U.S. CITIZEN CHILDREN CAUGHT IN THE MIDDLE: 
HOW EXTENDED FAMILY VISIT PROGRAMS COULD MINIMIZE THE SHORT- AND 
LONG-TERM EFFECTS OF PARENTAL DETENTION AND DEPORTATION ON U.S. 
CITIZEN CHILDREN

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By

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U.S. CITIZEN CHILDREN CAUGHT IN THE MIDDLE: HOW EXTENDED FAMILY VISIT PROGRAMS COULD MINIMIZE THE SHORT- AND LONG-TERM EFFECTS OF PARENTAL DETENTION AND DEPORTATION ON U.S. CITIZEN CHILDREN

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ABSTRACT

Children of parents in immigration detention centers are twice as vulnerable as children with incarcerated parents. These children and all children of undocumented parents face psychological trauma and financial difficulties following the knowledge of their parent’s legal status. Donald Trump’s presidency will see millions of undocumented parents now fit under the expanded deportation priorities (Human Rights Watch, 2017). This means that millions of new children are at risk of forced abandonment.

As the number of short-term detainees increased thanks to Operation Streamline and current administration pushes to deport countless migrants, those in long-term detention may fall through the cracks. These parents do not have the same luxury as incarcerated ones—they do not know when they will be released, and more frightening, they do not know where they will be released. These parents might need Extended Family Visit (EFV) programs more than incarcerated parents. Currently, research focuses on the effects divorce, death, and incarceration have on children as they grow up, yet little attention is given to this large marginalized group of U.S. citizens.

Providing EFVs would allow parents and children to understand what has happened, to continue to rely on each other for comfort, and have a proper goodbye — should the time come. As centers are extremely isolated, allowing EFV programs to occur would increase the likelihood of family visits, as they can justify the trip time and costs when they’re able to spend more than a couple of hours chatting without a guard watching over them. For example, one mother interviewed was placed in a detention 2,300 miles from her children. With this program, a visit is much more likely as the children and guardian would be able to stay overnight and take advantage of every second together. Traveling all those miles for a two-hour visit simply is not feasible.
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My parents, Alma and Nestor, this one is for you. You are the reason I am who I am. Your unconditional love and unwavering support got me here. Bianca, you make me better. Thank you for always believing in me; for showing me that I’m enough. Your thirst for knowledge, your search for a purpose, is inspiring. I’m so proud to be your sister. The three of you are my biggest cheerleaders, and I hope I’ve made you proud.

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Many thanks,
Nathalie Brinet Molina
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<td>ATD</td>
<td>Alternatives to detention</td>
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<td>Federal Bureau of Prisons</td>
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<td>CAP</td>
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INTRODUCTION

Preserving family unity is a key characteristic in child rights declarations and treaties. However, immigration laws and deportation practices throughout the United States continue to be structured in a way that ignores the importance of family unity and the rights of citizens. Detaining undocumented immigrants does not solve or reduce the problem—instead it just creates more victims. With an ever increasing detainee population, children are a forgotten people—the unintended victims.

U.S. citizen children of undocumented immigrants have their parents forcibly removed from their lives, much like children of incarcerated parents; however, their separation tends to be much more permanent and less visible. With little chance of contact, these citizen children are at a disadvantage as they grow up without a properly developed parent-child relationship, or far away from anything familiar. By analyzing the role the United States played in creating the increasing number of undocumented immigrants who currently call the United States home and the detention centers they end up in, as well as the effects separating loving parents from their children has on everyone—the communities, families, and children—a temporary relief seems obvious. Open borders is not a realistic possibility; however, reducing the unintended consequences of increased enforcement is fairly easy, and economically feasible. Extended family visitation (EFV) programs should be available to children of detained parents. They are facing the possibility of permanent separation with little explanation or assistance. Because of the similar violent nature of the separation, and the positives EFVs have on children of incarcerated parents, these doubly vulnerable citizen children should be provided such a
program. Considering its role as a pioneer for immigrants’ rights, as well as housing the largest detained immigrant population, California would be the state to implement pilot EFV programs.

America is currently facing a migrant and refugee crisis along the U.S. - Mexico border—one that, arguably, it created. However, there's a deeper more troubling crisis being faced by the children of undocumented immigrants. As the current administration attempts to crack down on undocumented migration, and rid the country of bad hombres, mixed-status families are being forcibly separated for nothing more than decades-old speeding tickets or misdemeanor drug possession charges. Those most harmed by the Trump administration’s tough on crime and zero tolerance immigration policies aren't dangerous criminals. Those most harmed are long-term, productive and undocumented residents, their communities, and their children. These children are stripped of their right to their parents, to be raised in their loving and caring homes.

Donald Trump’s “Zero Tolerance” policy has been enforced without impunity, allowing immigration officials to detain and deport even those that pose no public safety risk, and leaving immigration judges with little leeway to use their discretion. While the focus of Zero Tolerance in the media has been on parental separations at the border and young children facing immigration proceedings without any English language skills or advocates by their side, a less seen and less talked about consequence are the U.S. citizen children of undocumented parents. In 2016, there were more than 9 million children living with an undocumented parent, more than half of which are U.S. citizens (Zayas & Cook Heffron). Brought down to everyday life, one study found this to be “an average of one or two children in each public school classroom in the country” (Yoshikawa and Kalil, 2011, p. 291).

\[1\] one year olds in hearings alone, veteran spouses deported, parental separations
Mixed-status families find themselves living in the shadows of a country built by immigrants. Many of these children face the uncertainty of being forced to move to a strange land or growing up in the home of a stranger — or worse, being ignored entirely by the system. While governments have legitimate power to control migration and define the nation’s citizens and residents, they must also respect their international commitments through greater efforts to keep families together. Between 2003 and 2013, the United States government formally deported 3.7 million immigrants to their home countries. Of those, 60% had been in the United States over 10 years, and 17% had been in the United States at least 20 years (Migration and Refugee Services, et al., 2015). According to the most reliable estimates, the parents of children born in the United States accounted for between a fifth and a quarter of the total (Koball, et al., 2015).

Most discussions and policies surrounding immigration reform erase the existence of families. They discuss immigration policy as if the only affected parties are the immigrants themselves. Many opponents of immigration reform will say that detained and deported parents do not have to leave their children behind; they can just take them with them. However, this ignores the fact that the majority of these children are U.S. citizens who are guaranteed protection—because they are children, but more importantly because they are citizens.

Yet mixed-status families are caught somewhere in the middle. Undocumented parents live in the shadows, doing their best to avoid drawing attention to themselves. Meanwhile, U.S. citizen children are granted all the rights and privileges of citizens without ever fully taking advantage of them — for fear of negatively affecting their parents. Yet these children have the constitutional right to be in the U.S., and society has an obligation to provide them with the opportunity to become healthy and productive adults.
While this problem has increased in scale and visibility during this administration, its origins are tied to the Reagan administration, to the Japanese internment camps, slave plantations, even Native American reservations. While Obama was known as the “deporter in chief,” he did his best to refocus the country’s broken immigration system. By 2014, the Obama administration had issued new guidelines and priorities for deportations. As was promised throughout his campaign, Donald Trump has done his absolute best to undo all progress made by former President Obama. Though he ran a platform that promised to rid the U.S. of bad hombres, he has instead deported anyone and everyone he could get his hands on – documented or undocumented.

One of the less visible abuses is that of family separation—parents are stripped of their children, often times without the chance to say goodbye, and sent to detention facilities hundreds of miles away making it easier to deport them. The deportation of undocumented parents of U.S. citizen children is described as “‘multi-generational’ punishment” (Vargas and Ybarra, 2017, p. 913). While Congress continues to argue and stall on comprehensive immigration reform, individual states have begun passing their own immigration policies—some progressive, others

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2 Forced detention removal of people from their homes for no other reason that their skin tone, their origins, etc. These people were taken from their homes because they were different from what society deemed appropriate.
3 For more information, see: https://www.migrationpolicy.org/article/obama-record-deportations-deporter-chief-or-not.
4 He focused ICE’s efforts on national security threats, violent offenders, and immigration judges were now able to use prosecutorial discretion.
extremely oppressive. There are millions of U.S. citizen children caught in the middle with no light at the end of the tunnel. Immigration detention is indefinite.

For this thesis, the goal is to recommend Extended Family Visit programs be available to U.S. citizen children of undocumented parents separated due to their detention by ICE. Because of how similar prison and immigration detention centers are, given their purpose to restrict individuals’ movements and freedom, evidence suggests that children of undocumented parents in immigration detention would greatly benefit from the chance to visit their parents in more relaxed settings—especially considering the permanency most are facing. This program is being recommended based on evidence that EFVs are more humane, allowing children to maintain contact with their parent(s), and produce lower social costs and higher social benefits than the current restrictive visitation policies most common in detention centers. To justify the program’s creation and costs, I will: a) present a brief history of U.S. immigration policy as it relates to child separations; b) describe EFV programs, and how they work in various states, as well as internationally within the criminal justice system; and c) analyze the social and economic costs and benefits of developing an EFV program, comparing it to the current immigration policy restrictive visitation.

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6 Immigration enforcement, even before the election of Donald Trump became extremely racialized—immigrant became synonymous with Latino (see Arizona’s S.B. 1070 for an example).
CHAPTER I: U.S. HISTORY OF SEPARATING FAMILIES

The US has a long history of separating families dating back to slavery. Slavery in the US originated in 1620 when a Dutch ship successfully traded 20 Africans for necessary provisions (McElroy, 1896, 3). Plantation owners routinely separated children from their parents as inheritances, to pay off debts, and simply as punishment, like today’s migrants fleeing violence in their countries of origin, slave families often tried to run away together to avoid being separated even though they knew violent punishments, or even death, awaited them if caught (Holden, 2018, paragraph 6).

Native American children were also forcibly separated from their parents beginning in the 1780s. The 1780s, the US government launched an assimilation campaign where indigenous children were shipped off to boarding schools run by churches or the government. The purpose of these schools was to strip the children of their language and culture, help them evolve (Adams, 1995, 5-6). As Capt. Pratt said, “Kill the Indian in him, and save the man” (Utley, 2008, 37). Clifford Trafzer finds numerous similarities between these native children and those separated from their parents under Trump’s Zero Tolerance policy. According to Trafzer, “these children are being reprogrammed” (Kaur, 2018, paragraph 21).

The 20th century saw the beginning of mass deportations as well as internment camps. While migration from Mexico was common, regular, and cyclical throughout the Southwest region, during the Great Depression, US authorities began mass deporting Mexican migrants and even Mexican-Americans blaming them for the country’s economic troubles (Enciso, 2017, 15). Known as the Mexican Repatriation, this era saw hundreds of thousands of people removed—many leaving behind US citizen children. Oddly enough, just a few years later the US federal
government restarted Mexican immigration after facing a labor shortage due to World War II through the Bracero Program. That program too ended in mass deportations, known as Operation Wetback. Like today’s mass deportation of undocumented immigrant parents, these families weren’t given options. The children were seen as collateral damage, as something parents should have thought of, not as responsibility of the government. The US government and local businesses regularly and historically pick and choose when Mexican migrants are useful, worthy, necessary, never thinking of the ramifications an about-face will have on families or the community.

With this legacy of family separations, it’s easy to understand why DHS, ICE, and CBP don’t have formal policies regarding parents with children. The history of family separations and even deportations have never been thought of in terms of family units—they are simply individuals who must be punished.

CONCLUSION

In this section, we learn that the US has a history of separating families that dates back to slavery. Recently, talks of migrants and immigration control happen in a context of “good” vs. “bad” migrants -- those that come with the intention of working hard for the “American Dream” (which will have proper papers) and those that come to drain resources (undocumented immigrants). The purpose here was to show that current immigration detention policies and realities aren’t new or unique. In the next section we’ll examine Extended Family Visit programs, their history, success rates, and current status in the U.S. and around the world.
CHAPTER II: EXTENDED FAMILY VISIT PROGRAMS

WHAT ARE EXTENDED FAMILY VISITS?

Mississippi was the first state to allow extended visits where sex was permissible. Conjugal visits began in 1918 at Parchman Farm, a labor camp, renamed Mississippi State Penitentiary. At first, the visits were only for African American prisoners, and the visitors were local prostitutes, who arrived on Sundays and were paid to serve the inmates. Prison officials during the Jim Crow era believed that African-American men had stronger sexual urges than whites had, and would not work hard in the cotton fields if they did not quench their sexual desires (Hensley, 2002, 143-169). The program was expanded in the late 1930s to include whites; and in the 1970s, the program was also opened to female prisoners (Oshinsky, 1996).

The original purpose was to encourage prisoners to work harder and behave well, so as not to lose visitation privileges. However, experts found that these visits had an even more important role: strengthen a prisoner's relationship with his family and community, and to promote a rehabilitation that is only possible with the help of a support network outside of prison. Even Parchman Farm restructured its policies in the 1960s; visits were sanctioned, programs without payment began, and cabins were built so that prisoners could spend time alone with their partners—sometimes up to 5 days (Hopper, 1962). The prison even provided toys for children. This program allowed inmates to see in-person how their families where handling during their incarceration.

In 1968, California implemented extended visits at the Tehachapi penitentiary. According to an article published in Prison Sex: Practice and Policy, the program was considered an undeniable success because of its ability to maintain and develop family ties (Hensley, 2002,
143-169). The program was expanded three years later. Legal wives and close relatives were allowed two-day visits—with emphasis on family life, rather than sex. While half of state prisoners were eligible for the program, only about twenty percent have participated (Jacobs and Steele, 1977).

By 2002, approximately two-thirds of California’s prisons had implemented this program as a way to promote family stability, which reduced recidivism and fostered the well-being and healthy development of children. These programs were seen as a way to maintain family unity through the difficulties of incarceration, especially when imprisonment was indefinite (Hensley, 2002, 143-169). As one of the policy leaders affecting children of incarcerated parents, the California legislature proposed a bill that would expand a project created in San Francisco to protect children of incarcerated parents. This bill of rights includes the following provisions:

1. Be safe at the time of the arrest of your parent;
2. Be heard when decisions are made about them;
3. Be considered when decisions are made about your parent;
4. Be well cared for in the absence of your parent;
5. Talk with, see and touch your parent;
6. Support while working on the issue of their parent’s incarceration;
7. The Right not to be judged, marginalized or blamed for their parent’s imprisonment;
8. Have a lifelong relationship with your parent. (California State Senate, 2009)

New York State and Washington State also followed this trend and implemented their own programs in 1976 and 1980, respectively. In New York, many of the first visits were actually with siblings and parents, unlike inmates in Mississippi and California. The prisoners
spoke with so much passion about what it meant to be with their children and their wives. Like California, the New York Department of Corrections also recognized the importance of protecting children who are far from their parents, and recognized their role in ensuring this relationship did not break due to incarceration (San Francisco Children of Incarcerated Parents Partnership, 2005).

While the history of EFVs is important, the evolution of the programs is most relevant for this thesis. As the research into inmate rehabilitation found positive links between these extended visits and inmate behavior and reintegration upon release, the focus of EFVs shifted to families and community ties—this program shift remains fundamental for post-incarcerated adults and is extremely relevant and necessary for mixed-status families with a detained parent.

**HOW DO EXTENDED FAMILY VISITS WORK?**

Extended family visits are now permitted only in medium and low security prisons. They are not available in federal prisons. Rules vary by state, but in all cases, the inmate must first apply for visiting privileges. Inmates are not eligible if they have been in trouble in the past six months for infractions such as fighting or not completing their daily chores (Reinhart, 2014). Prisoners convicted of sexual offenses or domestic violence, and those who are serving life in prison, are not eligible. The focus of EFVs are inmates who will be released, who will return to their communities and families.

Visits can last up to three days, and occur as often as once a month—but the average is once or twice a year. Prisoners who are only a year away from being released and have a clean history have the best chances of getting longer visits. Oftentimes visits simply consist of bringing the family together to eat, sleep, and laugh (Goldstein 2015).
Visits are conducted in a variety of settings, but are usually inside the prison walls—some states have motor homes. The rooms are apartment style: equipped with condoms, sheets, soap, and towels. Food is usually not included, but there is usually a kitchen available inside the apartment. In Washington State, for example, DVDs must be rated G (Goldstein 2015).

Extended family visits are not pure fun and games. In California, for example, prisoners must appear for an inspection every four hours, even in the middle of the night. After the visit, inmates and visitors are subject to inspection (Reinhart, 2014).

Jorja Leap, a professor of social welfare, said criminologists believe allowing family visits would build family ties and reduce recidivism. During the last 40 years, most of the new prisons include new buildings specially designed for such visits. In the early 1990s, 17 states had family programs. According to Leap, family visits declined after an increase in the mentality that correctional facilities should be for punishment and that family visits were not appropriate for people being punished, and also because academic literature in the 1980s and 1990s argued that it was not possible to rehabilitate criminals (Sanburn, 2014).

Even with proof that these programs help keep families together and foster relationships, opponents of humanizing inmates have continuously focused their opposition on the conjugal

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7 In 1994, the Clinton administration passed the Violent Crime Control and Law Enforcement Act. This law was an exhaustive control of delinquency; including provisions for: mandatory life imprisonment in cases of recidivism; the budget for hiring 100,000 new police officers; $9.7 billion in prison funds; and an expansion of eligible capital crimes. It also dedicated $6.1 million to preventive programs; however, the bulk of the funds went to measures that are considered punitive rather than rehabilitation or prevention programs. This meant that programs such as higher education became a luxury. Just a year later, Congress proposed the No Frills Prison Act (though this proposal never left the house). This legislation was intended to eliminate the small luxuries prisoners had during their time in jail. For example, cable TV, gym equipment, and regular access to coffee were some of the luxuries this project was hoping to eliminate. And finally, in 1996, the Violent Offender Incarceration and Truth in Sentencing (VOI/TIS), created as part of the broad 1994 law, saw an increase in overpopulation of prisons due to government subsidies to States who increased the capacity of their correctional systems to incarcerate serious and violent offenders. This same year, California ended their EFV program. For more information, see: Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103-322 (1994) and Truth-in-sentencing incentive grants, Pub. L. 103–322, title II, § 20104, 42 U.S.C. § 13704 (1994).
aspect of the visits—even when proven wrong. By 2015, only four states continued to provide extended family visit programs.

People simply do not believe that prisoners should have access and much less time with family members. Most of these people probably do not realize that those convicted of violent crimes are not allowed to participate in family visit programs. What these people also don’t realize is that programs such as California’s were extremely limited—those facing life in prison, death row inmates, sex offenders, those convicted of domestic violence, among others are excluded from participating.

From a historical and humanitarian point of view, this is regrettable; from a purely political perspective, it was probably inevitable. What matters most however is how this affects the lives of prisoners and the society this policy attempted to help. As a Marshall Project report found, these visits, though boring-sounding and quite uneventful, remind inmates of what is waiting for them, of long-term goals, of why they want to turn their life around—a chance to reunite with their families, without time limits or random searches. As one inmate put it, “Every action or choice I make is made with my wife in mind” (Feeny, 2015, paragraph 3).

**WHAT DO EXTENDED FAMILY VISITS DO?**

At a rate of approximately $32,000 per year for every prisoner, it is well documented how much it costs to keep someone in jail (Vera, 2018). Overcrowding is also a huge problem with no single cause; yet, there is much documentation to show that family visits reduce recidivism. For example, studies show that 76 percent of those released from state prisons are

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8 For example, Fox News discussed the end of extended family visits in Mississippi as a privilege that shouldn’t have existed. Some quotes from the article include: “prisoners in Mississippi will no longer be legally allowed to get busy behind bars;” “giving prisoners private X-rated time sends the wrong message.” For more information, see: [http://www.foxnews.com/politics/2014/01/13/mississippi-gets-ready-to-end-its-conjugal-visit-program-cites-cost-and.html](http://www.foxnews.com/politics/2014/01/13/mississippi-gets-ready-to-end-its-conjugal-visit-program-cites-cost-and.html)
detained again within five years; but the number of prisoners who violate parole is reduced by 25 percent when it comes to prisoners who had access to family visits (Goldstein 2015). A more recent study, conducted in 2011 by Minnesota’s Department of Corrections found recidivism to be reduced only by 13% (Hainline, 2016). Whichever study departments use as their base, EFV programs work—and children that have access to them fare much better while a parent is incarcerated. This is a large part of why EFV programs today focus on inmates who have family ties pre-incarceration.

Other conditions inmates must continue to meet, in the remaining states that offer EFV programs, are no behavior or rule violations, legally married to the visitor, and mandatory health screenings. Those wishing to visit an inmate must also jump through hoops before being granted an extended visit. Visitors must provide proof of relation, pass background checks, submit to searches, and wear prison-approved clothing. Important detail to note is that of the remaining programs, some are funded, not through taxes, but directly by inmates and families. In Washington State, for example, the Offender Betterment fund is used to maintain their EFV program as well as a small fee of $10 a night paid for by the families (Hainline, 2016).

Even with all of these requirements, families insist that these programs are worth it. Many states agree. Washington State, for example, believes this program builds “sustainable relationships [which] are important to offender re-entry” while providing incentives for inmates to “engage in positive behavioral choices” (Morgan, 2001, p. 2). While Washington is a champion of this program, only 755 inmates received an extended family visit in 2015 (Hainline, 2016).

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9 A study conducted in New York in 1982, suggested recidivism reduced by 67% due to visiting programs
10 This fund receives money from inmate phone calls and certain commissary purchases
11 The Marshall Project interviewed a spouse that has her birth control pills administered by the prison staff every time she visits. For more information, see: Feeny, 2015
They recognize that there are numerous benefits to these programs—both inside and outside of the prison—but they also respect that these individuals have been convicted of a crime and do not hand out visits like candy.

As the Director of the National Resource Center on Children and Families of the Incarcerated at Rutgers University said, these visits are fundamental for child development. They allow children to have real visits with their parents—with no need to put on a show for their parents nor worry the watchful guards will cut the visit short for reaching out for a hug (Harvey, 2015). In line with these findings, New York’s Department of Corrections describes its Family Reunion Program as meant to “preserve and strengthen family ties that have been disrupted as a result of incarceration” McKay.

At the other end of the spectrum is Richard Bennett, a Republican state representative from Mississippi. He worked tirelessly to end the program for years before the department ended it on its own. His reasoning, according to a quote from Reuters: “it’s just like putting a kid in timeout,” Bennett said. “Do you give them their favorite things?” (Jenkins, 2014, paragraph 13). He argues that, though he has no data to support his claim, these programs promote single-parent families and the spread of STDs (Sanburn, 2014). Bennett made it his mission to end a program that improves the lives of 155 inmates and their families because these individuals should not have the right to a family—to their family.

Prisons stopped being a place to rehabilitate individuals back in the 1980s. With extended family visit program’s racist history, it is really no surprise that helping and protecting 12 Washington State uses this program to increase staff and public safety. When the inmates have access to these visits, they are less likely to be violent while completing their sentence. And once out, the inmates have a support system to help them adjust to their new life. Similarly, children who partake in these programs are able to adjust to their parent’s absence gradually and maintain a relationship—fundamental to their wellbeing.
disadvantaged children and families is seen as a luxury for those serving time. Thankfully, there are people and states that still understand the importance of human connection to those serving time.

**WHERE HAVE EXTENDED FAMILY VISITS BEEN SUCCESSFUL INTERNATIONALLY?**

While the U.S. continues to over-incarcerate and dehumanize inmates, countries across the world are choosing to expand their EFV programs. These programs allow the inmates a glimpse of what’s waiting for them when they finish their sentence—something that the rest of the world see as necessary for their rehabilitation, not as a luxury.

Sweden, Spain, Canada, Finland, and others have expanded their programs to include parents and in-laws (Thompson). Yet the U.S. government has not only never granted inmates the right to a family, they’ve tried to deny inmates the right to cable TV.

Australia, like New York State at one point did, offers a transportation program to families hoping to visit a loved one. Instead of offering a bus or shuttle, Australia reimburses families that have to travel long distances to visit loved ones.¹³ Making prison visits more accessible means families will be able to visit more frequently, and for parents the possibility is priceless.

Children would be most benefited if governments focused on alternatives to detentions, giving them the chance to grow up with their parents. A 2014 book on children of prisoners from England, Sweden, the Netherlands, and the United States found that the type of incarceration a parent faces could have lifelong side effects to children. Where punitive policies were the norm,

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¹³ Families of inmates in New South Wales who travel more than 100KM and are low income can request reimbursement for bus or train tickets, fuel costs, and even accommodations (if you live more than 3.5 hours away). For more information, see: https://www.crcnsw.org.au/wp-content/uploads/2017/06/APPLICATION-FOR-TRAVEL-AND-ACCOMMODATION-ASSISTANCE-May-2017.pdf
children tended to participate in criminal activities as adults. Conversely, where “rehabilitation rather than retribution” were the focus, children were positively affected (Fry-Geier and Hellman, 2017, p. 863). While it is understood that citizens’ rights must coexist and therefore parent’s must complete prison sentences, the benefits children would gain from EFVs are similar.

With this in mind, the Association for the prevention of torture posits,

Where possible, allowing extended private family visits is an excellent way to maintain relationships and prepare for reintegration upon release. In many countries, prisons include purpose-built facilities such as cottages or apartments that are separate from main prison population but within the perimeter fence provide facilities where detainees can have extended visits (for example, overnight or weekend) with their families in relative privacy. Detainees are still subject to security requirements (such as reporting to authorities) but enjoy time with family in a more normalized environment than prison visiting rooms (APT, n.d.).

A report published by the Prison Reform Trust found that in Sweden the focus of visitations was “the quality of visits rather than the frequency” (Fair and Jacobson, 2016, p. 7). Because of Sweden’s population, every citizen is important; therefore, there is a necessity to ensure that upon release, individuals can be productive members of society. Typical visitations in Sweden are private and take place in rooms that look like a typical living room. The researcher found that children and parents have the chance to move around, play, and just be just as they would if they were in their home. Many prisons across Sweden also provide extended visits that can be overnight or a whole weekend.
Similarly, Finland also has progressive visitation policies. Their extended family visits can last up to four days and occur in separate apartments within the open prison. Here, prisoners have a house with multiple bedrooms and an outdoor play area where children and family can roam and share freely. They are even allowed to walk along the lake together (Fair and Jacobson, 2016, p. 7). In Finland, it is understood that inmates need a support network to succeed once released from prison. The better a parent-child relationship, the better children will fare as they grow up.

On the Iberian Peninsula, this same study found that extended family visits in Portugal were available to inmates every three months—so long as they qualified. This was on top of their already progressive visitation policies that allowed family visits once a week—typically weekends to accommodate family work and school schedules (Butt, n.d.). In this country, these unstructured visits were seen as most important to those serving long-term sentences and most need to maintain quality relationships with their families. In Spain, focusing specifically on foreign prisoners, the researcher found that the government was kind when they took into account the distances family might have to travel. This translated into foreign prisoners being granted extended or accumulated visits. This allowed the visits with families to be more meaningful for all (Fair and Jacobson, 2016).

**CONCLUSION**

In this section, we analyzed what EFVs are, their history and current standing in the United States, the success they’ve had, and how countries across the world use these programs to improve their societies. Countries, such as Portugal and Finland, found that EFVs improved family relationships, and provided inmates with something to look forward to upon their release.
The U.S., on the other hand, took a hard stance on crime in the 1980s, which led to a sharp decrease in support for rehabilitation programs as well as family values. From the 1980s until very recently, inmates were seen as people that needed to be punished, and people who should have thought about their families before committing a crime. In the next section we’ll examine why EFVs would work in immigration detentions. We’ll highlight the differences amongst the two -- primarily the fact that many undocumented immigrants held in immigration detention centers haven’t been convicted of a crime -- and show how children of parents caught up in both systems face similar hardships. This next section will also analyze the cost of EFVs as compared to other alternatives to detention.
CHAPTER III: EXTENDED FAMILY VISITS IN IMMIGRATION DETENTION CENTERS

Once a parent is identified and detained, children are usually discarded. While DHS and ICE have directives and memos in place to ensure children are protected, well cared for, and kept out of harm, they're rarely followed. As they aren’t formal policies, these directives are seen more as guidelines or suggestions. Once a parent is arrested, children, just like those with parents in the criminal justice system, become unacknowledged collateral damage--something the parents should have thought about, not something the government needs to concern itself over. This similarity is one of the reasons that replicating extended family visit programs should be available to children of detained parents.

Though many can agree that forcibly separating parents and children is in no one’s best interest, children of immigrant parents are routinely separated through detention and deportation. These separations can leave lasting marks on children as they grow up with the stigma, and distance. Immigration detention centers are the precursor to this permanent exclusion, yet it is an equally aggressive and severe form of immigration control.

With an increasingly aggressive, anti-immigrant administration, children and families of detained immigrants retreat further into the shadows hoping not to draw attention to vulnerable family members. They are taught to keep silent or lie about their parent(s); their remaining parent

14 While not the focus of this thesis, as of April 2018, the Trump administration has ramped up its “zero tolerance” policy of families crossing the U.S.-Mexico border. This means that all adults caught crossing the border are arrested for unauthorized entry, and their children are sent to “child-friendly” centers. This is another example of why this type of policy is desperately needed, and of why this policy may be difficult to enact. For more information on the families at the border, see: https://www.npr.org/2018/06/24/622618462/migrants-are-stuck-in-mexico-with-violence-back-home-and-zero-tolerance-in-the-u, https://www.nytimes.com/2018/06/24/us/family-separation-brazil.html, or https://www.propublica.org/series/zero-tolerance.

15 Following backlash from the public and politicians from both parties for the extreme effects parental separation can have on the young children (many were under 5), the administration backtracked the program. However, there are still hundreds of children separated from their parents.
or guardian misses school events *just in case* it isn’t safe; children don’t access resources available to them because *it might* lead immigration officials to vulnerable family members.

Cynthia Rodriguez (2012) argues that researchers should look to the involuntary nature and the effects of separation that create refugees to better understand the effects deportation have on children. Refugees are forced to flee their countries without their children—deportees are forced from their homes leaving their children behind. She argues that just like refugees, detained and deported parents can lose contact with their families for extended periods. As discussed later, detained and deported parents face extreme economic barriers to access to their families. Refugees that lose contact cannot be sure their loved ones are alive or dead; similarly, families can’t find their loved ones caught up in immigration proceedings (Rodriguez 2012).

“Unable to achieve closure and forced to imagine the worst…children of refugees struggle with pervasive and challenging feelings of ambiguous loss” (Rodriguez, 2012, p. 6). These scenarios in turn create uncertain loss—is the parent still here? Have they been deported?

**THE NEED FOR EXTENDED FAMILY VISITS IN DETENTION CENTERS**

The past decade has witnessed the securitization of border controls and migration policies. Even though crossing an international border without proper documentation is an administrative offence, irregular migrants face arrest, detention and deportation, often in appalling conditions. The procedural maze migrants face is generally undecipherable without help, and judicial assistance is rarely available. States have often set up systems of administrative detention for migrants that result in long-term detention, with very little review. Facilities range from purpose-built centers to ad-hoc camps, police stations and even containers, and are often
not well regulated, supervised or monitored. Alternatives to detention are available almost nowhere.

According to a report by the Center for American Progress, children of immigrants will meet or exceed the educational attainment of children of U.S.-born parents. They are more likely to have higher wages and increase upward mobility thanks to their parents’ sacrifices. These children, when they reach adulthood, become homeowners, pay taxes, contribute to the United States’ GDP growth, and are less likely to live in poverty than their parents and their children of natives’ counterparts. Overall, “across three generations, immigrants’ net contribution, per person, was $900.” Children of immigrants contributed approximately $1,700 per person to state and local budgets, whereas grandchildren of immigrants contributed an additional $1,300 (Nicholson and CAP Immigration Team, 2017). Looking to the future, the Center for American Progress (2017) suggests that between 2015 and 2065, immigrants and their descendants will account for 88% of the U.S. population growth.

Children of parents in immigration detention centers are twice as vulnerable as children with incarcerated parents. These children not only have to deal with the separation, but also the double stigma of incarceration and immigration status of their parents. The domino effect will separate families, as well as communities. On any given year, there are 74,000 or more parents of U.S. citizens deported. The Migration Policy Institute estimates that there are at least two children per deported parent. As of 2010, there were at least 500,000 U.S. citizen children living in Mexico (Capps, et. al., 2015, p. 11-12).

Deportation sometimes forces children to remain in foster care, for no other reason than the deportation of the parents. The total cost to care for each child is about $26,000 per year.
(Dreby, 2012). If the numbers previously calculated are used, this would cost the U.S. $3.8 billion if each child found their way into foster care.

Citizen children fear that their families could be separated at any time because of the constant and sometimes imminent threat of deportation. According to the report *Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System*, there are at least 5,100 children in foster homes due to the detention or deportation of their parents (p.6). These children, and all children of undocumented parents, as Figure 1 suggests, face psychological trauma and financial difficulties following the knowledge of their parent’s legal status.

![Deportation Pyramid](image)

*Figure 1: A deportation pyramid to assess the burden of deportation policies on children by Joanna Dreby. (recolored by me to standardize figures)*
Though it is the parent who is behind bars, they are not the only ones to suffer when immigration officials show up. Children face numerous instabilities and health problems when their parent is taken away. Providing these children with extended family visit programs would give them the chance to connect with their parent—even prepare each other for the worst-case scenario, the top of the pyramid in Figure 2. EFV programs can provide a middle ground to family dissolution—it could be key to maintaining parent-child relationships at a distance.

Many children of detained parents come home to find themselves down a parent and with few resources to find them, let alone undo what happened. Diane Guerrero (2016) suffered fear, shame, and incredible instability following her parents’ deportation—they were picked up when she was 14. ICE never looked for her; they did not know she existed. Diane was taken in by a friend’s family, but suffered financially and emotionally from the separation, distancing herself from her parents and her old life.

If ICE is not required to place the children left behind, they could work to improve parent-child relationships of those they detain. Providing EFV programs would allow parents and children to understand what has happened, to continue to rely on each other for comfort, and have a proper goodbye—should the time come. As centers are extremely isolated, allowing EFV programs to occur would increase the likelihood of family visits, as they can justify the trip time and costs when they’re able to spend more than a couple of hours chatting without a guard watching over them. For example, Ambrosio was placed in a detention 2,300 miles from her children. With an EFV program, a visit is much more likely as the children and guardian would be able to stay overnight and take advantage of every second together. Traveling all those miles for a two-hour visit simply is not feasible. Even when maintaining contact was the goal, and
families di everything they could, phone calls were difficult and visitations were almost impossible (Nesmith and Ruhland, 2008).

While those in detention centers are not criminals, their treatment as such lead many to adopt aggressive behavior as a way to cope. Sometimes, parents are concerned about what their children will think of them, or worry of their families seeing them in the conditions they are in that they ask spouses not to visit—not to bring children to see them. The idea of in-person visits and extended family visits is to improve inmates’ morale and promote good behavior. This can be extrapolated to the immigration context because private prisons already offer similar programs (NOLA.com, 2017), making the transition less challenging.

Neither parent nor child is ready when ICE comes knocking. Parents have not made the necessary provisions, talked to their children, prepared to leave their child—sometimes permanently. EFV programs would also less the burden on the other parent of telling children what is going on. In an extended visit setting, parents and children can cry, yell, and laugh together. They can process the situation together; talk through what happens next—even make a game plan.

As video conferencing is not available to detainees, longer visits will give families the chance to really connect and share what has been going on and how they feel since the arrest. Children who communicate with a detained parent help to reassure one another that they have not forgotten each other and that the children are still loved. It provides each member the chance to take on his or her role—parent or child.

As the Association for the Prevention of Torture suggests detention facilities should
Where possible, allowing extended private family visits is an excellent way to maintain relationships and prepare for reintegration upon release. In many countries, prisons include purpose-built facilities such as cottages or apartments that are separate from main prison population but within the perimeter fence provide facilities where detainees can have extended visits (for example, overnight or weekend) with their families in relative privacy. Detainees are still subject to security requirements (such as reporting to authorities) but enjoy time with family in a more normalized environment than prison visiting rooms (APT, n.d.).

These children need this program. Coming from households with very involved parents, children who suddenly find themselves one parent less, without the proper explanations, can find they blame themselves for the situation or lash out at their parents without cause. Unlike transnational parents, deported parents can’t use phone calls, gifts, and remittances to stay connect to their children and families. These men and women have very little hope of ever earning enough money to support their families in the United States. Without constant work, these parent-child relationships can break (Dreby, 2012b).

**SIMILARITIES WITH CORRECTIONAL FACILITIES.**

Immigration detention centers offer little contrast to correctional facilities. Detention centers share most, if not all, of the basic characteristics of imprisonment: forced detention; coercive treatment; denial of basic civil rights; and the denial of personal autonomy. However, compared to those in correctional facilities, the people locked in immigration detention centers have not committed a crime—nor been sentenced by a judge. Two individuals interviewed by

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16 Parents who migrated to the U.S. alone to provide for their families back in their home country.
HRW, who had spent time in both federal prison and immigration detention “reported that…prison [was] easier than immigration detention…there were programs available in federal prison” (Meng and McFarland, 2015, n.p.).

Somehow, more people pass through immigration detention centers than BOP facilities each year (Migration and Refugee Services, 2015). A report conducted by American Progress found that in December 2015 BOP had approximately 200,000 individuals in custody (Gruberg, 2014). As a comparison, DHS housed approximately 400,000 people during that same period.

The increase in detentions seen today is fueled by IIRIRA, based on the false premise that the country needed massive arrests and deportations to keep dangerous “foreign criminals,” bad hombres, away from its streets. In fact, the laws ended up punishing the immigrants in an overly inappropriate way compared to the crime they committed (Rabinovitz, 2011).

A report published by Human Rights First found that even two years after their initial study, most asylum-seekers and other immigrants arrested on civil cases are detained “in jails or jail-like facilities” (Epstein and Acer, 2011, p. i). Within these centers, detainees are required to wear a uniform just like prisoners with limited or no access to the outside, and little or no privacy in the showers. Most troubling are the visits—usually done through plexiglass windows or, sometimes video conference, “even when visitors are in the same building” (Epstein and Acer, 2011, p. i). Since 2009, ICE has continued to add jail-like beds to the immigration system. ICE reports that these beds will reduce transfers by realigning their bed needs to the capacity of the centers, while keeping detainees closer to their family members, community resources, and legal counsel (Epstein and Acer, 2011). As with correctional facilities, this mentality has not reduced transfers, nor has it kept detainees closer to their relatives, community resources, or legal
counsel. As with correctional facilities, this mentality has led to inhuman conditions and imprisonment.

What is their major difference? Primarily the government runs the correctional facilities in a transparent manner. Unlike immigration detention centers, the use of privately-run facilities is the exception to the rule. Compared to ICE, the federal Bureau of Prisons makes itself available to the public, and they provide resources and services to their inmates to help them improve themselves.

One of the greatest differences not only between prisons and immigration detention, but between private and public prisons—as noted by the interviewees of HRW—were the rehabilitation programs and efforts to reduce recidivism (Mumford, et. al., 2016). As the ACLU (2014) found, men held in privately-run immigration detention centers “are subjected to shocking abuse and mistreatment, and...policies that impede family contact and exclude them from rehabilitative programs” (p. 3). As with detention centers, it is likely that this lack of social policy stems from the contracts that stipulate bed quotas instead of requiring rehab programs to improve individual’s quality of life while held in these facilities, and reduce recidivism. This report found that these facilities not only do not offer the detainees programs such as drug rehab, parenting classes, or educational opportunities, but they argue the programs are unnecessary.

17 Private prisons housing BOP inmates have suffered continuous scandals these past few years. In 2013, a facility in Idaho was sanctioned for misreporting their staffing levels; while in 2014, a Mississippi facility was reprimanded for understaffing and poor training (Mumford, et. al., 2016). The team tasked with reviewing the BOP’s contracts with private corporations found that the contracts “encouraged...companies to place excessive numbers of prisoners in isolation” (ACLU, 2014, p. 3). Hoping to improve the quality of life of those individuals the BOP is responsible for, Sally Yates announced their intention to phase out private prison contracts over the next five years. While DHS conducted a similar revision of private prison contracts, they did not reach the same conclusion as the DOJ. According to the report, DHS argues that they could not reach the same conclusions as the DOJ’s “extensive and data-driven inquiry” as they only conducted a two-month study of private facilities (Tandy, et. al. 2016, p. 1). However, in light of President Trump’s campaign promise to detain and deport millions of immigrants, closing any, let alone all, privately-run detention facilities would be an impossible goal. In the meantime, extended family visits, though slightly costlier, would greatly improve detainees’ wellbeing as well as their children’s.
“because immigrant prisoners will not remain in the United States” (p. 38). While it is true that many of those in detention centers will ultimately returned to their countries of origin—by removal orders or voluntary departures—this mentality erases the life these individuals had before detention. It erases their humanity. It automatically assumes that none of these individuals are asylum seekers, that none of these individuals are victims, that none of these individuals are eligible for legal status within the United States.

**DAY-TO-DAY REALITIES OF IMMIGRATION DETENTION.**

Immigration detention facilities are run in the same manner as prisons because they rely on the same correctional standards—implying that undocumented immigrants are as dangerous as convicted individuals (Chacón, 2014). Even worse still, following 9/11, undocumented immigrants were directly placed in a high-security federal prison in Brooklyn, NY—turning a blind eye to the fact these individuals had committed no crime. According to Schiro’s 2009 immigration detention review:

…the facilities that ICE uses to detain aliens were originally built, and currently operate, as jails and prisons to confine pre-trial and sentenced felons. Their design, construction, staffing plans, and population management strategies are based largely on the principles of command and control. Likewise, ICE adopted standards that are based on corrections law… (p. 2).

Ackerman and Furman (2013) found that the staff in private prisons not only earn less than their public counterparts do, but they also receive about 58 hours less training than their public counterparts do. Many private facilities are also understaffed, leading guards to pick up
mandatory extra shifts.\(^{18}\) One of the effects of these quality differences is the increased violence as well as abuse faced by detainees. Safety becomes compromised, and the inmates suffer. Paraphrasing Lulseged Dhine, if detention guards are not treated with respect or dignity, it is virtually impossible to expect them to in turn treat the detainees with any semblance of humanity (Dow, 2004, p. 64). Abuse begets abuse.

Detainees live in overcrowded and squalid conditions. They are subjected to strip searches, are required to wear uniforms, have their movements restricted, are sent to solitary confinement, and are given extremely limited access to their families. Immigration detainees have not committed any crime, have not been tried by a judge or jury—they have committed an administrative infraction. Individuals in private immigration detention centers face even worse conditions at times. A government data review found that dozens of detainees were held in solitary for over 75 days (García Hernández, 2017). Even more concerning were the ACLU’s (2014) findings: isolation “is regularly used” to house new inmates when the general population dorms are full—sometimes for weeks at a time (p. 28). Another way immigration officials attempt to control and intimidate detainees is through arbitrary transfers to remote locations (Parker 2009). Detention serves to further isolate undocumented immigrants from society.

As the NIH found, unnecessary detention of undocumented immigrants not only negatively affects their health, but also their well-being (Puthooparambil and Bjerneld, 2016). Some detainees, as reported to the Southern Poverty Law Center, have gone years in detention without stepping foot outside of the building—the psychological impact of such confinement is detrimental. These physical and mental deteriorations “increase tension and violence within

\(^{18}\) While surely meant to save taxpayers’ dollars, this salary difference also heavily contributes to the conditions faced by detainees. As Ebibillo put it “They are abused and then they abuse us” (see: http://www.jstor.org.proxy.library.georgetown.edu/stable/10.1525/j.ctt1pprgr)
facilities” (Hyunhye and Shah, 2016, p. 17). In keeping with ICE’s secrecy, much of what happens in detention centers goes unreported. As one researcher was told during an interview: “If it’s costing you money, put ‘em on a [deportation] list” (Bacon, 2005, p. 18).

**Immigration Detention Center Locations.**

Ackerman and Furman (2013) detail the case of Brenda Ambrosio to highlight just how isolating these detention centers can be. Ambrosio is the mother of a U.S. citizen child, yet she was detained in a facility 2,300 miles from her child (p. 259). The stress Ambrosio and her child suffered is incomparable—not knowing if they would be reunited in their home or Guatemala, or if Ambrosio would see her daughter while detained.19

Typically immigrants are held near their home – as they are usually first detained near their home or work. These facilities are state and local jails where ICE rents bed space. However, detainees can be transferred one of two ways: (1) the state and local jails need to free up space for another inmate or they do not want to continue housing said detainee; or (2) they are processed and sent before an immigration judge. Both of these outcomes lead to the detainee being sent to a remote ICE location—almost always in the southern United States.20 HRW found that transfers became common practice due to restrictive immigration policy and a lack of standards to protect detainees for arbitrary transfers (Parker, 2009). The SPLC notes that detainees in the South are “the most isolated” (Hyunhye and Shah, 2016, p. 5).

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19 The stress and isolation felt by the detained parent, the children, and the parent left caring for the children is unlike anything. There is a fear of permanent separation, not in the same way as the death of a parent and not the same way as a divorce. This is a stigmatized fear—one the families aren’t given room to discuss among their peers.  
20 Human Rights Watch found that Louisiana, Texas, and California are most likely to receive ICE transfers. The Southern Poverty Law Center estimates that the south holds one out of every six detainees. However, the federal Court of Appeals for the Fifth Circuit (which includes Louisiana and Texas) receive the most transferred detainees. This is because, as the HRW report found, “the circuit court is widely known for decisions that are hostile to the rights of non-citizens.”
Some detainees can go years without seeing or talking to their families after these transfers (Hyunhye and Shah, 2016). Traveling to visit a parent in immigration detention is not only far, but also extremely expensive. When coming from out-of-state, families need money for transportation, accommodations, and any other expenses incurred. Though not impossible, the majority of detainee families do not have the resources to afford such a trip—and much less to make the trip more than a handful of times. In typical ICE fashion, there are few resources or accommodations made for families hoping to visit a loved one. For example, the ACLU (2014) interviewed a mother who was turned away at the door because her son violated the prison dress code unknowingly. She drove her sons 19 hours to visit their father and was turned away because of her son’s shorts. Unable to find any store in the detention center’s town, she drove miles looking for any place that would sell her pants. In another ACLU interview, it was found that prison guards do not go out of their way to help a detainee maintain ties with his/her family. In this example, Luis was denied visitation time because there were not enough guards available that day to supervise. He coordinated to get his family from California to Texas and, before their arrival, he was told visitations would be canceled.

Those families that cannot afford—be it because of time or money—to make the trip to these facilities, as well as those that can, heavily depend on telephone calls, mail, anything to maintain their relationship. Yet even that is an insurmountable challenge. In one Criminal

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21 The majority of the ICE detention centers are located in the southern part of the United States. Typically, when an individual is first detained—within the continental U.S.—they are housed in local, state, or county jails or prisons (places ICE has rented beds). Once they are processed, and usually after their first court appearance, they are transferred to any number of facilities that are usually far from metropolitan areas, and even further from where they were first picked up.

22 Except email—emails are prohibited in these CAR facilities

23 While my father was detained—approximately 6 months, I received about 8 letters written on just about any piece of paper he could find (see Appendix A for a letter written on an old “Wet Paint” sign). The phone bills those
Alien Requirement (CAR) prison, an eight-minute domestic call cost $3.00 and each minute to Mexico costs $1.00 (ACLU, 2014, p. 48). Because the majority of detainees cannot access a job and those that do make less than $0.15 an hour, phone calls to loved ones—even calls to lawyers, if they are lucky enough to have one—are rare.

Even with strong ties to the United States, there is no guarantee—or even effort shown—to help a detainee stay within reach of his family. Andrew, for example, has a son in the Coast Guard and a fiancée in Atlanta; yet he is detained in a detention center in West Texas following 22 years in prison. While in prison his son would visit frequently as Andrew was held in a facility close to home—as it has been shown that maintaining family ties and having a support network reduces recidivism and helps an inmate adjust to life once released. Since his transfer to the Texas detention center he has not only not seen his son, he has seen his fiancée sporadically as she cannot afford the trip (ACLU, 2014).

Added to the stress of being locked up for an administrative transgression, immigrant detainees are also forced to endure geographic isolation. This means that detainees cannot access lawyers, legal resources, or even basic resources to help their families with the transition. These transfers and facility locations “[wear] down the detainee’s willingness…to pursue appeals” (Parker, 2009, p. 81). This isolation not only helps to create hopelessness in the detained individual, it also allows these facilities to resist external pressures to reform (ACLU, 2014).

months were beyond anything my parents could imagine. Because each facility sets their own phone rates, prices per phone call minute can be just about anything. My parents took advantage of the fact that my mother has a well-paying job, and my dad called collect almost every night—a luxury my mother paid for in astronomical phone bills for the next few months.
RESTRICTIVE AND PROHIBITIVE VISITATIONS.

Departments of Corrections do their best to assign prisoners to correctional facilities within driving distance to their homes—typically about 500 miles (ACLU, 2014). This allows them greater access to their families as they are seen as fundamental to an inmate’s rehabilitation. Yet those in ICE’s custody are not given the same considerations. They are viewed as temporary residents: they are in and then they are gone.

Like the prison system, the current immigration detention policies—especially in the private, for-profit centers—create a very dangerous us versus them mentality. Facilities that house ICE detainees have a track-record of aggressive and arbitrary visitation policies.

Each facility sets their visitation policies. Like correctional facilities, those in immigration detention centers greatly restrict visitation hours and length, frequency, and number of allowable visitors. As previously mentioned, guards have canceled visitations because of understaffing, and families have been turned away because of their clothing choices. Most held in “Criminal Alien Requirement” (CAR) facilities had not received a single visit from friends or family. Those lucky enough to have family in the position to make the trip, are unable to have any contact during the visit, usually being forced to speak through intercoms or plexiglass—some facilities provide “unreliable video system[s]” (Hyunhye and Shah, 2016, p. 19).

These ICE policies make it especially difficult for prisoners to keep in touch with their families and lawyers—ultimately discouraging visits altogether. It is common practice for immigration officials to move detainees “in the middle of the night without first allowing them to contact family members or attorneys” (Dow, 2004, p. 76). Transfers to CAR detention centers have the most impact on detainees with children. One lawyer told HRW, “So many family
members have told me that it’s like their [detained] relative is dead” (Parker, 2009, p. 82). These people are so isolated from their homes and families that limited visits easily turn into no visits. Hope is lost—for all involved. Lawyers interviewed by HRW described how many detainees signed voluntary departures simply to get out of the detention centers (Parker, 2009). Once back in their home countries, they have more freedom to contact families, more hope—though not much else.

When personal visits seem impossible, detainees might find solace in the available phones. Yet that hope is short lives. While they have access to telephones, calls are extremely expensive and they are monitored. What can be said to loved ones when someone else is listening in? How can calls be paid without a job in the facility? This became even more evident when the detained individual was the primary caregiver and/or wage earner.

Some facilities provided detainees with free calls to lawyers, legal aid groups, while other calls are made collect. Some facilities required all calls to be made collect, at astronomical rates—upwards of $5 per 10-minute calls. Most offer their detained population the chance to purchase calling cards. While these are cheaper overall, detainees are in the same position as the collect calls—affording the cards in the first place. If they are lucky, detainees have limited financial help from their families.

The ACLU (2014) proposed that CAR facilities align with the Federal Bureau of Prisons guidelines regarding visitations and contact with their families and lawyers. In practice, this

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24 When a detainee is making $0.13 a day, paying $5 for a phone call becomes an impossible task. Even with ICE directives, advocating accessible rates, private corporations have little or no oversight which means, immigrants are continuously taken advantage of. For more information see: https://www.aclu.org/blog/immigrants-rights/deportation-and-due-process/forget-about-calling-lawyer-or-anyone-all-if and https://www.ice.gov/doclib/dro/detention-standards/pdf/telephone_access.pdf
would look like telephone rates used throughout BOP facilities, email access, placement within 500 miles of a detainee’s home, among others.

HRW found that ICE focuses on their “legal authority”25 to transfer detainees from Vermont to New Mexico or New York to Arizona (Parker, 2009). This aggressive mentality, coupled with the unorganized and decentralized placement system ICE employs, leads to the constant loss of detainees for weeks at a time. In order to transfer an inmate in a correctional facility there is a protocol to follow, rights to guarantee, and regulation to oversee. Transfers in immigration detention—as previously discussed—are rarely subject to regulation and oversight. The most important difference to note in these transfers, and the most worrisome, is that immigration detainees are supposedly not being punished.

Denying a parent visits with their children, especially when parents do not deserve it, can lead to incredible stress for both parent and child. This, in turn, can lead to negative effects in the development of children, as well as severe the parent-child bond in an aggressive and permanent manner. These children, without proper intervention or containment, can lead to extreme behaviors and isolation from their day-to-day lives.

When faced with the possibility of Plexiglas visits, parents and/or guardians are hesitant to bring children. How do you explain to a child that their parent did not do anything wrong, it is just the system? When the child’s guardian is also undocumented, how do you make a visit happen? Some facilities warn family members that they should avoid the building if they are

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25 Specifically, the transfer policy they use is that contained in section 8 U.S. Code § 1231 - Detention and removal of aliens ordered removed: “The Attorney General shall arrange for appropriate places of detention for aliens detained pending removal or a decision on removal. When United States Government facilities are unavailable or facilities adapted or suitably located for detention are unavailable for rental, the Attorney General may expend from the appropriation “Immigration and Naturalization Service—Salaries and Expenses”, without regard to section 6101 of title 41, amounts necessary to acquire land and to acquire, build, remodel, repair, and operate facilities (including living quarters for immigration officers if not otherwise available) necessary for detention.”

https://www.law.cornell.edu/uscode/text/8/1231
undocumented, while others completely ban them. Children are surrounded with discourse and actions accusing their parents of misconduct, showing these children that they should be ashamed. When facilities do everything in their power to isolate the detainees and their families, children are the ones that suffer most.

**COLLATERAL DAMAGE: CHILDREN OF DETAINED PARENTS AND THE WELFARE SYSTEM.**

On paper, ICE has urged its agents to practice discretion when detaining parents, especially of U.S. citizen children. In practice, this is not always the case—anyone found deportable ends up in a facility. Between 2010 and 2012, 205,000 parents of U.S. citizen children were deported (Koball, et. al., 2015, p. 59).

When a parent was unable to arrange for care before their detention, the state usually gets involved. Yet there are no policies for how cases with detained parents should be handled—it is usually a matter of luck, of who is assigned to oversee the case (Rabin, 2011). If apprehended by ICE, parents are given the chance to make a call to arrange childcare for their children for the near future (Koball, et. al., 2015). If local authorities first detain a parent, there is no guarantee they will ever have the chance to make that phone call, but they will have the chance to call a lawyer.

Parents in detention facilities are being stripped of their children and their right to care for them. With the constant transfers, child welfare cannot properly notify them of hearings. If they manage to at least respond to the hearing notification, setting up visits is a herculean task. For security reasons, visits can be canceled last minute, security screens and searches are over the top, and the atmosphere is not child friendly at all (Hall, 2011). Many families opt to not have their families visit so as to not see how they are living. “[Our families] don’t know that we
suffer, that we're not treated with respect, or that we sometimes lack food or blankets. We don’t
tell our families. I just don’t want my kids to see me like this,” said Vicente, a prisoner at
Willacy County Correctional Center (ACLU, 2014, p. 86).

Parents want to see their kids, want to be involved, but are not given any tools. Immigration laws make it impossible for families to maintain a relationship during detention and after deportation. During detention, families cannot visit because of distance and cannot talk on the phone because of the costs and emails are forbidden (Rogerson, 2013). Once deported, parents do not have the same network and resources they did in the states. Trips to visit are expensive, phone calls work but are never enough, and email is allowed but computers are too expensive.

Best-case scenario, families visit once a month. The reality however, is that the majority of detainees never receive a visitor. Those that are fortunate enough to receive visitors are faced with another surprise: the visit will not be in-person. Instead, the facility offers visits through a video system that does not always work (Hyunhye and Shah, 2016).

If the child is placed in foster care, foster parents aren’t required to help the parent and child maintain a relationship. When a parent is in ICE custody, just making a phone call is impossible. Reunification plans are not possible in detention facilities. Parenting classes, rehabilitation programs, among others are not offered in detention making it difficult for parents to prove they are fit to raise their own children—whom they were forcibly separated from (Rogerson, 2013).
COMPARING CHILDREN OF DETAINED AND DEPORTED PARENTS WITH CHILDREN OF INCARCERATED PARENTS.

Children of detained parents and children of incarcerated parents could almost write the same book about their experiences, about growing up in communities where everyone understands or no one knows what it is like, about visiting their parents, about how alone they feel. Most of these children already had problems before the incarceration or detention of their parents—for example, poverty, violent communities, substance abuse. Sometimes, children of incarcerated parents end up children of deported parents after a parent completes his sentence.

However, children of incarcerated parents are given so many more opportunities to spend time with their parent as inmates are still guaranteed basic protections under the law. Those in correctional facilities have the right to attend all court hearings, Family Court, Civil Court, as well as Criminal Court, something not guaranteed or offered to immigration detainees even if they have an Order to Produce.

Children with incarcerated parents face numerous taboos and stigmas, just as those of detained parents. Both of these vulnerable groups live with families that worry about meeting their basic needs—food housing, schooling. Both groups of children are likely likely to suffer PTSD-like symptoms and shame. Yet children of incarcerated parents are more easily identified and provided with services to help them adjust—usually through schools or churches. For example, in New York State, families that are eligible for the Family Visiting Program are provided a free bus to many state prisons (LIFT, n.d.).

Continuing its role as a pioneer in progressive policies, New York State’s Bedford Hills Correctional Facility had a nursery set up for mothers where those involved in the Children’s
Center can care for their baby until they are one year old—sometimes extended to 18 months if the mother will be released then (Morash, et al., 1998). Understanding the importance of a mother-child bond early on, and the importance to an inmate’s re-entry upon release, this program gives women a reason to take prison and motherhood seriously.

Communicating with children while in jail is difficult, just it is in immigration detention, due to the costliness of a phone call. Yet one particularity incarcerated parents face that may exist in immigration facilities but isn’t as prevalent, is whether or not your call will go through. As phone calls are placed collect, incarcerated parents need the child’s caregiver to accept the charges (Hall, 2011). As the circumstances surrounding how one person ended up in jail or in detention are vastly different, it is understandable that inmates would have a harder time accessing their children via phone. Fundamental to accessing an incarcerated parent, is said parent’s relationship with the child’s current caretaker. In 2004, 15% of incarcerated parents in federal prisons had never spoken to their child on the phone.

When phone calls are accepted and children have the opportunity to speak to their parent, it’s possible that the conversation and relationship will be strained and awkward as both attempt to avoid painful or personal topics. Leading most parents and children fumbling through small talk (Nesmith and Ruhland, 2008). The relationship these parents have with their children while incarcerated, just like detained parents, is directly linked and affected by the relationship they had prior to incarceration. Those with strong relationships had children who suffered, and most likely had their families visit most often (Nesmith and Ruhland, 2008).

Face-to-face visits are even more difficult to arrange when a parent is held in a rural facility. If the mother is detained, these visits become even more difficult as there are less
facilities and they are even more remote. As with immigration detention, the department of corrections rarely takes into account if the inmate is a parent and the effects the incarceration, especially far from home, will have on the inmate’s children. In practice, “there are more children with incarcerated parents than there are people in prison” (Boudin, 2011, p. 77). Over half of the parents held in state prisons hadn’t been visited by their children in 2004 (Hall, 2011). Considering how overcrowded prisons are and the aggressive rhetoric towards imprisonment, it is likely that many parents still do not get personal visits from their children.

As children of detained parents, children of incarcerated parents have difficulties before and during visits to their parents. The first challenge is always getting to their parent, as most facilities require a child be accompanied by a qualifying—legal guardian, blood relative—adult, or that they provide the proper documentation proving who they are. Once they have arrived at the facility, very few prisons across the country are child-friendly. Most visits include aggressive staff and an aggressive experience. Children can be required to wait hours to see their parent, may be subjected to searches, as well as “hot, dirty, and crowded visiting rooms with no activities for children” (Christian, 2009, p. 5). Without the proper stimulation or warm environment, children will not always take advantage of the visit with their parent; instead they will focus on their fears and shut down.

One major, positive difference between detention and corrections is the access to extended family visit programs. While available to an extremely small number of inmates, these parents and children have something children of detained parents only dream of—more than a couple of hours to talk, hug, and laugh with their parent. Extended family visits allow for the development of parent-child relationships as well as prepare parents for life after prison. EFV
programs allow parents to maintain their original role in their child’s life away from watchful guards and new caretakers.

Unlike prison sentences, immigration is often sudden and without notice and indefinite. Inmates are given more time to plan for their child’s care. Most likely, incarcerated parents are provided with more resources to maintain a relationship with their child because they will eventually return to their normal life, whereas detainees will probably be returned to their home country (Hall, 2011). While this would make sense if the only people affected were detained noncitizens, but as most have U.S. citizen children the government is forgoing its responsibility to protect them.

Yet children of incarcerated parents are end up arrested more often than others—45% of young people arrested in Sacramento had an incarcerated parents (Raeder, 2012). As these children are both more likely to end up in poverty, they are more likely to look for easy ways to “get back at their parents.” Meanwhile, prisons continue to cut down on programs that would provide families a way to cope with the separation and prepare an inmate for life once they are released. Promoting contact and visitation among children and their incarcerated or detained parent can reduce recidivism, create reduce the intergenerational arrests, and promote healthy child development (Christian, 2009).

If parents are released from jail or detention, their relationship with their child is forever changed, both for good and for bad. Children develop changed relationships with their current caregiver, and it becomes difficult to give the parent their old job. Instead, parents and children must work to create a new bond.
BRIEF REVIEW OF DETENTION CENTERS ACROSS CALIFORNIA

The Department of Justice of California conducted a review of the ten public and private detention facilities in California (see breakdown of facilities in Figure 3). While the review faced many challenges, there were numerous insightful conclusions reached. For example, none of the facilities “permit contact visits (without a glass barrier between the visitor and the detainee) with family or friends.” Phone calls are limited by “the facility’s scheduled times for phone calls, the high cost of making calls, and technical barriers” (Becerra, 2019, p. iv).

The report found that the standards used in immigration detention centers didn’t “meet the unique needs of individual in immigration detention” because the standards used were designed for criminal incarceration (Becerra, 2019, p. iv). This means that the unique mental health issues, the language limitations faced, and the cultural barriers encountered aren’t taken into account when services are provided. Even more interesting, was the Ninth Circuit Court of Appeal ruling that states detainees “awaiting adjudication [are] entitled to conditions of confinement that are not punitive” (Jones v. Blanas; Matherly v. Andrews).

This report analyze the cost of detaining immigrants in all 10 facilities. These are three of the most impactful costs. First, Adelanto, the second largest detention center in the US, has the capacity to house a maximum of 1,940 detainees. According to ICE it pays $113.51 per bed with a minimum guaranteed of 1,455 beds per day. Otay Mesa holds over 1,400 detainees from ICE and USMS. This report found that ICE pays a flat monthly rate of $2,746,406.04 that guarantees a minimum of 600 beds per night. On the public side of detention, ICE pays Yuba County Jail $97.39 per bed per night for a maximum of 220 detainees (Becerra, 2019, p. 21, 30, 34).
EXTENDED FAMILY VISITS PREVENT ADDITIONAL HARM TO CHILDREN AND FAMILIES

By criminalizing immigration, undocumented immigrant parents of U.S. citizen children face extreme hardships, fears, and uncertainties raising their children. Once they are detained, these feelings and fears are only magnified. Many times sole breadwinners, single parents, and legal guardians are stripped away from their children. These children are often times ignored or forgotten by ICE, the immigration judge, social services—just about all agencies tasked with protecting U.S. citizens.

Though not all children are left alone or forgotten, the vast majority are. Those that do not have an adult able to care for them, and are identified by immigration officials are often put into foster care—sometimes even adoption proceedings. These children and parents suffer doubly—they are first separated from one another with no guarantee they will reunite, and they must then navigate the child welfare system alone. Ackerman and Furman found that children of detained parents were extremely likely to end up in foster care even when capable family guardians are available because these individuals “learn to greatly distrust child welfare
personnel who [are] …associated with the criminal justice system” (Ackerman and Furman, 2013, p. 259). Sarah Rogerson found the family justice system to be complicit in this inevitable separation. She argues they are not equipped to handle the complexities of parents in immigration detention, going so far as to affirm that the system “actively [discriminates] against…unauthorized parents as unfit” (Rogerson, 2013, p. 141).

The costs to the caregiver are unimaginable. The caregivers are left with children who have low self-esteem, do poorly in school, and begin to act out. Mothers and fathers become single parents, distant relatives become parents, and some siblings become guardians overnight. Correctional facilities are typically far from home making frequent visits logistically and economically difficult. The financial burden is unexpected and sometimes leads to even more trauma for children. A study conducted in 2005 found that a parent’s imprisonment lead children to exhibit signs of distress in the weeks immediately following the separation. Meanwhile, from this sample, 63% of children developed insecure-negative attachment towards their parent (Murray and Farrington, 2008). In essence, parents “are physically absent, but remain psychologically present” (Boss, cited in Rodriguez, 2012, p. 44).

**REDUCING UNNECESSARY FOSTER CARE PLACEMENTS.**

Detentions and deportations sometimes force children into foster care, for no other reason than their parents’ lack of access to the welfare and judicial systems. The total cost to care for

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26 When parents are detained, their children are more likely to find themselves in foster care as the parents are unable to care for them and are often times unable to provide adequate living arrangements. These parents are usually desperate to get their children back, but because there is no legal protection for parents with Family Court cases, they find themselves unable to navigate a system not designed to favor them. The parents aren’t given the possibility to defend themselves or their children from a State that doesn’t take into account the double vulnerability undocumented parents in detention suffer.
each child is approximately $26,000 per year. In 2013, ICE told CNN than an average of 17 children are placed in state custody each day due to a parent’s apprehension (Rodriguez, 2013).

According to the report Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System, there were at least 5,100 children in foster homes in 2016 due to the detention or deportation of their parent(s) (Freed Wessler, 2011). As child welfare agencies aren’t equipped to handle children of deported parents, they provide incomplete services at best. ThinkProgress found that welfare agencies could not find parents, reestablish contact after a transfer, or set up home visits with family members (Koball). Similarly, once arrested, parents are sent to detention centers without knowing where their children, how to contact them, or what arrangements have been made (Bess, 2011).

Because of welfare policies, children who are in foster care for 15 of the last 22 months, and their parents are not in a reunification plan, are automatically placed for adoption. This means that children from loving homes, with attentive parents can find themselves thrown into a new family. The almost guaranteed language barrier parents in detention face make day-to-days impossible—not only are they fighting a deportation, they are fighting policies and systems designed for them to fail.

As Ackerman and Furman (2013) found, children in the child welfare system were more likely to find themselves in the criminal justice system, increasing the actual costs to the state in the long-term. On the bright side, children under 5 years of age whose parents are deported are often adopted. However, the probability that these children will integrate into their adoptive family is almost extremely low—especially for those children that know and/or understand why
their parents do not come home. These children face psychological trauma and financial difficulties.

Even when judges and child welfare agents are willing to place children with undocumented relatives, many relatives are still wary of accepting the children for fear the down the road ICE will show up (Rabin, 2011). When family members do accept the child(ren) parents are more at ease and will have an easier time getting their children back when the time comes. If a child is fortunate enough to be placed in the care of a relative, parents who are indefinitely detained do not have to worry about the termination of their parental rights, as it is one of the few exceptions to the law (Hall, 2011).

**Foster Care and the Termination of the Wrong Parents’ Rights.**

Terminating a parent’s rights is the very last resort—so long as the parent is not a threat to the child. Child welfare agencies are required to exhaust all other avenues before requesting the termination. Yet undocumented parents often find they have lost their rights to their children.

Once a parent enters immigration detention, the likelihood of locating them or them participating in child welfare proceedings drops to almost zero. Judges and attorneys for Family Court still do not understand the complexities of immigration detention or proceedings. Therefore when a parent goes missing, they take it as the parent abandoned the child—even in cases when the parent was always present and working hard toward reunification (Rabin, 2011).

As termination of parental rights becomes more probable when a parent is detained and deported, applying extended family visits to immigration facilities policy would allow parents to have meaningful visits with their children and even if they are once a month. This would increase parent participation in their child’s life and reduce the likelihood of a parent’s rights
being terminated. As fathers are statistically more likely to abandon a child, child welfare agents sometimes do not bother looking for a “disappearing dad,” writing them off as uninterested, even when they know there is a chance the parent is in immigration detention (Rabin, 2011, p. 120). Criminalizing undocumented parents before hearing their case already sets them back—they start with everyone assuming they will not get their children back, instead of how they can help them get her children back. As one judge put it,

“This was a dad on the verge of getting his children back and he's just gone. None of us know where he is. We know he was picked up and was being detained pending deportation, but we don't know where. His lawyer can't get any information, can't get a hold of him, he's gone. For me, that's the norm-I hope that's an anomaly” (Rabin, 2011, p. 121).

The most difficult part of having a parent in detention is the uncertainty. If a parent is going to fight their removal order, they can be detained for months with no real end in sight. Child welfare agencies cannot make long-term plans for the parents—they don’t know if the parent will be let out, if they’ll be deported, how much longer they’ll be detained. In the criminal system, lawyers, judges, and CPS know the drill—they know how much longer the parent will be incarcerated, they know the visiting schedule, what the facilities are like, etc. (Rabin, 2011).

Once an undocumented parent’s parental rights are terminated, getting her children back is a distant dream. Professor Marcia Yablon Zug found that, if appealed, terminations are overturned. However, most parents do not appeal the decision because (1) they cannot afford to, or (2) they have already been deported. Parents have their rights terminated, not because they are unfit, but because they deem “one environment or set of circumstances is superior to another”
(Hall, 2011, p. 1472). Even as the Supreme Court has repeatedly ruled that the right to parent is fundamental, parents still find themselves without their children.

After parental rights are terminated, there is no guarantee a child will be adopted. The only real guarantee they have is a severance in their relationship with their biological parent, difficulties maintaining a relationship with their extended families, and little to no access to their siblings (Raeder, 2012). Some children are placed in foster care for the remainder of their childhood even after proof that their parents did not abandon them.

**WHAT PROBLEMS DO EXTENDED FAMILY VISITS SOLVE? WHICH ONES MIGHT THEY CREATE?**

**POSITIVE EFFECTS ON CHILDREN.**

Family and parenting programs in prisons have been shown to have positive effects on both incarcerated parents and the children on the outside (Mowen and Visher, 2016). The more involved a parent can be, the better able a child is to adapt to the change in their secure base. As Bronfenbrenner would suggest, the more positivity surrounding a child during a parent’s incarceration, the more likely they are to grow up better off and better adjusted.

The Association for the Prevention of Torture suggests, particular efforts should be made to maintain contact between parents and their children where it is in the best interest of the child. In some cases, children may reside with parents inside prison but the environment must be appropriate. For parents separated from their children, the experience of a parent – and usually it is the mother performing the primary caregiver role – in detention without their child can be traumatic. Feelings of anxiety about the child’s welfare can cause particular stress and hardship for detainees. Detaining authorities should make visiting
facilities as child-friendly as possible, and consider other ways to assist parents maintain regular contact, for example, allowing extended excursions for family outings and events. In some cases, however, it may be in the best interests of the child for contact between detained parents and their child to be prohibited (APT, n.d.).

Research agree that visitations were most important for children when there was a strong relationship prior to incarceration. One study found that frequent, meaningful visits helped children adapt their attachment patterns in a positive way. At the opposite end, those policies that limit children’s access to parents while also limiting the quality of their encounters tend to lead to increased family conflict (Mowen and Visher, 2016). Progressive and child-friendly visitation policies improve family relationships, are proven to improve parents’ readjustment when released, and improve children’s physical and mental health, as well as their academic performance. This is especially true, and especially necessary in disadvantaged families who cannot always afford multiple trips to visit a parent (Mowen and Visher, 2016).

**Drawbacks of Living with the Knowledge of a Parent’s Immigration Status.**

Research has shown that parents' undocumented status influences the health and development of their children, as well as their relationship with government resources—such as education and healthcare. Even if resources are available for a family, parents often avoid situations that would require them to provide any documentation for fear of being turned over to immigration authorities (Cousins, 2014). Due to this, children are more likely to experience food insecurity because parents are afraid to access government programs for which their children are eligible to not draw attention to themselves. Parents are also less likely to acquire health insurance for their U.S. citizen children, even the programs that are heavily subsidized for low-
income families. In terms of schooling, these fears manifest themselves in children not being enrolled in preschool programs. During these critical years of emotional and social development, their own parents exclude U.S. citizen children of undocumented immigrants, though not maliciously.

The more likely a parent is to be deported, the more stress and fear are felt within a household. An APA report found that from 2006-2016 over 2 million people were deported from the United States (Zayas & Cook Heffron, 2016). As Allen et al. (2015) found in their study, children were more likely to suffer from depression if their parent was deported than those children whose parents were not deported or were still in the hearing process. This is probably because the latter group still had hope things would work out. Children of deported parents understand that their new reality no longer includes the family under one roof. They are also witnesses to their remaining parent’s distress and fear now that they must take on a new role.

**Extended Family Visits, Immigration, and Child Welfare Agencies.**

When children, like Ana’s, are in state custody, visiting a parent becomes fundamental. It is how parents can show they are still involved. While detained accessing families borders impossible, so how can extended visits help? These programs give incentives to the state and parents. If children can spend more than two or three hours with their parent, a visit is more likely to be planned. If a child can spend this time with their family, caseworkers are able to properly assess parents when deciding long-term placement. Even without the guarantee of when a parent will be released, working with a detained parent can lead to kinship placement or reunification efforts if deportation is order. Caseworkers stop assuming parents abandoned their children, and parents can help raise their children even if it’s from a distance.
EXTENDED FAMILY VISITS AS COMPARED TO CURRENT ALTERNATIVE TO DETENTION PROGRAMS

ICE argues that transferring detainees to ATD programs—that are financially more cost-effective—would “curtail its ability to make the best and most cost-effective use of the detention beds it has access to across the country” (Parker, 2009, p. 6). This is most likely referring to the controversial Congressional detention bed mandate. Another unnecessary cost to taxpayers is the mandatory minimum payment ICE must pay the private prisons to operate. The Diaz and Keen report found that these contracts are worded in such a way that these companies have “bed guarantees,” which, if not met, means taxpayers will end up paying about $159 per bed—regardless of if it’s in use (Kozlowska, 2017).

ATDs, according to the ACLU, cost between 17 cents and $17 per day per detainee. A 2013 pilot program found a 99% appearance rate at immigrant hearings, and 79% compliance with removal orders (Epstein, n.d.). At their most expensive ($17 per day), ATDs would cost taxpayers less than $320 million per year—approximately $2.26 per taxpayer per year.27

Instead of being detained or wearing ankle monitors, immigrants are allowed to live with their families. Freedom for Immigrants has a community-initiated program, Post Release Accompaniment Program (PRAP), which provides asylum seekers “who would otherwise be detained with the ability to fight their case from the outside.” Through this program, immigrants receive help in obtaining parole, and are provided housing, lawyers, transportation to court hearings and check-ins, and even minimal financial assistance. Following the success of their program, they’re working on expanding it to include others in immigration detention.

27 These numbers were calculated taking the Trump administration's new bed quota of 51,379 and multiplying it by $17, then taking that total ($873,443) and multiplying it by 365 in a year. That total ($318,806,695) was then divided by the above 2015 taxpayer estimates (141.2 million taxpayers).
Freedom for Immigrants currently helps those in immigration detention center through their Bond Fund. The purpose of the fund is to show that “immigrants do not need to pay bond or be imprisoned to ensure compliance with their legal proceedings.” By providing resources, case management, and accompaniment support, this organization ensures that immigrants appear at court hearings, families are prepared, and no one is navigating the systems alone. From the information available, Freedom for Immigrants estimates that “it only costs about $17 per person per day to support individuals through our case management services versus $145 per person per day to keep them locked up in detention” (2018).

In 2013, Lutheran Immigration and Refugee Services (LIRS) and U.S. Conference of Catholic Bishops signed a Memorandum of Understanding with Immigration and Customs Enforcement (ICE) to administer self-funded community-based alternatives to detention pilot programs. Through nonprofits and community organizations, this program provided immigrants with the tools to fight their deportation orders and the security that their families would not be alone if/when they were deported.

Freedom for Immigrants argues that the current ICE-approved ATDs are in fact alternative forms of detention. Behavioral Interventions, a subsidiary of the GEO Group, administer intensive Supervision Appearance Program (ISAP). ISAP relies on the use of ankle monitors, biometric voice recognition software, unannounced home visits, employer verification, and in-person reporting to supervise participants. The reason it is not believed to be an alternative to detention is that “it privileges surveillance over support.” Another alternative is the Family Case Management Program. The original plan was to provide social, medical, and legal

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services to 1,500 mothers and children who would otherwise be detained through community organizations. However, ICE awarded the contract to GEO Care, another subsidiary of GEO Group (2018).

Research conducted by HRW in the United Kingdom, Canada, Indonesia, and the United States found that for families, community-based alternatives to detention are preferable “in virtually every respect.” Beyond the positive effects alternatives to detention have on families, HRW found they are also more cost-effective. The ACLU recommends that ICE use their funds to create and promote Residential Reentry Centers and home confinement options “which could help divert low-security prisoners out of existing facilities, reducing BOP overcrowding and eliminating the need for additional beds”—eliminating the financial costs of the immigration bed quota. A COHA study provided yet another alternative to detention that is a bit more controversial. They propose that Congress expand development programs in Latin America to provide people with alternatives to emigration (Diaz and Keen, 2015). They acknowledge that this proposal is much longer term than other programs, but it is most likely to be the one with the longest-lasting impacts the government is looking for.

**CONCLUSION**

In this section we analyzed the need for EFVs in immigration detention centers as the criminalization of undocumented immigrants intensifies, and the number of people and parents held in detention centers continues to increase. The current and future importance of U.S. citizen children of undocumented parents is also analyzed in the section as their social, emotional, and physical developments are negatively impacted when they are forcibly separated from their parents. We also enumerated the similarities detain undocumented parents and incarcerated
parents face, as well as the aggressive differences -- such as the restrictive, and frequently cancelled visitations available in detention facilities. The purpose of this section was to demonstrate the negative impact detaining parents have on their children, as well as emphasizing how EFVS can reduce them. As the purpose of this thesis isn’t to advocate for ending the practice of immigration detention, the focus continues to be on highlighting the positive effects EFVS can and would have on detained parents as well as the development of their children. In the next section we’ll examine the effects of family separation as well as understand whether detention policies encourage family unity or not. This section also seeks to show the long-term economic effects detention policies have on the U.S., as they pertain to the earning potential of U.S. citizen children.
CHAPTER IV: FAMILY SEPARATION

Uncertainty is the root of mixed-status families’ anxiety: will today be the day? Children from mixed-status families live under a cloud of fear—“where will I live?”, “when will I see my dad again?”, “when will he come home?”, “what next?” Even with all of the love and support from the caregiver are not enough to relax the child—sometimes they make things worse. In the last year, the number of parents creating contingency plans and requesting powers of attorney in the case of their deportation has increased (Schochet, 2017).

This leads families to live a life of constant anxiety and fear which children easily feel. The experiences of U.S. citizens living with undocumented parents are unlike any other, often these children have nowhere to go and nowhere to turn to, especially if their parent was detained without their knowledge. This constant reminder that parents and children can be separated at any time through detention or deportation causes heightened stress and emotions for everyone—sometimes leading to strains between parent and child.

The foundation of attachment theory is that a parent must be present and accessible for a child to develop their bond. Parents are the foundation of children’s everyday lives. When children are separated from their parents, the psychological, physical, and emotional toll this takes on them is enormous. This separation can sometimes be more detrimental than the death of a parent (Fournelle and Hofferber, 2008). For Bowlby, there is a difference between separation and loss—a detained or deported parent is separated from the child, whereas the death of a parent is a loss. With the more finite and sympathetic nature of death, children with detained or deported parents are simply ignored— they have alternatives to this separation, though not ideal.

29 See Appendix A for summary of Attachment Theory
DO ICE’S CURRENT DETENTION POLICIES PROMOTE FAMILY TIES?

The legislative origins of today’s immigration detention system show a desire to punish noncitizens thought to be dangerous to society. These laws began to focus on severely punishing non-citizens in the 1980s and 1990s—in support of the United States’ “War on Drugs.” Congress developed drug policies that intertwined with concerns that immigrants were bringing the scourge of drug use and drug trafficking into cities across the country (García Hernández, 2017). Most importantly, this era signaled the expansion of the government’s detention authority.30

Following the terrorist attacks of September 11, 2001,31 the United States government implemented a set of policies that forever changed the country’s immigration landscape. Because all 19 men who carried out the attacks that day were foreign-born who had entered the country legally, detecting and preventing the entry of would-be terrorists became the central motivation

30 IRCA was designed to balance public concerns about increasing illegal migration with businesses’ needs for cheap labor. In its final draft, the legislation focused on creating a pathway to citizenship for undocumented immigrants currently residing within the country and reducing illegal migration by strengthening border controls and sanctioning employers who hired these undocumented immigrants. Long-time undocumented immigrants in the United States who could prove their continued residency within the country prior to January 1, 1972, were allowed to apply for permanent residency eventually leading to U.S. citizenship. Those residing in the country as of January 1, 1982 could apply for temporary residence that could possibly lead to permanent residency. The second component of IRCA focused on deterring illegal migration in the future. For the first time, federal law made employers responsible for verifying and maintaining records of the legal status of all employees they hired after November 6, 1986. Employers who hired undocumented immigrants faced severe penalties for every undocumented employee (Bergeron, et al. 2011). In 1996, Congress passed the Illegal Immigrant Reform and Immigrant Responsibility Act (IIRIRA), representing an effort to strengthen and simplify the immigration laws of the United States. The law was designed to improve border control by imposing criminal sanctions for organized crime, the smuggling of illegal immigrants, and the use or creation of fraudulent documents, as well as increased investigations by the Immigration and Naturalization Service (INS) to monitor visa applications. This law also mandated the former INS to consider purchasing or leasing “existing prison, jail, detention center, or other comparable facilities suitable for” the detention of undocumented immigrants—specifically those charged with drug crimes (INA, 241 (g) ii). This congressional mandate, if you will, led to the growing reliance on private prison corporations to meet the bed space needs created after these immigration reforms. Employment programs and eligibility verification standards for employment were also institutionalized in this Act, including sanctions against non-compliant employers and restrictions on unfair employment practices related to immigration, as well as new policies dictating what access immigrants have to social programs.

31 This section of immigration policies is regarded as a time since experts argue that it is a critical point in which policies shifted their focus to being one of national security. Therefore, most of the laws sanctioned after September 11 are heavily focused on monitoring migrants. Little legislation since that day has attempted to humanize immigrants and their families, or recognize the growing presence of refugees.
for immigration policy Post-9/11 (Iyer and Rathod). Due to this, the INS, which had overseen immigration and permanent residencies from within the DOJ since 1993, was dissolved in 2003. It was replaced by the larger infrastructure of the DHS, which was created under President George W. Bush directly after the 9/11 attacks in November 2001.

Specifically, the functions previously carried out by the INS were replaced by three DHS sub-agencies: Customs and Border Protection (CBP), Citizenship and Immigration Services (USCIS), and Immigration and Customs Enforcement (ICE). ICE was also responsible for enforcing the Safe Communities and 287(g) programs. This led to a fundamental shift in the American philosophy of migration—from one that was mainly welcoming to one that largely deflects. It also makes the average immigrant guilty until proven innocent.

Though the immigration detainee buildup began in the mid-1990s, beginning in 2003 Congress has “doubled to $1.7 billion the amount dedicated to imprisoning immigrants, as furor over “criminal aliens” intertwined with post-9/11 fears and anti-immigrant rhetoric” (AP, 2009, paragraph 8). It is not difficult to see how this new policy focus has reflected a cultural change in American society in general. Since 9/11, the visibility of anti-immigrant sentiments has been exploited to the point that today it was the major campaign platform leading to the victory of Donald Trump. This is a major deviation from conservative pre-9/11 America standards—President Reagan, a republican, signed the 1986 amnesty law.

In 2006, Representative José Serrano of New York introduced the Child Citizen Protection Act\(^\text{32}\) aimed at restoring discretion to immigration judges in cases where the expulsion of an immigrant is clearly against the best interests of a U.S. citizen child. At present, an

\(^{32}\) Serrano reintroduced the law in 2009 where it never advanced from the House Judiciary Committee. For more information, see: https://www.congress.gov/bill/111th-congress/house-bill/182
immigration judge, in cases that would separate parent(s) from child(ren), has no choice but to request the permanent expulsion of the undocumented parent from the United States.\textsuperscript{33} There is no room to consider the damage that such separation could cause the child. As a result, parents with citizenship or LPR are forced into the role of single parent, dependent spouses and partners must become breadwinners, and working American families join social welfare programs. Most importantly, children, who are not guilty, lose contact with a parent—breaking up intact families.

On June 27, 2013, the Senate approved the “The Border Security, Economic Opportunity, and Immigration Modernization Act of 2013” (S744).\textsuperscript{34} However, the bill never came out of the Senate nor was it introduced into the House. Several provisions described in the bill were adapted directly from California’s SB 1064. The bill gave discretion to states to consider parental detention or deportation in delaying the filing of a Petition for Termination of Parental Rights (TPR). In addition, the law mandated that state child welfare agencies make reasonable efforts to meet certain conditions before requesting TPRs in such cases (Lincroft, 2013). S744 also includes provisions requiring states to identify, locate, and contact detained or deported parents and/or relatives, and to notify them of the State's intention to file a TPR. This ensures that state child welfare agencies reunite children with their families whenever possible and appropriate, regardless of their immigration status, and provide necessary services to the parent or relative (Lincroft, 2013).

\textsuperscript{33} In cases where the minimum sentence is removal—for example, in re-entry cases.
\textsuperscript{34} In 2013, the CBO argued that passing S.744 would reduce the national deficit $135 billion within the first 10 years, and an additional $685 billion the following 10 years (Nicholson and CAP Immigration Team, 2017). Immigrants, documented or not, are integral to the country’s future economic success.
On August 23, 2013, ICE issued a directive supplementing existing directives, and other detention rules and policies dealing with immigrant parents.\textsuperscript{35} The directive establishes policy and procedure for “identifying, placing, monitoring, accommodating, and removing alien parents or legal guardians.” The directive emphasizes that “ICE personnel should ensure that the agency’s immigration enforcement activities do not unnecessarily disrupt the parent rights of both alien parents or legal guardians of minor children.”\textsuperscript{36}

As family and community ties are of little importance when an immigration judge issues a ruling, families are left to pick up the pieces and find the best way to cope with their new realities. Those who receive a deportation order can face a ten-year ban from the United States.\textsuperscript{37} Where once meant to protect the country from criminals, the CBP now leads the FBI in federal criminal prosecution referrals thanks to the criminalization of re-entry.\textsuperscript{38}


\textsuperscript{36} Ibid.

\textsuperscript{37} Some detainees can be barred from entering up to three years. As those are individuals who have been in the U.S. for under 365 days, they will not be considered for this thesis. The thesis will focus primarily on those barred for up to ten years as those are the individuals that have been in the U.S. for over a year and are more likely to have permanently settled and created family and community ties. These individuals are also the ones most likely to be allowed back into the country with the proper documentation to reunite with their families—even if it is a process that takes longer, and individuals are likely to re-enter without the proper authorization to be closer to their families and loved ones. The ten-year ban can be reduced through an appeal which is costly and difficult to navigate—even when one has a lawyer. Those barred for life are individuals who have been previously convicted of specific crimes (serious felonies, and any drug conviction no matter how small). While they’re removal can have serious impacts on families and communities, they would fall into the category of individuals who would most likely be barred from accessing the extended family visit programs; therefore, they may be mentioned through the thesis, but they will not be the focus of the work.

\textsuperscript{38} The criminalization of re-entry began during the Clinton-era, post-IIRIRA (when it was last updated): “any alien deported...shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation.” The original purpose of criminalizing re-entry was to deter those undocumented immigrants convicted of crimes from returning—in exchange, the government would not send them to prison. However, as immigration laws and political rhetoric have harshen, even those who have re-entered in hopes of reuniting with their families and loved ones—as prosecutorial discretion is still not the norm—have found themselves arrested, convicted, and then deported.
HRW found that many individuals in detention centers are “pressured or misled” to sign removal orders (Meng, 2013, p. 46). This is one of the leading causes of re-entry, as the detainee sometimes does not understand the implications of signing these voluntary departures. Once removed, all they want is to return home to their families. Even when faced with years behind bars, defense attorneys and immigration judges found that re-entry becomes a necessity when the immigrant has strong family ties in the United States. One Texas lawyer has a constant stream of clients thanks to Operation Streamline—many of which are repeat customers. Most have families, most have previously reentered, and many “return within the same week or month” (Meng, 2013, p. 71). Where families are concerned, not even the threat of being sent to a private detention facility can deter a parent from attempting to reunite with a child.

**Effects of Family Separation on Children**

Susan Hois, a child development specialist working with Prevent Childhood Abuse Vermont, described the effects separation from a parent will have on a child at different ages.\(^{39}\) Attachment theory argues that the age of a child’s separation from their parent is fundamental in understanding how stressful the situation will be, and how well the child develops and copes later in life.

During their first year of life, short-term effects of parental loss include the undermining of a child’s sense of security and trust of adults and an interruption in the acquisition of sequencing and basic cause and effect. Long-term, these babies will have “trouble…meeting the

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\(^{39}\) Cynthia Rodriguez (2012) cites Benz’s analysis of children separated from their parents during the Holocaust. Benz argues that there are 7 factors to consider to truly understand the level of trauma parental separation will have on the child: “1. Age of the child at the time of separation 2. Manner in which the child was separated from his or her parents (level of traumatic severity in which it occurred) 3. Environment in which the child remains following the separation (positive or negative) 4. Length of time that the family is separated 5. Whether or not the separation was meant to be permanent 6. Reunification of children with parents when either or both parties have changed 7. Whether or not the reunion of parents with their children severs relationships the children may have formed during the parent’s absence” (p. 8).
dependency needs of others” and will have trust issues. As toddlers (ages 1-3), children who have been separated from their parents, in the short-term, can suffer “interference with their identity” and delay in language acquisition, among other effects. In the end, these toddlers may grow up as permanent “victims,” and they are more likely to develop “borderline personality” problems (Hois, n.d.). When specifically looking at the mother-child relationship, a break during this milestone can lead to isolation or withdrawal in the child’s personality.

As preschool-aged children (ages 3-6), short-term effects of family separation can include “indiscriminate attachment to adults” and “egocentric magical thinking”—thinking he/she caused the separation or can undo the separation. In the long-term, these children can grow up to develop sexual identity issues. As grade-school children, children separated from a parent can focus on the differences between themselves and their classmates, leading them to act out in school. Long-term, these effects manifest themselves as problems in maintaining peer relationships and doing well in school. Finally, if a child is separated from his parent as an adolescent, short-term effects can include opposing one or both parents out of anger and control issues. In the long-term, these teenagers can grow up to be antisocial or even suicidal after feeling their lives are getting out of control (Hois, n.d.). Researchers suggest that losing a parent before age 16 creates a higher likelihood of developing depression. Hois argues that many, if not all of these effects can be minimized if their home life, following separation, allows them to grieve in his own way while providing an understandable explanation for the event.

The ACLU (2014) found that children of prisoners—which immigration detainees are in many ways—show signs of PTSD following separation from their parents. Parental imprisonment can be unexpected and violent. These children become depressed, anxious, and
even withdrawn. Those with parents in prison have a higher likelihood of mental health problems than the general public. As immigration detention is a variation of incarceration, it can be assumed that these children too would have higher rates of mental health problems (Murray and Farrington, 2008). Children of prisoners are also more likely to find themselves partaking in delinquent behavior, according to Bowlby.

**IMMEDIATE AFTERMATH OF A PARENT’S ARREST.**

When an armed ICE agent breaks down a door looking for an undocumented parent, children are restrained from reaching out to their parent. What about the children that don’t witness their parents’ arrest? Often times, parents disappear. Many, if not most, of the children affected by a parent’s deportation are unaware they may fall victim to a broken system. Children return from school to an empty house. Others learn their parents’ fate when no one picks them up from daycare. To avoid the stigma and trauma that is a parent’s detention, family members sometimes choose not to tell their children the truth of their parent’s whereabouts.

The detention and deportation of parents can easily lead to PTSD throughout the family. Some children may stop eating, suffer stress headaches, and resort to cutting or substance abuse, among countless other anxiety-induced symptoms. The physical separation from a parent disrupts a child’s secure base, risking internalizing symptoms (depression, anxiety), externalizing behaviors (withdrawal, aggression), and social and cognitive difficulties.

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40 In 2010, a little girl in Maryland accidentally outed her parents’ immigration status to Michelle Obama. Though an accident, the little girl’s parents could have faced (and still might) very real repercussions. What was supposed to be an innocent and concerned exchange about a little girl’s parents, turned into a very real fear of whether her parents would be home when she got from school. To avoid situations like this, many parents avoid mentioning immigration or immigration statuses to their children. While this allows them to grow and experience childhood carefree, it also sets them up for huge fears if the day comes that they are detained or deported. For more information, see: [https://abcnews.go.com/Politics/immigration-child-outed-illegal-parents-michelle-obama-family/story?id=11336722](https://abcnews.go.com/Politics/immigration-child-outed-illegal-parents-michelle-obama-family/story?id=11336722). On the other hand, Cynthia Rodriguez found that even when parents were honest about their immigration status, children didn’t necessarily understand what it meant. For more information, see: Rodriguez, 2012.
The stigma attached to incarceration and immigration detention cannot be underestimated. When a parent is detained and/or deported, children become isolated and ashamed. They worry that friends or community members will find out what happened and outcast them or stigmatize them for something they cannot control. Those that find out their parents’ immigration status after the arrest are oftentimes encouraged to keep the secret, sustain a family lie. This further isolates the children, and adds to their feelings of shame surrounding their parents’ absence.

For children who do not understand, and those that are not informed, being an immigrant can be synonymous with being undocumented. For him or her, the fear of losing another parent or family member escalates his or her feelings of isolation and desperation. These increased levels of stress and fear surrounding possible or real situations, as noted in the attachment and ecological systems theories, can severely affect children’s physical and mental development. Overall, the longer the separation, the longer the symptoms last, and the longer their adjustment period.

These unnecessary and arbitrary detentions have extreme setbacks on the children left behind. Children of parents in immigration detention centers are twice as vulnerable as children of incarcerated parents. On average, these children must deal with not only the stigma of their parent’s detention and immigration status, but also the almost certain separation from their parent. Citizen children fear that their families could be separated at any time because of the constant and sometimes imminent threat of deportation.
GENERATING FEAR THROUGHOUT IMMIGRANT COMMUNITIES.

Immigrant communities become extremely vulnerable after the apprehension and detention, not to mention deportation, of a community member—especially a parent. The fear is felt at all levels—parents, children, the elderly. Anything related to the government becomes off-limits. Some children are kept from school just in case, victims of domestic violence suffer in silence, witness to crimes hide from the authorities, and health concerns go untreated. These feelings are magnified when local and state authorities partner with ICE (MPI, 2015).

The workplace raids conducted during the Obama administration are an excellent example of the widespread fear immigration enforcement generates. Entire communities can collapse (Brabeck, et. al., 2014). Other times, these raids can lead to individuals and families being labeled pariahs. As one woman states, “Nobody talks to us anymore. They treat us like criminals” (Muller, 2013, paragraph 9). Latino LPRs and even citizens can be excommunicated from their communities.

For children growing up in terrified communities who distrust authority, can affect a child’s (regardless of their immigration status) relationship with the United States, federal institutions, authorities, even their classmates (Brabeck, et. al., 2014). Cecilia Menjivar and Leisy Abrego argue that this type of fear and distrust is “legal violence,’ or harmful consequences of current immigration enforcement practices that deeply affect immigrants and citizens alike” (Karaczan, 2013, paragraph 5).

One article found that fears of ICE are not limited to undocumented immigrants and their families. Authorized immigrants may “still fear deportation, experience discrimination, and as a result, feel less optimistic about the future for their children and more mistrusting of their...
government” (Brabeck, et. al., 2014, p. 501). As the Trump Administration works tirelessly to dehumanize, and vilify immigrants, regardless of their immigration status, this fear is increasing and expanding.

**FAMILIES LOSE THEIR STABILITY.**

Today’s immigration policies do not allow parents to remain in the U.S. because they are the parent of a U.S. citizen child. Therefore, mixed status families are under immense pressure to assimilate and to avoid drawing attention to themselves and their undocumented loved ones.

The personal cost of detention is extremely high—both immediately and long-term. In the short-term, most families with a loved one in detention are not financially able to travel the long distances, nor hire adequate legal counsel. Parents left behind often find themselves relying on government programs to help with their children—school lunch programs, health insurance, etc. Costs, such as childcare, that were once covered by families become intense burdens. Other times, families are not able to properly care for the children left behind opting instead to put them in foster care. This is an impossible decision—once placed in foster care, getting children back becomes a herculean task.

Even if children are left behind in the care of their other parent, the effect of detention and deportation to families is not reduced. In some cases, the results are worse. Parents left behind have to assume new responsibilities, oftentimes with less resources and support. Those most affected by a spouse’s detention tend to be families that are already living week to week where the detained person was the family breadwinner (Koball, et. al., 2015). The cost of hiring an immigration lawyer could cost a family thousands of dollars.41 Because of their immense

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41 The above Urban Institute report interviewed a mother from South Carolina who had paid $20,000 for her detained husband. My mother has hired numerous lawyers to assist on my father’s case (he was deported in 2006),
vulnerability, families of detainees are extremely susceptible to being victims of scam artists. For example, an Urban Institute report found that Chicago implemented policies to protect immigrants because many were preyed on by notarios—unlicensed legal-service providers in the immigrant community. With or without thousands of dollars, with or without legal help, “most parents were ultimately unsuccessful in fighting their deportation… [because] immigration law allows very limited avenues for relief…once cases get to immigration court” (Koball, et. al., 2015, p. 8).

Compounded with the fear and uncertainty of where their spouse is, the remaining parent must find the detained parent while fielding difficult questions from their children. Many families are forced out of their homes when they can no longer afford to stay in their homes. Many times, parents make the choice to move in with family members, if they have them. Others, unfortunately, my find themselves homeless—another reason the state may get involved (Koball, et. al., 2015). Financially, the detention of a parent can lead to a 70% or more decrease in family income. In the same study, the Migration Policy Institute found that 25% of parents went hungry immediately following a spouse’s detention, in order to provide for their children (MPI, 2015).

Families that are victims of worksite raids, or members of affected communities, can have consequences way beyond the loss of a loved one. The stress of pregnant Latina women in Postville, Iowa following the 2008 raid of a factory had ramifications on their unborn babies. Compared to U.S. citizens and immigrants alike, babies born in Iowa to these women were 25% more likely to be underweight (Schochet, 2017).

and each time it’s a few thousand dollars in retainer fees, aside from their hourly wages that are a couple of hundreds (as long as there’s no travel involved).
The Urban Institute’s research showed that parents overwhelmed by the financial and emotional implications of a spouse’s detention and deportation was sometimes too much for them. These parents would ask family members to take care of their children until they were better equipped to (Koball, et. al., 2015). These actions led to further family separation, and could lead to more trauma to the children who would have lost both parents to such a decision.

A Sentencing Project publication found that private prison financial predictions are based on questionable methodologies, and researchers have argued that private prison companies cannot prove they are actually cost effective (Mason, 2012). Which is most likely why Sally Yates issued a directive to phase out use of private corporations to run BOP facilities—finding they are less safe and don’t save taxpayers money (Kozlowska, 2017). After this announcement, ICE has not only continued their contracts with private facilities, they have expanded the contracts awarded.

While states look to BOP as a best practice model, cutting out private prison corporations would be a logistical nightmare. Just locating all of ICE contracts would be extremely difficult as the contracts are usually made with local governments. Implementing extended family visits would be an extremely less costly way of improving the private detention center conditions. The only thing necessary would be the proper ICE oversight of centers to ensure the program’s compliance. To the U.S. government, this program would change very little. For private corporations, the change would result in less profits and the hiring of one or two extra guards per location and purchase a few trailers.

Transnational parenting also becomes an impossible task. While many choose to do it, and may even be successful in maintaining a familial relationship, missing day-to-day activities
severely affect parents and children alike. Other times, deportations lead to family dissolution and a break in a child’s attachment.

As Cynthia Rodriguez (2013) found, deportees are returned to a country without adequate preparation or resources—at best, they are given the little money they had in their wallet and their phone, which most likely does not work abroad, when they were initially detained. Accessing basic goods becomes an expensive task, let alone purchasing electronic goods. Instead, these individuals have to navigate a society they no longer know to find phone cards, public telephones, or internet cafes—which will cost them more than the average call (Rodriguez, 2013). Some families can help their deported loved one by wiring money or purchasing electronics to give them; however, most can barely make ends meet.

Coupled with the lack of opportunities available in many home countries, deported parents face employment challenges and housing disability. Because many deported parents were their family’s primary breadwinner, their “employment challenges and inability to fulfill the provider role, as well as the stigma, shame, and depressive symptoms, many deported fathers lose contact with their children” (Brabeck, et. al., 2014, p. 500). The deported parent resists adapting to their new role, instead opting to completely disengage. This leaves the remaining parent and child without the emotional support they need and want. Some experts argue that deporting parents can be worse than the death of a parent. Yet, other parents, faced with a lack of opportunities in their home country, have been caught by CBP attempting to re-enter after a

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42 In Argentina, purchasing a basic cell phone can cost $70 (at 45 ARS to 1 USD) + a plan or pre-paid SIM, for examples see: https://tienda.personal.com.ar/equipos/?O=OrderByPriceASC. A basic laptop can cost upwards of $1000 + an internet plan.

43 My mom sends our dad money monthly to make sure his needs are met. In the last 11 years, she’s had the possibility of buying my dad 3 computers to keep in touch (2 were stolen when his house was broken into on 2 different occasions).
deportation. For these parents, the challenges and costs of attempting to reenter the United States were outweighed by their children’s need for them, and the lack of opportunities present to them in their home country coupled with the difficulties children might suffer if they moved to the home country (Koball, et. al., 2015).

**Physical, Emotional, and Economic Effects of Parental Separation on Children.**

A forced and unexpected separation from a parent can have long-term consequences on children. Even children left in the care of a parent in a safe and loving home will negatively suffer from forced separation of a parent.

Deportation is one of the most violent and permanent forms of family separation. Yet by the time a parent is deported many children have already suffered multiple immigration related traumas—not least of all is their loss of a loving and caring parent. Some may have witnessed their parent’s arrest, while others visited parents in detention centers, and others may lose their home due to financial problems.

This forced separation, according to Bowlby’s attachment theory, suggests that children would lose their secure base. The physical separation of detention, especially when it is unexpected, risks depression, anxiety, withdrawal, aggression, and even cognitive difficulties. The younger a child is, the more devastating the effects are for future development and relationships. As Brabeck, et. al. (2014) argue, all learning—be it to read, to manage anger, or to order food in a restaurant—“happens in the context of important relationships, of which the primary caretaker-child relationship is paramount” (p. 500).
The Urban Institute and the National Council of La Raza found that the most common effect of parental loss were loss of appetite, nightmares, and heightened fear. This study also found, however, that in both the short- and long-term, children suffered developmental, behavioral, and academic difficulties following a parent’s arrest (Brabeck, et. al., 2014). These specific changes, according to a report by the Center for American Progress, can easily be attributed to the increased stress seen and felt within children’s homes, schools, and communities. Research has found that “levels of high stress can change a child’s brain architecture” negatively influencing their overall health, wellbeing, and development (Schochet, 2017, paragraph 14).

As previously discussed, children of detained and deported parents share many attributes with children of incarcerated parents. As such, analysis of the effects parental incarceration has on children will be useful to help fill in the gaps of research concerning children of detained and/or deported parents. For example, parental incarceration is a recognized a potentially traumatic experience and it is unique from other adverse experiences because of the “unique combination of trauma, ambiguity, lack of social support, shame, and stigma” (Rojas-Flores, et. al., 2017, p. 352). If we add to this, the current administration’s war on immigrants, children of detained and deported parents are guaranteed to suffer trauma when forcibly separated from a parent.

Keva Miller (2006), in line with Bowlby, argued that the quality of the parent-child bonds will be a major factor in determining how well a child adjusts to a parent’s incarceration, and are beneficial to a child’s long-term wellbeing. However, Miller acknowledges that a good relationship can only be maintain so long as children and actively encouraged and provided with
frequent visitation opportunities. However, as previously stated, visiting immigration detention centers, even when all parties involved want to, is extremely difficult and inaccessible. Detained parents are routinely transferred with no warning, visiting hours are extremely limited, and detention centers are hundreds of miles from metropolitan areas; and those problems do not take into account the possibility that parents ask families not to visit to not worry children and so they don’t see the conditions in which they’re kept.

**DURING A PARENT’S DETENTION**

Children whose parents are arrested by ICE when they are not present, come home to find their world upside down. These children do not always understand what happen— their parent is simply gone. Many children came home to find themselves in a newly single parent household. The parent or caregiver left behind is tasked with explaining the situation.

While a parent is detained, children are faced with the stress of having to keep the family secret coupled with the uncertainty that is their future. The parent who is left behind becomes the focus of the child’s emotional release. They are the only one within reach the child can trust. Many children of detained parents struggle to maintain their relationship with the parent they stayed with. It is a new dynamic no one was expecting or ready for, and the growing pains are harmful to all. Just as children become depressed losing a parent, so too does the parent left behind—they just lost their spouse. If a parent is depressed, it becomes very difficult to care for themselves, let alone their children.

Many children retreat further into themselves leading to a deteriorated physical health and poor performance in school. Families interviewed by ThinkProgress found that many children with detained parents wouldn’t eat, had continuous headaches, and even pulled out their
hair. Others turned to more aggressive behaviors, such as substance abuse and cutting (Koball, et al., 2015).

The most difficult part of having a parent detained by ICE is locating them. As previously discussed, the decentralized structure ICE works with and the arbitrary and constant transfers make it near impossible for families to plan a visit. Once that hurdle has been past, and families locate the parent, comes the next part: visiting. While child welfare experts note the importance of in-person visits to help children navigate their new realities (NOLA.com, 2017), accessing parents is a feat like no other. Most facilities operate like prisons, meaning visitations are restricted to certain hours, specific visitors, even across Plexiglas, etc. (Koball, et. al., 2015). Even when there is a desire from both sides to make the situation work, time, locations, and money become the deciding factor. Many children are also barred from touching their parents. This means that meaningful contact with parents borders on the impossible, which is why extended family visits would be incredibly helpful.

The ACLU (2014) found that if children have the chance to interact with their detained parent, they are more likely to better understand the situation and accept the outcome. Immigrant “warehousing” almost guarantees that children will inevitably lose contact with their parent. If the parent-child relationship is not encouraged or facilitated, a whole generation of children will grow up in single parent households. In an ideal world, all children of detained parents would be able to visit weekly, or at least monthly, but just phone calls can change their lives.

Another great uncertainty of a parent’s detention is money. A family that was living paycheck to paycheck with two working adults that suddenly finds themselves without that second paycheck can end up hungry and homeless very quickly without help. A woman
interviewed by ThinkProgress found herself making an impossible choice: work a double shift to make up the paycheck difference or take care of her children at night. “If she stayed home at night, she could not afford necessities like shoes or soap” (Koball, et. al., 2015, p. 8). These families have to worry about food and housing, while also finding money for lawyers and immigration bonds, if they are granted. Immigration lawyers can cost thousands of dollars with no guarantee that the parent will be released to the family.

Going hand in hand with money trouble is the housing insecurity children and families are faced with. Many families find that they have to move from their homes into more affordable housing, or even shelters. Sometimes this takes the form of shared housing—inevitably leading to overcrowding. In Florida, ThinkProgress met a mother with two daughters that was evicted for not paying rent. Aside from the eviction, the landlord kept all of their belongings as payment (Koball, et. al., 2015 p. 9).

Just as the mother contemplating a second job, most families need to find an immediate caregiving alternative when a parent is detained. When parents are detained, they have to make quick decisions that can have a lifetime of impacts. They do their best under the circumstances, leaving children in the care of those they feel will best care and provide for them, but they have no guarantees. For example, ThinkProgress describes one particular case:

…one organization in Los Angeles County worked with a girl whose parents were both deported. Her grandmother took custody of her but was not able to fully care for her, and her housing situation was unstable. The girl continued to move back and forth between two different houses in the Los Angeles area, attending two different high schools (Koball, et. al., 2015, p. 10).
Single parents and their children are at the biggest disadvantage: where do the children go if the parent is detained or deported?

…one of the female detainees…was a single mother with four children, two of whom were disabled. Her ex-husband had been deported several years earlier after being convicted of physically and sexually assaulting her. She did not have any relatives in the immediate area. After her arrest, the children were divided among four of their father’s relatives, whom the children had not seen in many years. While in detention, the mother could only communicate with one of her children because she was estranged from the caregivers of the other three (Koball, et. al., 2015, p. 10).

The Urban Institute found that it was difficult for the remaining parent to maintain a positive relationship with their children. As the remaining parent is physical and mental wellbeing becomes jeopardized, the parent-child relationship is further strained, and the child’s attachment continues to suffer.

These unplanned events put a strain on almost everyone the child comes into contact. Parents lose their children and relatives gain children. Some relatives were unable to access benefits to help financially support the child because parents had not provided proper guardianship documentation.

A child’s education takes a hit when a parent is deported. Yet, that same child could succeed if the school took up the task of supporting the child through this new chapter. For example, by becoming a safe haven for that child (Koball, et. al., 2015, p. 11). However, the vast majority of children of detained or deported parents ended up losing track of themselves and their educational goals. Some children became aggressive with their peers or teachers as a way to
come with these new feelings. Many times these emotions can be worked through with counseling, but not all communities have the resource to provide these children with counseling. Those children who were already in college tended to drop out and get a job in order to help care for their younger siblings and provide financial support to their families (Koball, et. al., 2015).

Recently, doctors began commenting on the negative health effects their witnessing in their child-patients. When a parent is detained or deported children are at risk for developing mental health problems, as well as stress- and anxiety-related behavioral changes—“toxic-stress.” Children with a detained or deported parent were much more susceptible to post-traumatic stress disorder symptoms (American Immigration Council, 2017, bullet 5). Children become detached from their surroundings—they lose interest in their day-to-day activities (Koball, et. al., 2015). As Judge Robert Brack said, immigration proceedings are “a process that destroys families every day and several times each day” (Meng, 2013, p. 43).

LENGTH OF PARENTAL SEPARATION.

The biggest question mark left by immigration enforcement is, how long? Legally, immigration officials have 48 hours to determine if an individual should remain in custody (Parker, 2009). Yet this can be waived “in the event of an emergency or other extraordinary circumstance in which case a determination will be made within an additional reasonable period of time” (Parker, 2009, p. 16). Legally, immigrants cannot be held for more than 90 days pending their deportation. However, if the person is not removed by this period, and if there is no realistic expectation of deportation, the detainee must be released because indefinite detention is

\[\text{Length of Parental Separation.}\]

The most notorious case of immigration officials using this loophole was post 9/11 when it rounded up Muslim immigrants.
unconstitutional (Hyunhye and Shah, 2016, p. 12).\textsuperscript{45} Even after this court ruling, immigration authorities can extend this detention period as many times as they want under an extremely broad set of standard reasons. This means that undocumented immigrants can be held legally for days, months, or even years without a hearing. The Southern Poverty Law Center found Etowah and LaSalle facilities to be the worst offenders. As one ICE official phrased it, “most of the detainees housed at [Etowah] have an order of removal and are considered long-term cases due to difficulties obtaining travel documents” (Hyunhye and Shah, 2016, p. 12). SPLC’s investigation found that many of the over-detained individuals were unable to leave—to rejoin their families or be deported—because of ICE human error.\textsuperscript{46}

Following the updated congressional lock-up quota, on average, there are over 40,000 individuals held in immigration detention on any given day. These detentions can last anywhere between hours and years. Since DHS does not break down their reported lengths of time in detention by the different proceedings, it is difficult to know the exact variation between the detainees stays. An example of the detention variations found was in 2009 when DHS reported that the average detention stay was 30 days. Independent researchers found that statistic, when broken down, was actually 25 percent being released in the same day, 38 percent within a week, and 71 percent within the month. It is crucial to note that the early “releasees” include those “in

\textsuperscript{45} The Supreme Court has concluded that the indefinite detention of individuals who have received a final order of removal is impermissible (Zadvydas v. Davis). However, the 2018 Jennings v. Rodriguez case, undid this 17-year standard. The justices left the door open for a new standard of whether indefinite detention of noncitizens without a bond hearing as authorized by the immigration statute is constitutional by sending the case back to 9th Circuit. For more information, see: \url{http://www.scotusblog.com/2018/02/opinion-analysis-court-tees-issue-constitutionality-indefinite-immigration-detention-9th-circuit/}.

\textsuperscript{46} For example, ICE allegedly listed the wrong nationality for a detainee, complicating attempts to obtain travel documents to return the detainee to their home country.
summary processes who are quickly deported or accept voluntary departure or return” (CMS, 2014, paragraph 9).

Following the congressional mandate, the Associated Press conducted research that showed almost 19,000 of those mandatorily detained had no criminal record—not even for illegal entry. Of those individuals with no criminal record, 400 had been incarcerated for at least a year; a dozen had been in detention for over 3 years; and one man was found to be held in detention for over 5 years without no release date in sight (AP, 2009). Many independent studies conducted on DHS internal data have “consistently shown that detention in formal removal…is more prolonged… [and] likely to increase as…courts become more backlogged” (CMS, 2014, paragraph 8). Meanwhile, another study found that, on average, people in normal removal proceedings face longer stays (CMS, 2014). For example, the Center for Migration Studies’ 2009 report found “the average length of detention…for those in formal removal proceedings [was] 81 days.” The same report found that “13 percent had been detained for six months or longer” (CMS, 2014, paragraph 10). A 2017 HRW report found that over 8,000 people had been in detention for over six months; and almost 2,000 had been detained over a year (Hyunhye and Shah, 2016). In New York, the average detainee has been waiting 7 months to see a judge (CMS, 2014).

47 Removal proceedings often begin with detention – which can be waived at a successful bond hearing. Individuals are given the chance to argue against their removal at their immigration hearing. While they can have a lawyer, they aren’t guaranteed one—and many cannot afford one. Once the judge issues their decision, an individual must leave the country, or they can appeal the decision. An appeal is not a guarantee they will be allowed to stay, and usually requires they return to the detention center. For more information, see: http://www.jacobymeyers.com/removal-proceedings.html.

48 Detainees of LaSalle had been in detention six months or longer, and detainees of Etowah averaged over a year.

49 While not the thesis focus, it is worth noting that non-detained removal cases are even more backlogged. The average removal case in immigration courts nationwide has been pending for over a year and a half.
Prolonged detention is particularly concerning because DHS typically chooses detention when exercising its discretion at the start of a case. However, in 2003 the Supreme Court ruled that non-citizens held pending removal hearings should be held for the least amount of time necessary—which the Court found to be on average a month and a half (Migration and Refugee Services, 2015). An NYU study found that ICE denied bail to approximately 80 percent of New York arrestees from 2005-2010—with “71 percent reflecting discretionary choices, and only 9 percent reflecting legal mandates” (CMS, 2014, paragraph 13). A study conducted in 2013 found that mandatory pre-trial detainees were held for an average of 14 months before seeing a judge. Many of these individuals have young children, and are sometimes the sole caregiver of these children. More recently, in 2015, there were over 450,000 pending removal cases; and individuals waited over 600 days to receive a judge’s final decision (Capps, et. al., 2015).

This uncertainty strains relationships, family resources, and social networks, generates unnecessarily high stress, and, above all else, prevents families from planning for tomorrow.

**WHAT COMES AFTER A PARENT IS DEPORTED?**

If things were difficult when a parent was detained, the deportation of a parent is devastating. It is something few families can emotionally, financially, and physically tackle head-on. Most will continue to suffer the same uncertainties and insecurities they did during the parent’s detention.

The financial and emotional hardship that is a removal process is compounded when families realize they cannot afford to make semester or yearly visits to their deported parent. How can you keep a relationship intact if you cannot be in the same time zone, let alone the same room? This was a primary concern when the deported parent was the mother and the child was
an infant or toddler. Often times the child would relocated with their mother as the chance to maintain the parent-child relationship was seen as more important than future schooling.

When kids are in school or teenagers, or one parent is a citizen, the choice is not as black and white. Relocation comes at an enormous cost. Will the children be better off without their parent surrounded by familiar things, or as a family unit in an unknown country? ThinkProgress found that most children will stay in the United States after a parent is deported. Those that chose to relocate their whole family found themselves even further financially insecure, found their children unable to adjust to schooling, and had even less health care access or resources than before. Often times, children of deported parents did not even speak Spanish—making relocation that much harder and that much more stressful for everyone (Koball, et. al., 2015).

The obvious choice for deported parents would seem to be to leave their children in the United States—their quality of life cannot be compared. However, a deported parent usually cannot provide for his/her family (Dreby, 2012b). Salaries in developing countries are sometimes barely enough to survive, let alone help raise a family in the United States.

For those families that chose to remain in the United States even after a parent’s deportation, comes the adjustment. For the deported parent comes the choice: do I start over here or do I try to go back? Many parents who are deported end up being charged with illegal entry or reentry, as found by HRW (“Turning Migrants into Criminals”). Not even the inevitable prison sentence they will face if caught is enough to deter them from trying. Most come back in hopes of alleviating the fears and stress on their children and spouses. Some returned because they were afraid their children would end up in foster care. One father returned because his children were being sexually abused. Another “returned illegally because his permanent resident wife was
dying of cancer; he had been denied permission to enter temporarily, and he wanted to arrange for his oldest daughter to take legal custody of her younger siblings” (Meng, 2013, p. 55).

Parents like those mentioned are right to fear for their children if they end up in foster care. There are studies that find that children brought up in foster care are more likely to find themselves incarcerated, homeless, unemployed, or welfare recipients (Osterberg, 2009).50

As “de facto deportees,” children will face countless challenges upon arrival—as they begin school, as they get sick—in their parent’s home country (Brabeck, et. al., 2014, p. 501). Many will have no understanding of the language or culture they are being thrown into. As U.S. citizens guaranteed the basic rights, resources, and benefits as any other citizen, the war against their parents mean many will lose out of their birthrights. A study conducted by Zayas, et. al. in 2015 also found that children were negatively affected when relocating with a deported parent. One teenager who relocated with her deported mother said, “I felt like there were no dreams for me.” These children lose out on a stable, safe home, on educational opportunities, and access to affordable healthcare, all the while most will find themselves surrounded by violence (Osterberg, 2009). In 2012, the Pew Hispanic Center estimated the number of U.S. citizen children returning to Mexico with their parents since 2005 was 300,000 (Brabeck, et. al., 2014).

Children that stayed behind, regardless of whether they had their other parent or not, saw their mental health suffer, decreases in school performance, behavior problems, and even feelings of abandonment and resentment (Osterberg, 2009). The younger the children, the more likely they are to suffer negative attachment as they grow. As previously mentioned, these fears

50 While there is nothing wrong with relying on government assistance, the entire premise on the Right is that immigrants and their families are a strain on government resources. While this thesis, as well as countless other reports attempt to disprove this, the fact is that these children can end up being public charges after their parent’s deportation. Therefore, mass deportation, and especially the deportation of citizen children’s parents is in no one’s best interest—especially those who oppose the use of welfare by immigrant families.
are mixed with the anxiety they witness in the adults left behind and the deported parent turns into someone “physically absent, but…psychologically present” (Rodriguez, 2013, p. 44). Losing their secure base in such a permanent, and ambiguous manner creates uncertainty in future relationships—will their other parent be next?

An Urban Institute report found that children of deported parents became angry and withdrawn as time went on. Young children would act out against their remaining parent, whereas older children, teenagers, were more likely to “become more disrespectful and disobedient” towards parents and other authority figures. Those most affected were the children who understood what their parent’s deportation meant—permanent separation (Rodriguez, 2013). Adjusting to their new reality, children pushed boundaries.

Other families saw children’s school performance decrease. The Urban Institute study cited by Rodriguez (2013) argues that this was because families were struggling to adjust to a single-parent household (p. 41). Sometimes parents couldn’t get their children rides to school, or they didn’t have a way to drop their children with the babysitter.

School performances, bad attitudes, appetite loss, are nothing compared to the loss of a parent during the important moments of their lives—their first words, their graduation, a wedding, and so many others. Some children try to prepare for this in a way. Some distance themselves from their deported parent. As a way to come with the loss and permanence, children stop taking their phone calls, stop looking for them (Rodriguez, 2013).

Zayas study argued that a parent’s deportability shaped a child’s “understanding of their sense of belonging” creating a sense of “exclusion from citizenship, community and place, and family” (Zayas and Heffron, 2016, paragraph 11). Children suffer long-term consequences when
they aren’t given the chance to grieve their deported parent. Because the parent isn’t dead, it’s difficult for families to properly support each other. For children, this can translate into “feelings of ambiguous loss, increasing feelings of sadness, frustration, or stress” and further estranging a child from the deported and the remaining parent (Rodriguez, 2013, p. 35).

**NOW THEY’RE ADULTS: LONGER-TERM EFFECTS OF PARENTAL DEPORTATION**

Now as adults, these children of deported parents are now members of the labor force, taxpayers, some may even be homeowners; yet little, or nothing is known about how the deportation of one or both parents affected and continues to affect them. Some may end up become doctors or lawyers, others may be living paycheck-to-paycheck, and some may even be relying on welfare to feed their children. Some will succeed while others “lose their aspirations and dreams…have lower educational and vocational readiness, as well as untreated mental health disorders” (Brabeck, et. al., 2014, p. 501). All matter, and all are product of the government’s immigration enforcement practices.

Attachment theory will say that the effects the deportation of a parent will have in the long-term is dependent on the quality of the child’s secure base throughout their childhood regardless of their parent’s location. Similarly, the ecological systems theory will say that a child’s adjustment to a parent’s deportation as they age will depend on the circumstances, environments, and outside factors that interacted with them from the day their parent was detained. The Center for American Progress suggest that children who are victims of parental deportation will have difficulties with “behavior, learning, emotional regulation, and physical health in the future” (Schochet, 2017, paragraph 14).
U.S. citizen children, who grew up in their parents’ home country, will be at a disadvantage compared to their peers raised in the United States, but will be entitled to every benefit available. The Migration Policy Institute found that when children of deported parents return to the United States they have trouble reintegrating into a society they long forgot whose language they are no longer experts in. As adults, this leads to low levels of education, low employment prospects, and lower standards of living than their counterparts raised in the United States (Capps, et. al., 2015). These children will be better off than their parents when they arrived—they’re U.S. citizens—but the opportunities available to them will not be much better.

Citizen children raised in the United States with one less parent, may be lucky to have succeeded, but some will live with the constant anxiety of “legal violence” towards their families and loved ones that they end up dropping out of school (Karaczan, 2013, paragraph 9). This puts them more at risk for homelessness, substance abuse, lower wages, suicide, among other things (Martin, 2017).

While there are very few analysis on the effects parental deportation will have on the future earnings of U.S. citizen children, there has been much research done on the effects repealing DACA would have on the U.S. economy. Those eligible for DACA are similar to citizen children of deported parents—they’re mostly around the same age, the United States is usually the only home they’ve ever known, and they live in constant fear their parents could be taken away.51

As of March 2017, there were almost 800,000 DACA recipients, of which 685,000 worked formally and were at risk for deportation thanks to the Trump administration (Svajlenka, 51 The Cato Institute summarizes those eligible for DACA as “people who never knowingly broke any laws and have been productive and peaceful members of society since their arrival.” For more information, see: Brannon and Albright, 2017
et. al., 2017). While those this thesis hopes to protect are not at risk for deportation, their contributions to the economy are similar. The average DACA recipient is 22 years old and earns approximately $17 an hour. Taking away their legal protections would reduce economic growth anywhere from $215 billion to $460.3 billion, according to Cato and the Center for American Progress (Svajlenka, et. al., 2017; Brannon and Albright, 2017). “DACA participants…are likely to have many of the same economic outcomes as children who are born in the United States to immigrant parents—and thus to contribute both to stronger economic growth and to government finances” (Stone, 2017, paragraph 17). Children of deported parents would also face wage decrease due to their parent’s deportation, especially if they moved to their parent’s home country, because they wouldn’t have the same skills had they stayed—and they may even rely on government subsidies to get by.

Choosing to harm citizen children for political reasons, the United States is depriving itself of valued workers and tax revenue, while wasting tax dollars on unnecessary immigration enforcement. Those hoping Trump will provide some solution to their imaginary immigrant problem forget that those children of deported parents will grow up and pay taxes regardless of where they were raised, have families of their own, and continue to give of themselves to the United States even if they are looked down upon.52 In 2017, the Center for American Progress warned advocates of mass deportation that parental deportation will have detrimental effects on the children left behind—“undermining the economic power of an entire generation” (Schochet, 2017, paragraph 7).

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52 The U.S. is one of the most aggressive, if not the only country to require tax payments if you live and work abroad. The only way a U.S. citizen can avoid paying taxes to the federal government is if they choose to renounce their citizenship, in which case they would no longer be American.
While individuals are not their net fiscal contributions, passing legislation comes down to: what will this cost me? Regardless, deporting over 74,000 parents of U.S. citizens a year is not fiscally or socially responsible, in the short- or long-term, for them or the country.\textsuperscript{53}

**U.S. Citizen Children of Undocumented Parents in Numbers**

Detained and deported parents miss milestones, find their relationships strained, and, worse still, lose access to their children. The Pew Research Center found that approximately two-thirds of the undocumented immigrant population has been in the United States for over a decade (Smalls and Pickoff-White, 2017). In California, that number jumps to 15.6 years (Passel and Cohn, 2016). Those in the country that long are likely to have families, with at least one U.S. citizen, and strong ties to their communities.

According to the American Immigration Council, there were over 4 million U.S. citizen children living with an undocumented parent in 2017 (paragraph 1). Analyzing the most recent estimates available, this research found that about 250,000 U.S. citizen children experience parental apprehension, detention, and/or deportation. Some of these children will deal with the effects of this separation with their remaining parent; some with a family relative who is now their caretaker, others with family friends who have taken them in; others in foster care; and a smaller portion will face these realities alone.

A 2017 Human Rights Watch (HRW) report found that in 2015 California held 15% of the nation’s detained immigrants. This report estimates that “tens of thousands of those detained…were parents of US citizen children” (paragraph 6). Of those detained, 55% were deported. Considering that almost half of those in detention centers were parents of U.S. citizen

\textsuperscript{53} A study by the Urban Institute estimated that between 2003 and 2013, U.S. government deported anywhere from 740,000 to 920,000 parents of U.S. citizen children. This comes out to anywhere from 74,000 to 92,000 parents per year. For more information, see: Koball, et. al., 2015.
children, the majority of those deported during this time left behind a child. These children are often times left in the shadows. When pressed, it is more likely that parents in immigration detention will opt for deportation if it means that their children will be safe—and their caregivers will not be questioned.

Interestingly enough, a report by the Center for American Progress found that the many undocumented immigrants are actually eligible for green cards, for residency. The report found that at least 3 million, of the approximately 11 million undocumented immigrants in the United States, were eligible “by virtue of having a close relative who is a U.S. citizen.” However, adjusting their status comes at a huge cost. According to this report,

These individuals “cannot adjust their status from within the country and face lengthy bars to reentry if they leave… they are unable to adjust their status to lawful permanent resident from within the country because they have never been admitted or paroled into the country. Leaving the United States in order to obtain an immigrant visa abroad would trigger lengthy re-entry bars of three or 10 years that were put in place in 1996, so many remain in unauthorized status today” (Nicholson and CAP Immigration Team, 2017, paragraph 24).

The majority of the 250,000 U.S. citizen children with a parent caught up in immigration detention will spend more than 6 months waiting for a judge to issue a ruling on their parent. This means that for more than 6 months these children will be denied access to their parent with no explanation and no help mitigating the effects. Few families will have the means to afford monthly, let alone weekly visits to a detained parent, making visits a rare gift. In some facilities, no contact visits are allowed, so all in-person communication must be done through glass shields
or—more recently—video conferencing. In addition, while phone calls are available, with the loss of the family breadwinner, many children will have limited access to parent phone calls. This is especially difficult for young children who will easily forget what their parent’s voice sounds like.

CONCLUSION

In this section we analyzed whether current detention policies encouraged family unity and prioritized the wellbeing of U.S. citizen children with undocumented parents. Following this, the section focuses on the implications of family separation on children--their relationship with their parent, their development, and the long-term effect on children’s future earning potential. The section breaks down the various instances of family separation, starting with a parent’s arrest and ending in the possible permanent exclusion of their parent from the U.S. In the next section we’ll look at how EFVs are an economic middle ground for immigration detention reforms. Our focus in this section will be to show the financial implications of current immigration policies--and extending the financial burdens if the families left behind are taken into account--and alternatives to detention as compare to EFVs.
CHAPTER V: EXTENDED FAMILY VISITS ARE AN ECONOMIC MIDDLE GROUND

Immigration detention traumatizes vulnerable populations, doesn’t guarantee the health and safety of those detained, and undermines meaningful access to families. The cost of immigration detention is too high—for the detained, for family members, and for society in general. The majority of those in detention aren’t a threat to themselves or others nor a flight risk making their detention an unnecessary burden on taxpayers.

As Figure 3 suggests, the best way to truly reduce the social and economic costs of detention is to expand the use of true alternatives to detention; however, in the current political climate, this does not seem to be a viable option—instead extended family visits offer a low-cost middle ground. While the program wouldn’t reduce the overall economic impact of immigration detention, it would be an almost self-sustaining program, and would have lasting social benefits for the families, particularly the children left behind, as well as society as a whole.

Figure 3: Comparing detention centers and ATDs by Mitchell R. Sampson. (recolored by me to standardize figures)
CURRENT COSTS OF DETENTION AND DEPORTATION POLICIES

Current immigration detention policies are driven by profits and politics, not the public’s safety. Today, immigration detention’s sole purpose is to ensure compliance with immigration court proceedings and judicial orders – something ATDs have been proven to be successful at achieving. However, the current detention bed quotas woven into privately-run prison contracts requires ICE to maintain a minimum number of beds occupied, which can lead to individual decisions to be overridden by this requirement. Meaning many people will be forced to stay locked up until the contracts are terminated, rewritten, or the government can agree on an immigration reform.

DHS’s budget suggests that immigration detention (of adults) costs approximately $134 per day. However, that number doesn’t take into account anything except paying private companies to run detention centers. Missing from this calculation are salaries for personnel to run the facilities, costs of medical care, and even transfer costs.

These costs become exacerbated when individuals are detained for prolonged periods of time, or even indefinitely in the case of stateless detainees. While ICE reports that the average length of stay is less than 30 days, research shows this to not be an accurate representation of what actually happens. While many may be detained and released in the same day, typically those individuals have signed voluntary departure orders, those who apply for relief can face months or years in detention.

The Trump administration, in an effort to deter immigration, has sought to increase detention by any means possible. One example of this is ending “catch and release” policies for asylum seekers. Another example is its request for additional funds to increase the number of
available beds (Luan, 2018, paragraph 25). This increase in funds goes hand-in-hand with the administration’s reversal of an Obama-era policy of prioritizing undocumented immigrants with criminal records, to one that calls for the removal of all removable immigrants. This policy change more than doubled the number of immigrants arrested between FY16 and FY17 (Benenson, 2018, paragraph 4).

Fiscal year 2018’s budget allocated over $8 million per day on immigration detention. As the Immigration forum found, this budget, considering the 40,520 detention bed quota, increased the daily cost of detention to over $200 per person – a number that still didn’t take into account the added costs of immigration detention listed above (Benenson, 2018, paragraph 10).

**OVERALL COSTS OF TODAY’S IMMIGRATION POLICIES WHEN FAMILIES ARE CONSIDERED.**

There is a wide-reaching belief that undocumented immigrants are a welfare strain. However, the biggest costs associated with undocumented immigrants—beyond the costs of immigration enforcement—are their citizen and noncitizen children’s education, and certain health benefits.\(^5^4\) While these costs are not insignificant, the deportation of a parent can lead to even more severe and longer-term financial costs to taxpayers, stemming from the impact parental separation has on children.

In 2018, with today’s administration and white nationalist focus, citizens do not think of the cost of imprisoning nonviolent, *noncriminal* parents. The unnecessary persecution of undocumented parents is an economic strain—the arrest, detention, deportation, even the involvement of child welfare agencies.

\(^5^4\) In 1982, the Supreme Court ruled that all children within the United States were guaranteed primary and secondary education, regardless of their immigration status (Lopez, 2005).
The cost of these choices do not end after a parent’s removal order is handed down. On the contrary, the cost increases as the children of these undocumented immigrants grow and require access to welfare programs that they otherwise might not have needed had their parent not been deported. For example, these children are more likely to find themselves faced with housing insecurity, food scarcity, foster care, depression and substance abuse, among other things.

As families become more dependent on the state, following the detention and deportation of a parent, the cost of U.S. immigration policies is transferred to taxpayers. Taxpayers are responsible for the incarceration and administrative costs of detention—courts, law enforcement, processing, etc. American Progress found that in 2015, ICE increased their detention bed budget from $700 million in FY 2005 to $2 billion (Gruberg, 2014).

The cost of placing a child in foster care to taxpayers is $26,000 per year (Dreby, 2012). Today, there could easily be upwards of 20,000 children unnecessarily placed in foster care due to a parent’s detention. Many of these children face long-term consequences that are little known, little understood, and rarely acknowledged. Just as children of incarcerated parents, these children face social exclusion. While most children of incarcerated parents are stigmatized and outcast, children of detained and deported parents are doubly punished for their parents’ legal status.

Having a stable home and family environment leads to better educational and career outcomes. However, separating families, like in the case of incarcerated or deported parents, can

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55 Race Forward (formerly ARC) conducted a study in 2011 found at least 5,100 children of detained or deported parents in foster care. Their report estimated that between 2012 and 2016 “at least 15,000 more children will face these threats to reunification.” This would imply, that be 2018 there could be an additional 6,000+ children affected. For more information, see: https://www.raceforward.org/research/reports/shattered-families.
increase the likelihood of children finding themselves in poverty, which can lead to less educational achievements. This, in turn, reduces future earning potential and tax collections, while probably increasing future welfare spending (Raffo, et. al., 2007).

**CURRENT COSTS OF ALTERNATIVES TO DETENTION**

Alternatives to detention (ATDs) are community accommodations with little to no restriction on migrants’ movements. Allowing them to continue providing for their families, participate actively in their children’s lives, while working with community-based organizations to hire a lawyer and, most importantly, ensure their compliance with immigration procedures. These programs reduce trauma by giving immigrants and their families the chance to prepare for the worst together.

Bringing to life such programs becomes difficult, as the government and community organizations can’t agree on the best way forward. The government will argue that migrants must be put into detention because they are flight risk; and simultaneously, organizations who argue for ATDs won’t necessarily agree on which program structure is best.

The cost of ATDs is significantly less than detention, even if individuals are enrolled in the programs longer than they’d be in detention. A 2014 Government Accountability Office (GAO) report found the daily cost of ATD was less than 7% of detention center costs. This means that a person had to participate in an ATD for 1,229 days (almost 3.5 years) before the cost would be greater than placing them in a detention center—put into perspective, the average number of days spent in an ATD were approximately 380 (GAO, 2014, p. 19). The summary published on the National Immigrant Justice Center (NIJC) website found that DHS’s fiscal year 2018 budget estimated ATDs would cost $4.50 per participant per day, while the detention of an
adult would be about $134 per day and almost $320 per individual in family detention (Obser, et.al., 2017, p. 1). Summarized, ATDs are fiscally responsible.

ATDs are very common in the criminal justice context, and have support within both political parties (Obser, et.al., 2017, p. 2). Moreover, closer to home, there were already numerous successful immigration ATDs throughout the 1990s. Meaning the only real hindrance to applying an already successful program is xenophobia.

In 1996, the INS partnered with the Vera Institute for Justice to create a three-year program for those in removal proceedings. The Appearance Assistance Program (AAP) operated in New York and Newark. Taking best practices from past projects focusing on pretrial services, Vera designed AAP with a heavy focus on community. What’s most significant about this program is that it did not promote ending detention all together, instead hoping to redefine its use. AAP developed a screening process to ensure detention was only used after they were ordered deported or if during their supervision they provided evidence that they would abscond (Golden, Root, & Mizner, 1998).

Another example of INS partnering with a community organization happened in 1999 when 25 Chinese asylum seekers were released to Lutheran Immigration and Refugee services (LIRS). LIRS provided them with shelter, food, medical care, and case management to ensure they complied with their immigration hearings and judicial orders. The cost of this program was 3% of what detention would have cost (Obser, et.al., 2017, p. 3).

Following September 11, the US’s policies have shifted towards securitization; and the country’s policies related to foreigners has turned aggressive and exclusionary.
Even with this new focus on immigration, LIRS started the Community Support Initiative. The program’s purpose was to screen vulnerable immigrants in detention for release and case management services. This program ran from January 2012 to December 2015 and with as little as $7 a day there was a 97% appearance rate. During the last months of this initiative, LIRS began the Family Placement Alternatives pilot (from May-October 2015). This full-service program included case management, housing for families, orientations on compliance, and access to legal counsel. Even this program, with housing and case management, was found to be cheaper than detention—family detention cost about $798 a night, which equaled a 1,596% increase from the Family Placement Alternatives pilot (Obser, et.al., 2017, p. 3).

Today’s immigration ATDs are incredibly restrictive – offering little to no flexibility – and do not follow a uniform policy. The most common being GPS monitoring (ankle bracelets), in person or telephone check-ins, bonds, and even case management (Nowrasteh, 2018, paragraph 3; DWN, n.d.). As is the case within the criminal justice system, ankle monitors have a high social stigma. According the NIJC summary, those “required to wear them report difficulties finding and maintaining employment and retraumatization” (Obser, et.al., 2017, p. 2). Today the most common program and the one ICE continues to fund is the Intensive Supervision Appearance Program (ISAP) — started in 2004 and now in its third iteration.

Until 2017, ICE had the Family Case Management Program (FCMP), which, like all the other ATDs, was outsourced to a private prison company – the majority of which a run by Behavioral Interventions, a subsidiary of the GEO Group. Throughout its existence, the FCMP worked best when local community organizations operated the holistic program – offering case management, assistance acquiring legal counsel and safe and affordable housing, should they
need it. The FCMP’s compliance rate was 99% at a daily cost of $36 per family (Obser, et. al., 2017, p. 2).

Considering the current administration’s attempts to make the treatment of immigrants so painful as to deter immigration, it’s surprising that the ICE FY2018 budget increased the amount allotted to ATDs by approximately $66 million – for a total of $180 million (Nowrasteh, 2018, paragraph 2).

**Estimated Costs of Extended Family Visits**

The main argument against EFVs in correctional facilities across states was budget cuts—that’s what was repeated in Mississippi and New Mexico when they canceled their programs. What many do not know is, just as California’s program was restrictive, only 155 of 22,000 inmates in Mississippi participated in the program the year it was terminated (Feeny, 2015). In New Mexico, the program costs $120,000 a year. Its 2016 budget exceeded $6.2 billion. The cost of maintaining the program amounts to less than two cents per taxpayer (Mierjeski, 2015). Christopher Epps, the then Mississippi corrections commissioner used the budget reasoning for ending the program; yet made an interesting shift towards children. He argued that the program had to end because “we have no idea how many women are getting pregnant only for the child to be raised by one parent”—even though Mississippi provided contraception, and he had no statistics to back his claim (Harvey, 2015, paragraph 24).

EFVs in correctional facilities can be considered an expensive program. Because the programs are so limited, to ensure everyone’s safety, eligible prisoners are a very small portion of the population. This makes the program’s need for guards and infrastructure not worth the effort—even when accounting for the positives to society. However, in detention centers the
benefits would far outweigh the costs because of the proposed program fees. As immigrant detainees aren’t criminals, though they are treated as such, the jail-like “precautions” used daily wouldn’t necessarily be needed. With just another guard or two and a few equipped trailers, this program would be set.

While this program would not be cheaper than alternatives to detention, it would be more feasible as it would not modify the detention bed quota. Though alternatives to detention may be more economically viable, they aren’t politically viable leading up to the 2018 midterms. EFVs would be somewhat of a middle ground—giving citizen children the possibility of spending time with their detained parent, while not modifying the detention bed quota. As the program would almost fund itself, it’s economically and politically possible.

Considering the article published by American Progress in 2017 showing that alternatives to detention have not led to a decline in detention (see Figure 4), it is evident that EFVs are a safe and necessary medium. While ATDs budgets have increased in the last 10 years, so too has ICE’s detention budget (Fernandes, 2018, paragraph 17).

See Pilot Program chapter for information on the programs costs, and how charging families a per-night fee would allow the program to almost sustain itself—requiring taxpayers to pay less than a dollar per year.
Figure 4: Alternatives to detention have not led to a decline in detention by Jason Fernandes. (recolored by me to standardize figures)

CONCLUSION

In this section we analyzed the costs of immigration practices on U.S. taxpayers. The first instance was to analyze how much taxpayers pay for current immigration policies and the Trump administration’s new bed quota. Following this was an overview of current ATDs and their costs per detainees. And lastly, we focused on the costs of EFVs in the current system. The proposed EFV program would be primarily funded by detainees’ families. And as the next section will highlight, this program will be almost self-sustaining and lead to an insignificant cost to taxpayers.
CHAPTER VI: EXTENDED FAMILY VISIT PILOT PROGRAMS IN CALIFORNIA

The application of extended family visits is not only possible, it is the best choice. U.S. citizen children deserve to be taken care of by their parents. As the policy matrix (appendix B) shows that even though this program makes the most sense, it may not be politically viable in this administration.

Just days after the election, Trump promised to deport 3 million immigrants from the get go. This means that the Homeland Security has the budget to implement EFV programs, they are simply choosing to use it to expand the detention structure — at the same time, the Department of Justice announced it was scaling back its inmate population. Trump’s promise would put an unnecessary strain on states and taxpayers as more children are placed in state custody. Taxpayers would have to assume the cost of thousands of children’s welfare—something their parents were more than happy to do up until there detention.

The initial program startup costs are nothing compared to the millions Donald Trump wants to build a wall. On top of that, there is precedent for charging families a small fee for the opportunity to spend extended time with their loved one. In Washington, families pay a $10 fee per night. While not a lot, the number of families ready and willing to pay the fee for time with their loved one is significant to help offset the startup costs. Families can also accumulate visits, within reason, as currency for the next visit. This means, if a family was unable to make a trip to visit a parent in April, in May when they went for an extended family visit they could extend the visit by X amount of days — this would depend on the program’s demand, and the facility’s capacity to accommodate these families. Each state has a different way of applying extended
family visits, but the easiest way to get them up and running sooner rather than later would be trailers instead of small apartments.\textsuperscript{57}

Research has shown that parents' undocumented status influences the health and development of their children, as well as their relationship with government resources—such as education and healthcare. Even if resources are available for a family, parents often avoid situations that would require them to provide some documentation for fear of immigration authorities (Cousins, 2014). This leads families to live a life of constant anxiety and fear. The experiences of U.S. citizens living with undocumented parents are unlike any other, often these children have nowhere to go and nowhere to turn to, especially if their parent was detained without their knowledge.

These children, just like children of incarcerated parents, would greatly benefit from EFV programs and alternatives to detention. As deportations are hard to overturn and parents face certain permanent exclusion from the United States, families are torn apart from one day to the next. EFV programs would allow families a way to transition to their new realities. As most parents won’t be allowed back home, and most families don’t have the means to send their children to a parent’s country of origin regularly, EFVs will give families and chance to catch their breath and prepare for what’s to come in private, as a family—without the hateful stares of detention center guards.

The strengthened family ties that occur from extended family visits can be fundamental for a detainee’s transition to life after deportation. Family connections are good for society as well—children and parents are more likely to be productive members of society when given the

\textsuperscript{57} Small apartments, like the ones in Connecticut, would take more time to implement as they’d require a change in the facility’s structure. Trailers can be easily added to detention center grounds and accessed securely. For an example, see: https://www.cga.ct.gov/2014/rpt/2014-R-0053.htm
chance. EFV programs can be used as a middle ground. Undocumented immigrants who do not prove they should stay in the United States can use this program to bond with children and slowly prepare for the distance. As one HRW interviewee said, “We do have to implement the law, but in a way that families who have been here… [can] still be productive in the community as they have been” (Meng, 2013, p. 59). This program would not guarantee a detainee will be granted legal status and be allowed to stay, but it will allow families a chance to maintain relationships. Parent-child relationships are crucial to a child’s future development, and his or her ability to be a productive member of society in the long-term. Denying a child their parent is not only wrong, but also, as a California study found, it is unproductive.

The money is there, the whole world knows the money is there. The United States spends billions on immigration enforcement, yet none of it improves public safety and it has yet to deter migration (Meng, 2015). Therefore, the money should be reallocated to more productive programs that promote familial relationships.

**California Has a Large Immigrant Detainee Population**

California is the perfect location for an extended family visit pilot program. California is the most populous state, and is home to at least 2.8 million undocumented immigrants (Rodriguez, 2013). In 2014, almost half of immigrant families had children (Kids Data, 2014). Unlike the rest of the country, undocumented immigrants and their families have made their homes in urban, as well as rural areas thanks to the job opportunities available to them. In Los Angeles alone, in 2013, there were approximately one million undocumented immigrants—considering there are approximately 11 million undocumented immigrants, which is almost 10% (Koball, et. al., 2015).
On any given day, California is responsible for over 6,500 immigrant detainees (Freedom for Immigrants, 2018). Detaining these individuals in a privately-run facility will cost taxpayers over $350 million each year.\(^{58}\) An Urban Institute report found that from October 2008 to August 2014, Los Angeles alone was responsible for 35,000 removals of the 375,000 deportations through the Secure Communities program (Koball, et. al., 2015, p. 62). That is an estimated $5 million dollars a day in detention costs—some of those will have been detained only a day, others may have waited months or years, taxpayers would have footed the astronomical bill regardless.

In 2017, the Economist reported a backlog of 500,000 deportation cases that have been pending for over 600 days (The Economist, 2017, paragraph 4). Donald Trump’s zero-tolerance policies, as well as FY 2018 budget suggest that this backlog will only increase.

**CALIFORNIA HAS A HISTORY OF ADOPTING PROGRESSIVE IMMIGRATION POLICIES**

In the last 10 years, California has been known for its progressive, pro-immigrant policies. For example, undocumented immigrants in California can apply for driver’s licenses, apply for in-state tuition and open bank accounts. In 2012, California, along with Connecticut, passed laws to limit the state’s cooperation with federal immigration officials (Nicholson and CAP Immigration Team, 2017). This has made immigrants safer. Yet even before this, according to the Urban Institute, the Los Angeles Police Department had a formal policy of non-cooperation with immigration officials, dating back to 1979 (Koball, et. al., 2015, p. 20).

In those same years, southern states have done the opposite. Places like Alabama, Arizona, and Georgia have made undocumented existence illegal. Arizona’s S.B. 1070 allowed

\(^{58}\) Freedom for Immigrants (2018) estimates that detaining immigrants in privately-run facilities cost approximately $149.58 per detainee per day.
state police officers to ask anyone they suspected of being in the United States without authorization for their papers. This would have legalized racial profiling towards Latinos. In 2012, the Supreme Court struck down the law.

When DACA was implemented, thousands of young undocumented immigrants were given the chance to come out of the shadows. They were now eligible to work in the formal economy, become state residents, receive healthcare. California was a pioneer of immigrant integration laws (Nicholson and CAP Immigration Team, 2017). In 2015, they gave all undocumented immigrant children access to healthcare.

California, as a leader protecting immigrants and families. In 2012, California passed the Reuniting Immigrant Families Act (S.B. 1064). This law is the first of its kind in the U.S., and is aimed at addressing reunification barriers immigrant families involved with the child welfare system face. It makes clear the state’s position on families first—a child’s relationship with their family should be priority regardless of a parent’s immigration status, their detention or deportation. This law adds immigration-related issues to the list of reasons a family’s reunification process can be extended beyond the standard time limits. And finally, this policy provides ways in which child welfare agents can help detained parents’ in their quest to maintain their parental rights—focusing on maintaining contact, visitations, and foster care placement options (Lincroft, 2013).

At the local level, California has two county programs aimed at vulnerable children of immigrants as well. Riverside County and San Diego Social Services have an International Liaison Unit. The Riverside Unit works with children in the welfare system and notifies the appropriate consulate to help with reunification. The San Diego Unit focuses on working closely
with social services agencies in Mexico to search for parents, coordinate home visits, and provide relevant and necessary services to children on both sides of the U.S.-Mexico border (Capps, et. al., 2015, p. 16).

Even local Californian leaders are making their communities safer. In Los Angeles, a $10 million fund was proposed to help detainees fight their deportations (Carcamo and Smith, 2016). The idea is to provide them with lawyers to help navigate a system designed to see them fail. With this cash flow, immigration courts should see a reduction in their backlogs, and detainees will be more likely to go home to their families.59

**CURRENT COSTS OF IMMIGRATION ENFORCEMENT IN CALIFORNIA**

In California, with a detainee population of 6,500 per day, expensive ATDs would save taxpayers at least $310 million per year. While the average length of time a detainee is held in immigration detention, the number isn’t very representative. It minimizes the long-term detainees because those caught and released in the same day (an overwhelming majority of those caught along the border during the Obama Administration) were also counted. Using a conservative average from a paper published by UC Davis, detainees caught in the U.S. interior—where most parents will be found—will be held six months in immigration detention facilities. This means that parental detention can cost California taxpayers over $100 million dollars a year.60

Added to these costs are the initial arrest costs and the estimated salary costs. In Sacramento, these were estimated as $250 for booking and $190 in salary (National Immigration Forum, 2011, paragraph 40). When undocumented immigrants were involved, this cost an

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59 Evidence has shown that those in immigration proceedings who have a lawyer are more likely to win their cases, or have more favorable outcomes, than those that must navigate the system alone.

60 4,000 parents x 149.58 detention cost per day x 180 days
additional $1 million to taxpayers just to book undocumented parents, and an additional $760,000 in salaries that could be used to keep communities safe.

EXTENDED FAMILY VISIT PROGRAMS WOULD BE ALMOST SELF-SUSTAINING

To calculate the potential costs of implementing extended family visits in California, the following is a simulation of costs, both at the higher end and the lower end, associated with the program and one way to offset them—charging families a small fee. Ignoring the total budget available for immigration detention in California, this portion of the thesis will focus on the net costs of implementing EFV programs in the California detention centers. While detainees can be held in local or state jails, this cost analysis will focus on the 10 centers in California specifically designed to house immigrants.61

Considering the application of EFVs in 10 detention centers, the cost of purchasing 4 RVs for each center will be a one-time cost of approximately $640,000, at approximately $16,000 each.62 Payscale estimates a detention guard’s salary in California to be about $16 an hour. If one additional guard was hired in a permanent manner for the RV area, the cost will be approximately $34,200 per year.63 If families are charged a small fee like in Washington, say $100 per weekend for a family of four (with $5 more if a third child accompanies, and $25 for additional days for eligible families living farther away), these costs can easily be recuperated.

61 These centers are Yuba County Jail, Contra Costa County Jail West, Rio Consumnes Correctional Center, Mesa Verde Detention Facility, Theo Lacy Facility, Adelanto Detention Facility, Santa Ana City Jail, James A. Musick Facility, Otay Mesa Detention Facility, and Imperial Detention Facility. For more information, see: https://www.hrw.org/video-photos/map/2017/05/12/immigration-detention-centers-california
62 Samples of RVs that could be purchased and used for this program can be found at the following: https://www.rvt.com/Heartland-Pioneer-RG22-2018-Saukville-WI-ID7946915-UX151088, http://www.rvzez.com/k-pioneer-page-26.html
63 To get an exact cost of the additional detention officer, there would have to be a discussion with the private corporations. More information on the detention officer salary can be found at the following: https://www.payscale.com/research/US/Job=Detention_Officer/Hourly_Rate, https://www.calculators.org/savings/wage-conversion.php
Assuming extended visits occur every weekend (though detainees will only be able to access them once a month), this would generate an estimated $208,000 per year.\textsuperscript{64} The $134,000 needed to cover the difference per year would equal less than 1 cent a year per taxpayer in California.\textsuperscript{65}

One additional revenue stream could be those with families with multiple children living further than 300 miles from the detention center. Detention centers could use the Spanish model discussed earlier, where detainees with families who live more than 300 miles from a center can request additional days be added to their extended visits so as to make the trip worth it for children. These requests can be capped at two or three per year, and visits can be extended up to two or three days. This would add an additional $100 to $225 per year per eligible family.

Just like the prison EFV programs, access to these visits would be restricted and available only to those with no criminal record who have been in detention for longer than three months, and have minor U.S. citizen children. Preference will be given to parents’ with more than one minor U.S. citizen child who live farther away. Though the program would be available to all those who qualify with minor children, those whose family live more than 200 miles will be given preference when applying. The families of the selected detainees would be responsible for providing the food—as with most other extended family visit programs. Together with their detained family member, they would be responsible for requesting the accumulation of visitation days if they apply.

\textsuperscript{64} $100 per weekend x 4 RVs x 52 weeks in a year x 10 facilities.
\textsuperscript{65} The number of Californian taxpayers in 2015 was 16,293,947. For more information, see: https://www.ftb.ca.gov/Data/Individuals/Filing-Stats-by-year.shtml
CONCLUSION

This final section was meant as an overview of the pilot program. We explain the reasoning behind selecting California as the pilot program state, as well as the programs costs and funding. Another important takeaway from this section is the participant selection criteria. Just as with correctional facilities, the EFVs in detention centers will be limited. In this case to parents with U.S. citizen children who meet the additional criteria.
CONCLUSION

Immigration and incarceration are a global crises — every country is doing its best to find a solution that best fits into its sociocultural context. The United States, however, has only increased the number of walls and cages available to house nonviolent, noncriminal parents. While Obama directly addressed the effect his administration’s policies had on children and families, the U.S.’s current president almost seems to relish in these families anguish. Donald Trump’s presidency will see millions of undocumented parents now fit under the expanded deportation priorities (Human Rights Watch, 2017). This means that millions of new children are at risk of forced abandonment.

While it is understood and accepted that the United States cannot simply release all of those in detention—with the 2009 mandate it would actually be illegal—nor provide a blanket amnesty without concessions, there are steps the U.S. government could take to mitigate the effects of immigration detention on families. Instead, the United States should focus on improving the lives of its citizen children of undocumented parents. First, immigration enforcement policies and practice should be concerned with the circumstances and wellbeing of citizen-children during the detention and deportation of their parents.

These children are, after all, citizens who deserve all the protections to which they are entitled. Protecting children is a core American value, one they enshrined in the CRC, though never ratified. Prospectively, social, health, and immigration enforcement policies must look at the impact that living under the threat of deportation and the actual deportation process has on citizen-children.
As the number of short-term detainees increased thanks to Operation Streamline and current administration pushes to deport countless migrants, those in long-term detention may fall through the cracks. Come next year, the average stay in detention might drop to 20 days, yet there are detainees who are being held for years. These parents do not have the same luxury as incarcerated ones—they do not know when they will be released, and more frightening, they do not know where they will be released. These parents might need EFV programs more than incarcerated parents. Currently, research focuses on the effects divorce, death, and incarceration have on children as they grow up, yet little attention is given to this large marginalized group of U.S. citizens.

Missing from this analysis is the actual application. The only way to really know the exact impact of such a program is to put it into action. Future researchers should work directly with ICE to identify a public and private detention center that would benefit most from such a program. If funding is available from a private source, it is much more likely this program will be implemented, as this way there is no cost to taxpayers. Research suggests that implementing visitation programs is most practical in women’s facilities as there are fewer facilities and mother-child bonds are seen as primordial to a child’s future development. We argue that a center with fathers or mothers would greatly benefit from such a program as most children relied on both parents growing up, and the loss of either is detrimental to the child’s wellbeing. If given the choice, Orange County Correctional Facility would be a good place to start as they offer contact visits for immigrant detainees, and California still offers extended family visits within their correctional facilities—even if extremely limited (U.S. Immigration and Customs Enforcement).
This thesis does not propose ending detention though economics, common sense, and human decency would support it, but instead to humanize undocumented parents, and especially their citizen children. There are generations of children who will grow up in foster care not knowing what happened to their parents. Others will grow up with a weekly phone call and an occasional visit. These families deserve more. EFV programs will give children and parents hope in exchange of decreased profits to private corporations and federal government support. One analysis that is missing is the exact age of children most affected by the detention and deportation of a parent. Further research could shed light on the possible benefits of limiting the EFV programs to children of a certain age group—for now, this thesis proposes allowing all children under 18 to benefit.

This current program only contemplates U.S. citizens. Future research should analyze the feasibility of enacting this program without citizenship discrimination, which is incredibly important considering the current migrant crisis on the border. Due to the visitation policies at most detention centers, undocumented family members are prohibited from visiting because they can and will be detained, making the expansion of this program difficult. Another possible way to continue this research would be to analyze ways to grant undocumented children access to their parents. As the migrant crisis is only deepening with the current administration, one possible way might be to limit the visitation to minor children under 13—those most dependent and most vulnerable.

For more information, see: https://www.kanulaw.com/immigration/immigration-detention-procedures/ or https://www.immigrationequality.org/get-legal-help/our-legal-resources/detention-deportation/conditions-of-detention/#.XAKaNGiYo2w.

According to NBC and PBS, children separated from their parents along the border leading up to the summer of 2018 are under 13 years old. For more information, see: https://www.nbcnews.com/health/kids-health/many-children-detained-under-zero-tolerance-border-policy-are-under-n885371, https://www.pbs.org/newshour/health/a-
Caring for U.S. citizen children is in everyone’s best interest. Their health, development, academic success, and future social and economic capital will define the success of the nation. Trump’s zero-tolerance policy, and mass deportation dreams do just the opposite—they create fear, hatred, and instability. U.S. citizen children in mixed status families are caught in the middle of a world of possibilities and a life with their parent—a catch-22, lose their parents, or lose their home. Just one more effect of the war on drugs. Yet with the long-term effects incarceration is shown to have on children left behind, it would make most sense to redirect the apprehension and detention budget towards more fruitful departments, such as Education. CNN quoted a warning to the nation by Zayas: “What other future does the U.S. have other than losing a whole generation of kids because of the way their parents were treated?” (Rodriguez and Hauser, 2013).
APPENDIX A: CHILD DEVELOPMENT THEORIES

ATTACHMENT THEORY

John Bowlby, with help from Mary Ainsworth, developed attachment theory after years of studying the bond between infants and their primary caregiver. They argued that babies were genetically predisposed to need close proximity to their caregiver for survival, and separation ultimately lead to fear, distress, and searching. At the same time, parents evolved to respond to the baby’s cries or facial features (Bowlby, 1988; Artico 2008).

Bowlby argued that children developed a mental model for how relationships work through their early experiences with caregivers. He believed that effective attachment allowed children a “secure base” from which they would explore the world and develop their identity—returning to their base when they encountered fearful or stressful situations (Bowlby, 1988). This early attachment allows babies to develop internal working models for themselves and those around them. Simply put, children and caregivers learn “what works” in relation to meeting their needs. Over time, through countless repeated events, these working models become automatic and are generalized to the children’s new relationships.

Mary Ainsworth focused her studies on the strange situation procedure—in which children fell into three general types. In her studies, Ainsworth found when the mother was nearby, the child would explore objects in the surroundings, occasionally check that the mother was nearby, and then explore some more. If the mother left, babies often reacted with distress and their exploration ceased. When the mother returned, Ainsworth noted several sorts of

\[68 \text{ Internal working models can be broadly described as “...defining beliefs about the self, others, and the relations between the two. They influence the meaning people ascribe to interpersonal experiences, and they influence thoughts, emotions, and behaviors in close relationships” (Cobb & Davila, 2008. p. 209).}\]
reactions on the part of the baby. Differences among these reactions formed the basis of Ainsworth’s three attachment styles (Ainsworth, 1978).

The majority of babies exhibited what Ainsworth called a secure attachment style. They were more active and curious, interacting well with strangers. They became very distressed when they mother left, but were very happy when she returned. Another group of babies exhibited what Ainsworth called an avoidant style. These interacted more coolly with their mother, exhibited less distress at her departure and were cool to her upon her return. Finally, Ainsworth’s Anxious-Ambivalent style, were distressed at their mother’s leaving and angrier with her on her return.

Together, Bowlby and Ainsworth found that there are three attachment patterns all children can be classified into: secure, avoidant, and ambivalent. Mary Main (2011) found a fourth, disorganized. A child with a secure pattern of attachment will explore a room and engage with others while the parent is present. This happens when a child is very attached to the parent. If the parent leaves the room, the child will show signs of negative emotions, of missing the parent during the separation. When left alone with the stranger, the child will avoid him. Preference for the parent over a stranger is evident. When the parent returns, the infant will go to the parent to be held, was easily reassured, and quickly returned to play. At home, these parents were emotionally available, perceptive, and responsive to infant’s needs and mental states. The internal working model of these infants is likely to be one that expects that their needs will be known and met, that they will be attuned to and emotionally regulated, and that they can freely explore their environment in safety. As they grow, kids with a secure attachment will be able to seek help and comfort when they feel scared (Ainsworth, et. al. 2014; Artico 2008).
Children with an avoidant attachment style do not use their parent as a secure base. When separated, the child does not cry—there are no signs of fear during the separation. When the parent returns, the infant ignores the parent and continues playing. At home, these parents were emotionally unavailable, imperceptive, unresponsive, and rejecting. Some were responsive in non-emotional interactions, but were dismissive and non-responsive when the infant was emotionally needy, frustrated, or angry. This style develops when the parent consistently ignores the child’s needs or punishes the child for expressing their needs. The infants then protect themselves from this difficult situation by dissociating from contact with their normal need for connection, and repress their emotions more generally. The child is not avoiding a relationship, but avoiding showing feelings in order to maintain some kind of relationship. In adolescence and adulthood, this pattern of minimizing and devaluing feelings and relationships is referred to as dismissing (Ainsworth, et. al., 2014).

Those with ambivalent attachment are anxious—they do not explore their surroundings, instead they are hyper-vigilant of their parent’s whereabouts. They are distressed and fearful before any separation occurred. After a separation, these children fail to take comfort in the parent when reunited and continue to focus on the parent and fuss. Their parent does not soothe these babies even if they appeared caring and emotionally available. A child in this kind of relationship feels they cannot trust their parent in situations of fear and danger. At home, these parents are inconsistently available for the infant, and when available they are often pre-occupied and un-attuned to the infant. These infants were the most anxious, clingy, and demanding at home (Ainsworth, et. al., 2014).
While this was not an original classification, later studies showed infants who got disorganized when their mothers left the room, and also expressed disorganized patterns of behavior on return (Main and Solomon, 1986). In a stranger situation, the child will seem confused on the caregiver’s return, sometimes aggressiveness and sometimes avoidant. Disorganized attachment is most often associated with maltreatment from a parent who frightens the child. They were not soothed if they made contact with the mother. The homes of these infants often had physical or sexual abuse histories, psychologically disturbed parents, and/or parents with substance abuse. The inner working model of this relationship is not functional, and is one where the source of soothing is also the source of danger leaving children disorganized. Over time, the pre-school child starts to develop controlling behaviors to enable them to feel some degree of predictability and safety. These controlling behaviors usually include role-reversal in which a child acts towards others as a parent might towards a child. However, feelings of anxiety and fear remain unresolved and reappear in sometimes chaotic and destructive forms at times of stress (Hesse & Main, 2006; Reijman, et. al., 2018).

Hazan and Shaver argue that these initial attachment styles found by Bowlby were forever, and working models of relationships are formed in infancy that influence relationships throughout adulthood (Crowell and Waters, 1994). As individuals grow into adults, the internal working models they developed will shape how they interact with others, and develop into predictable patterns across experiences, responses, and behaviors within their relationships. When those initial relationships were warm and caring, children grow to expect warm and caring relationships from others. However, if their initial relationships were cold, neglectful, or abusive, these children grow up expecting all those around them to exhibit these behaviors.
**ECOLOGICAL SYSTEMS THEORY**

While a child’s relationship with their primary caregiver is fundamental to their development, researchers should remember that circumstances, environments, and outside factors are just as important when analyzing a child’s development and well-being. “Ecological systems theory is an approach to the study of human development… [Consisting in] the ‘scientific study of…the changing properties…in which the developing person lives, as this process is affected by…these settings, and by the larger contexts’” (Work and Family Researcher Network, n.d.).

Bronfenbrenner developed this theory to help explain how the inherent qualities of a child and their environment interact to influence how he will grow and develop. From the day they are born, children become part of various ecosystems that intertwine, change, and grow as they grow (Johnson, 2008). This is why even siblings do not develop in the same manner. Like Bowlby’s attachment theory, Bronfenbrenner argued that within the same family, siblings would develop differently because of their personalities and genetics. This too would explain why children act one way in school and another at home.

The basic premise of the ecological systems theory is that children are shaped by their microsystem, mesosystem, exosystem, macrosystem, and chronosystem (Ashiabi and O’Neal, 2015). The microsystem is a child’s immediate environment—home, school, daycare, etc. Those within the microsystem interact in a personal manner with the child. The interactions a child has within their microsystem is dynamic—just as parents and friends influence children, children too contribute to their environment and relationships through their reactions. Positive relationships

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69 In 2006, Bronfenbrenner revised his original theory, adapting the name to bio-ecological systems theory, emphasizing the active role of the individual in the developmental process.
will help a child’s development positively. The mesosystem for Bronfenbrenner is the interaction of a child’s different microsystems. This would translate into how home and school interact or how families and friends relate. When a child’s parents are actively involved in their schooling—for example, through homework checks—children are more likely to do better in school. Similarly, when a parent is involved in their friendships and welcomes their friends into the home, a child is likely to positively develop relationships and a sense of self. A child’s exosystem is a context in which the child is not directly involved but is affected—such as a parent’s job or extended family. For example, a parent’s job that requires travel will affect a child’s development. As attachment theory suggest, I child will develop a stronger bond with the present parent, especially if they are under the age of two. While the parent loves the child, their job has an indirect effect on the relationship that develops within that microsystem. The macrosystem that affects children is the most removed. It encompasses the culture and society in which children live, their ethnicity and/or race, their socioeconomic status, etc. For a child’s development, being raised in poverty and being raised the midst of a civil war will negatively affect them, but the degrees are different—their fears and daily lives are different. The chronosystem adds time to the ecological systems—how change and constancy affect child development. Divorce or a parent’s job loss, for instance, usually has an immediate negative effect on children but over time, they adapt.
In 2006, Bronfenbrenner redefined human development focusing on four defining properties: person, context, process, and time (Rosa and Tudge, 2013). In a sense, human development is shaped by context, culture, and history. In this context, person refers to the characteristics that make up an individual—age, gender, etc. Context properties is the synthesis of Bronfenbrenner original theory—microsystem, mesosystem, exosystem, macrosystem—into one overarching category. Process factors are the exchanges between a child and their environment. This would be how a child interacts with their microsystem and how the microsystem affects them. Finally, time is when and where an event occurred in a child’s life in relation to the historical context and their ecosystem.
Querida Nathalie:

Ya sabes mucho acerca de tu padre.
Eres grande y muy inteligente.
Habla siempre con tu mamá, ella y yo te ayudaremos en todo.
Estás creciendo muy rápido y pronto querrás tener un "amigo".
Recuerda esto: nunca, nadie debe abusar o hacer algo que no quieras o te guste.
Nadie debe aprovecharte de vos.
Nunca nadie debe golpear, gritar o abusar de vos.
Cuando alguien quiere, acuda y protege a esa persona.
Si algo sucede, habla con mamá o con papá, siempre te ayudaremos.
Acúdate mucho y acuña a tu mamá y a tu hermana.

Besos

Papá 😊

Oct 24-06

Figure 6: Front of a letter written by a father in detention to his daughter, 2006.
Figure 7: Back of a letter written by a father in detention to his daughter, 2006.
**APPENDIX C: POLICY MATRIX**

Criteria Alternatives Matrix: (least ideal) 1 – 3 – 5 (ideal)

<table>
<thead>
<tr>
<th>Criterion Weight</th>
<th>Criterion</th>
<th>Policy Options</th>
<th>Current Policies</th>
<th>Extended Family Visits</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.4</td>
<td>Cost to Taxpayers to care for children of undocumented immigrants taken into state custody</td>
<td>$26,000 per year per child</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>0.3</td>
<td>Program costs: trailers, additional guards, etc.</td>
<td>$0 (maintain the status quo)</td>
<td>Yearly cost of $134,000, (less than 1 cent per CA taxpayer)</td>
<td></td>
</tr>
<tr>
<td>0.05</td>
<td>Health and wellbeing of U.S. citizen children</td>
<td>1</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>0.05</td>
<td>Political Likelihood</td>
<td>4</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>0.2</td>
<td>Number of children affected: possibly 2500,000 per year.</td>
<td>1</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td><strong>1.0</strong></td>
<td>TOTAL</td>
<td><strong>1.75</strong></td>
<td><strong>4.3</strong></td>
<td></td>
</tr>
</tbody>
</table>

*Figure 8: Policy matrix comparing current policies with Extended Family Visits*

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70 This number is dependent on many other factors not necessarily related to a parent’s detention. Some children may find themselves in foster care when a parent is detained, but it is the hope and assumption of this thesis that those children were placed there for their safety—not because a parent was denied the chance to be a presence in their child’s life. EFVs in California, a state that allows undocumented family members to foster children, would most likely find their foster care numbers decrease as children who have families to care for them, will be properly placed with family members.

71 Trailers are a one-time cost of approximately $640,000. Whereas guards are a permanent cost of roughly $342,000 per year per guard. For more information, see the section: Costs of implementing Extended Family Visits.
APPENDIX D: POLICY PROPOSAL

To: Mark A. Morgan

Office Held: Acting Director for U.S. Immigration and Customs Enforcement (ICE)

Issue: Extended Family Visits in Immigration Detention Centers

Problem Statement

U.S. citizen children of undocumented immigrants have their parents forcibly removed from their lives, much like children of incarcerated parents; however, their separation tends to be much more permanent and less visible. With little chance of contact, these citizen children are at a disadvantage as they grow up without a properly developed parent-child relationship, or far away from anything familiar. By analyzing the role the United States played in creating the increasing number of undocumented immigrants who currently call the United States home and the detention centers they end up in, as well as the effects separating loving parents from their children has on everyone—the communities, families, and children—a temporary relief seems obvious. Open borders is not a realistic possibility; however, reducing the unintended consequences of increased enforcement is easy, and economically feasible. Extended family visitation (EFV) programs should be available to children of detained parents. They are facing the possibility of permanent separation with little explanation or assistance. Because of the similar violent nature of the separation, and the positives EFVs have on children of incarcerated parents, these doubly vulnerable citizen children should be provided such a program.

Considering its role as a pioneer for immigrants’ rights, as well as housing the largest detained immigrant population, California would be the state to implement pilot EFV programs.
Children of parents in immigration detention centers are twice as vulnerable as children with incarcerated parents. These children not only have to deal with the separation, but also the double stigma of incarceration and immigration status of their parents. The domino effect will separate families, as well as communities. Deportation sometimes forces children to remain in foster care, for no other reason than the deportation of the parents. The total cost to care for each child is about $26,000 per year. Citizen children fear that their families could be separated at any time because of the constant and sometimes imminent threat of deportation. According to one report, in 2011, there were at least 5,100 children in foster homes due to the detention or deportation of their parents. These children and all children of undocumented parents face psychological trauma and financial difficulties following the knowledge of their parent’s legal status.

In California, with a detainee population of 6,500 per day, expensive ATDs would save taxpayers at least $310 million per year. While the average length of time a detainee is held in immigration detention is less than 30 days, the number is not representative. It minimizes long-term detainees because those caught and released in the same day (an overwhelming majority of those caught along the border) were also counted. Using a conservative average from a paper published by UC Davis, detainees caught in the U.S. interior—where most parents will be found—will be held at least six months in immigration detention facilities. This means that parental detention can cost California taxpayers hundreds of millions of dollars a year.

**Proposed Solution**

Extended family visits are permitted only in medium and low security prisons. Rules vary by state, but in all cases, the inmate must apply for visiting privileges. Inmates are not eligible if
they have been in trouble in the past six months for infractions such as fighting or not completing their daily chores. Visits can last from one hour to three days, and occur as often as once a month — but the average is once or twice a year. Prisoners who are only a year away from being released and have a clean history have the best chances of getting longer visits.

Providing EFV programs would allow parents and children to understand what has happened, to continue to rely on each other for comfort, and have a proper goodbye — should the time come. As centers are extremely isolated, allowing EFV programs to occur would increase the likelihood of family visits, as they can justify the trip time and costs when they’re able to spend more than a couple of hours chatting without a guard watching over them. For example, one mother interviewed was placed in a detention 2,300 miles from her children. With this program, a visit is much more likely as the children and guardian would be able to stay overnight and take advantage of every second together. Traveling all those miles for a two-hour visit simply is not feasible.

To calculate the potential costs of implementing extended family visits in California, the following is a simulation of costs, both at the higher end and the lower end, associated with the program and one way to offset them—charging families a small fee. Ignoring the total budget available for immigration detention in California, this portion of the thesis will focus on the net costs of implementing EFV programs in the California detention centers. While detainees can be held in local or state jails, this cost analysis will focus on the 10 centers specifically designed to house immigrants.

Considering the application of EFVs in 10 detention centers, the cost of purchasing four RVs for each center will be a one-time cost of approximately $640,000, at approximately
$16,000 each. Payscale estimates a detention guard’s salary in California to be about $16 an hour. If one additional guard was hired in a permanent manner for the RV area, the cost will be approximately $34,200 per year. If families are charged a small fee like in Washington, say $100 per weekend for a family of four (with $5 more if a third child accompanies, and $25 for additional days for eligible families living farther away), these costs can easily be recuperated. Assuming extended visits occur every weekend (though detainees will only be able to access them once a month), this would generate an estimated $208,000 per year. The $134,000 needed to cover the difference per year would equal less than 1 cent a year per taxpayer in California.

One additional revenue stream could be those with families with multiple children living further than 300 miles from the detention center. Detention centers could use the Spanish model discussed earlier, where detainees with families who live more than 300 miles from a center can request additional days be added to their extended visits so as to make the trip worth it for children. These requests can be capped at two or three per year, and visits can be extended up to two or three days. This would add an additional $100 to $225 per year per eligible family.

Just like the prison EFV programs, access to these visits would be restricted and available only to those with no criminal record who have been in detention for longer than three months, and have minor U.S. citizen children. Preference will be given to parents’ with more than 1 minor U.S. citizen child who live farther away. Though the program would be available to all those who qualify with minor children, those whose family live more than 200 miles will be given preference when applying. The families of the selected detainees would be responsible for providing the food—as with most other extended family visit programs. Together with their
detained family member, they would be responsible for requesting the accumulation of visitation days if they apply.

**Major Obstacles/Implementation Challenges**

People simply do not believe that prisoners should have access and much less time with family members. Some were angry when they found out prisoners have access to healthcare. Most of these people probably do not realize that those convicted of violent crimes are not allowed to participate in family visit programs. What these people do not realize is that programs such as California’s were extremely limited — lifers, death row inmates, sex offenders, those convicted of domestic violence, among many others were excluded from this program.

Another reason these programs were cut were claims of contraband entering the jails and babies being conceived during these visits. The Mississippi Corrections Commissioner even said they provided contraceptives during the visits. While there are no figures to support these claims, they try to use others to convince the world that it is too expensive to maintain the program.

As the number of short-term detainees increase thanks to Operation Streamline and current administration pushes to deport countless migrants, those in long-term detention may fall through the cracks. Come next year, the average stay in detention might drop to 20 days, yet there are detainees who are being held for over a year. These parents do not have the same luxury as incarcerated ones — they do not know when they’ll be released, and more frightening, they don’t know where they’ll be released.
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