parent^{xiv}, to the placement in the US foster care system.^{xv} Given the consequences, there is a growing concern that parents should plan for these risks.^{xvi}

Yet undocumented parents in the study rarely reported talking to each other – or to their children – about such a plan. This seems to be consistent with experiences of undocumented parents nationwide. One national study found that only about half of the parents reported having a plan for their children’s care, while only 20% of those actually talked to their children about that plan.^{xvii} Among participants in this study, half gave responses along the lines of, “No, we haven’t talked about that.”

About 50%, 20 of the 40 parents we interviewed reported talking about the need to have some type of plan in place should they or their partner be detained or deported. Of these, 5 participants described informal discussions with potential caretakers, while only 1 person mentioned having a formal plan with legal documentation designating a caretaker for their children.

PLANNING (OR NOT) FOR THE RISK OF DEPORTATION:

- ➔ Most parents did not have concrete plans for how their children would be cared for in the event that they or their partner were to be deported.
- ➔ Plans depended upon which parent was deported, children’s ages and prior immigration experiences.
- ➔ If pressed, most parents could talk through a plan for childcare if they were to be deported.

“I prefer not to think about it but the fear exists. Oh God! I would not like for this to happen it would be something really hard. I love my children and I would not like to be separated from them. You know they are still young.”

ENDING IMMIGRATION STATUS-RELATED PARENTING STRESS

From the parents in this study we have learned how undocumented status adds additional stressors to the already challenging task of parenting. Recent developments may offer some relief, however limited. President Obama took two important first steps to alleviate some of this added stress with the Executive Order signed in November 2014. It provides undocumented parents of US citizen and resident children who meet specific qualifications protection from deportation and work authorization and expands access to the same for undocumented youth who came to the US as children.^{xviii} Additionally, a Department of Homeland Security memo issued that same date ended the Secure Communities program.^{xix}

However, the extent of the relief these measures will provide (if implemented) is limited, and, in most cases, temporary. The Deferred Action for Parental Accountability (DAPA) program grants this temporary permission to stay only to those parents who have a U.S. citizen or Legal Permanent Resident child and does not provide relief to parents whose children are all undocumented. Additionally, it does not apply to

parents who have criminal convictions that make them an enforcement priority (which include a wide range of misdemeanor crimes).^{xx} Though its directive is to target only “criminals” for deportation, concerns are already being raised that because it still requires sharing of fingerprint data between local law enforcement and federal immigration officials the program that will replace Secure Communities- the Priority Enforcement Program - will be no different.^{xxi}

FOUR CRITICAL COMPONENTS OF A CHILD SAFETY PLAN: ^{xxiii}

- 1** Emergency contacts in the US and country of origin
- 2** Identification documents, including birth certificates, social security cards, and immunization records
- 3** Notarized plan for immediate childcare
- 4** Legal documents, such as: delegation of powers by parent, temporary guardianship for children, and power of attorney for the child

Until federal action is taken that provides permanent pathways to citizenship and mechanisms for legal immigration for work, many of the status-based stressors faced by undocumented parents are likely to persist. State and city-level initiatives hold the promise of providing parents with some relief. State laws allowing undocumented immigrants to hold driver’s licenses, like those currently active in ten states,^{xxii} are one key way to increase parents’ sense of security. City-level policies, like Sanctuary Cities that prohibit municipal officials from asking individuals about their immigration status, help to ensure that undocumented parents feel like they can call on law enforcement without being arbitrarily asked and then possibly detained for their immigration status.^{xxiii}

In the absence of significant reform, advocates and providers should help to increase access to mental health services that can work to repair the trauma of migration and family separation. Services offered should include supportive services for parents struggling to manage changes in family dynamics, counseling for children to help increase their strategies for coping with the ambiguity of their parents’ legal status, and empowerment of parents in planning for the future, including with developing childcare plans for the event of detention. Even with these supportive services in place, however, focus should remain on enacting federal policies that act in the best interest of the child and family to ensure positive child development and family well-being.

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