



**Healthy, Thriving
Communities:
Safe Spaces for Immigrant
Children and Families**

February 2017



Center
for the
Study
of
Social
Policy

www.cssp.org

The communities where children and their families live have a dramatic impact on their ability to thrive. In turn, strong communities are created and supported by healthy, economically secure families. Policies and practices at every level must promote economic stability, access to concrete supports in times of need, availability of preventative and treatment health care, access to safe and stable housing, access to healthy and affordable food, mitigated effects of toxic stress and supportive and socially-cohesive communities. Sadly, recent federal developments related to immigration enforcement and access to supports and services present a very real danger to community safety, particularly for immigrants and their families.

As a nation of indigenous people and immigrants, we have a responsibility to ensure that our policies welcome, support and protect newcomers who face significant barriers upon moving to the United States. In this brief, we highlight actionable policies at the state and local levels that can be used to promote safe spaces, economic stability and strong communities. In the wake of new and proposed federal policy targeting immigrant families and communities, advocates must be ready to defend and enact effective policies that promote child and family well-being and advance our development as an inclusive nation.

The Impact of Immigration Enforcement on Children and Families

While data on the precise number of undocumented persons are difficult to find, immigration experts estimate that there are between 11 million and 11.5 million undocumented persons living in the United States, accounting for approximately 3.5 percent of the total U.S. population.¹ While a little over half of the undocumented population are from Mexico (approximately 5.9 million people), many are from Central America (1.7 million people), Asia (1.45 million people), Europe and Canada (600,000 people), South America (650,000 people) and sub-Saharan Africa (275,000 people). These people are employers, employees, parents and children and valued members of their communities. Analysis of U.S. Census data shows that there are 5.1 million children in the United States with at least one undocumented immigrant parent. Of these children, 79 percent, or 4.1 million, are U.S. citizens.²

Figure 1.

Breakdown of Undocumented Population (2014)



The ways in which immigration enforcement activities are conducted greatly affect not only the safety and stability of immigrant families but also the stability and health of the broader communities in which they live. The compounding effects of lack of access to critical supports and services and fear of family separation have a direct impact on the healthy development and economic mobility of immigrant children and families. Specifically:

- Children of disconnected, undocumented parents face a higher risk for lower preschool enrollment, reduced socioeconomic progress, higher rates of linguistic isolation, limited English proficiency and long-lasting poverty when compared with children of immigrants generally and the total population of children in the United States.³

- Since 2009, the U.S. government has deported more than half a million parents of U.S. citizen children.⁴ Every year more than 5,100 U.S. citizen children enter the child welfare system because of the detention or deportation of one or both of their parents.⁵ Detained parents are often unable to maintain relationships with their children or make decisions in their best interest, and if a parent is deported, his/her participation in child welfare proceedings is severely limited, often resulting in the termination of parental rights.

- Children whose parents have been deported are at greater risk of psychological trauma, residential instability and homelessness, family dissolution, poverty and aggression, among boys.⁶

- Partners, close family members and remaining custodial parents face greater health concerns, higher rates of poverty and diminished access to food when primary bread winners are detained or deported.⁷

- For families and communities, living in constant fear of separation often leads to mental health conditions, including separation anxiety, insomnia and post-traumatic stress disorder.⁸

- Detention facilities are often located in remote areas, far away from where detainees' families live and inaccessible to family court or child welfare proceedings. Detention inhibits a parent's ability to access legal representation, navigate the complicated immigration and child welfare systems and participate in court proceedings that will determine whether or not they can reunite with their children.⁹

Children of disconnected, undocumented parents face a higher risk for lower preschool enrollment, reduced socioeconomic progress, higher rates of linguistic isolation, limited English proficiency and long-lasting poverty when compared with children of immigrants generally and the total population of children in the United States.



Every year more than 5,100 U.S. citizen children enter the child welfare system because of the detention or deportation of one or both of their parents.

Supportive Policies to Promote Healthy, Thriving Children and Families

Absent federal support for immigrant communities, there are several ways local policymakers can act to prevent negative outcomes by promoting supportive, sanctuary policies that create safe spaces for undocumented and mixed-status families. Research has demonstrated that communities that have implemented sanctuary policies have statistically lower crime rates, higher median household incomes, lower rates of poverty, less reliance on public assistance, and lower unemployment rates compared to communities and jurisdictions without sanctuary policies.¹⁰

In promoting sanctuary policies, local communities can issue city ordinances and/or enter into agreements with local law enforcement agencies¹¹ that:

- **Refuse to accept detainers (ICE Form I-247D):** A “detainer” is a request from federal immigration enforcement agencies, such as Immigration and Customs Enforcement (ICE), that a local law enforcement agency place a hold on an individual for up to 48 additional hours after his/her release date so that ICE may determine their immigration status and decide whether or not to place the person in immigration detention for removal proceedings. Currently, all local law enforcement agencies already share fingerprint data with the Federal Bureau of Investigation and Department of Homeland Security (DHS) upon arrest for the purposes of determining immigration status. Advocates argue that requiring local law enforcement to continue to detain individuals beyond the point at which they would be released from custody is a violation of Fourth Amendment and due process rights and also results in the detention of U.S. citizens and legal residents, including Legal Permanent Residents, refugees and asylees. According to recent research, 608 out of 2,492 counties identified by ICE refuse to honor detainer requests.¹²
- **Opt out of federal immigration enforcement activities (287(g)):** The 287(g) program allows DHS to deputize state and local law enforcement officers to perform the functions of federal immigration agents. Under 287(g), deputized officers may access federal immigration databases, arrest and interrogate those they suspect of violating immigration laws, and lodge “detainers” to hold migrants in state and local custody for immigration purposes. This program lacks adequate federal oversight, diverts resources away from local law enforcement and promotes fear and distrust among migrant communities and local police. Local law enforcement participation in 287(g) may result in immigrant victims of crime, including domestic violence, fearing calling the police or refusing to participate in police investigations for fear of deportation.

State legislatures can support immigrant children and families by:

- **Leveraging state funds to ensure immigrant families’ access to safety net services:** Given that children of disconnected, undocumented parents have been shown to be at higher risk for lower preschool enrollment, reduced socioeconomic progress, higher rates of linguistic isolation, limited English proficiency and lasting poverty when compared to children of immigrants generally and the total population of children in the U.S.,¹³ it is particularly important to ensure their access to social safety net services. States and localities can leverage state funds to serve immigrant families, including General Assistance or similar programs, to supplement federal TANF services for which undocumented immigrants and many legal immigrants are ineligible.¹⁴

■ **Providing access to federal supports for immigrant children:** States and localities can also support U.S. citizen children of immigrants by providing partial support to families through ineligible immigrant (IIP) child-only grants that have no federal time-limits or work requirements. Child-only benefit levels are calculated based on the number of eligible citizen children within the “assistance unit” (AU), although states have broad discretion in determining the benefit levels and income eligibility thresholds. Effective implementation requires cross-system collaboration that is culturally competent and linguistically appropriate to promote immigrant families’ awareness of programs for which they are eligible, including IIP child-only grants.

■ **Enacting legislation that supports older immigrant youth:** States have the power to issue driver’s licenses to undocumented immigrants and can ensure undocumented youth have access to in-state tuition at state colleges and universities. Driver’s licenses confer not only the ability to access transportation, but also may be the only form of legally-identifying documents a young person has. For many low-income undocumented individuals, the ability to further education through attending college or technical school is an impossibility without tuition assistance. Sixteen state legislatures have already passed legislation allowing undocumented students to access in-state tuition, and four state university systems have established policies to offer in-state tuition rates to undocumented students.¹⁵

Critical policy strategies that every person concerned with supporting immigrant and undocumented communities can act on include:

■ **Creating safe access to social services:** States should use targeted outreach and engagement strategies to link disconnected immigrant families with resources in safe spaces where they already spend time, such as child care, schools, churches, hospitals and pediatrician’s offices. States and agencies must also make clear that information shared in the application process, including verification of income and citizenship status, will not be used or shared for the purposes of conducting immigration enforcement. This is essential if local and state leaders are to effectively encourage and support immigrant families to use safety net supports in times of need.

■ **Supporting efforts to codify the Deferred Action for Childhood Arrivals (DACA) program:** DACA is an administrative policy created by the Obama Administration in 2012 that grants two-year deferred action from deportation and work authorization for eligible young people who came to the United States as children before 2007, completed high school or a GED program and do not have any serious criminal incidents on their record. DACA has been continually renewed since its creation; however, as an administrative program, it can be repealed at any time. DACA is particularly important for young people who grew up in the United States and are contributing members of their communities. Its repeal would expose these young people to threats of unemployment, inability to enter and complete college and the risk of deportation.

Federal policies that increase immigration enforcement efforts without providing relief for undocumented and mixed status families have very real and negative impacts for child health, family economic mobility and community safety. Advocates and policy makers can utilize existing strategies to protect and promote the healthy development, access to support and services, and safety of all communities, particularly those most impacted by harmful federal policy.

Acknowledgements

This brief was authored by CSSP Policy Analyst Rosalynd Erney, with special thanks to Alexandra Citrin, Kristen Weber, Megan Martin and Viet Tran for their assistance with its review and production.

Endnotes

1. Krogstad, J.M., Passel, J., & Cohn, D. (2016). 5 facts about illegal immigration in the U.S. Retrieved from: <http://www.pewresearch.org/fact-tank/2016/11/03/5-facts-about-illegal-immigration-in-the-u-s/>
2. Capps, R., Fix, M., & Zong, J. (2016). A Profile of U.S. Children with Unauthorized Immigrant Parents. Retrieved from <http://www.migrationpolicy.org/research/profile-us-children-unauthorized-immigrant-parents>
3. Capps, Fix, & Zong. (2016).
4. Capps R., Koball, H., Campetella, A., Perreira, K., Hooker, S., & Pedroza, J.M. (2015). Implications of Immigration Enforcement Activities for the Well-Being of Children in Immigrant Families: A Review of the Literature. Retrieved from <http://www.migrationpolicy.org/research/implications-immigration-enforcement-activities-well-being-children-immigrant-families>
5. The Applied Research Center. (2011). Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System. Retrieved from: <http://act.colorlines.com/acton/formfd/1069/0041:d-0001>
6. Capps et. al. (2015).
7. Human Impact Partners. (2013). Family Unity, Family Health. Retrieved from <http://www.familyunityfamilyhealth.org/uploads/images/FamilyUnityFamilyHealth.pdf>
8. Human Impact Partners. (2013).
9. The Women's Refugee Commission. (2013). ICE's Parental Interests Directive: Helping Families Caught Between the Immigration and Child Welfare Systems. Retrieved from: <https://womensrefugeecommission.org/blog/1713-new-ice-directive-helps-families-caught-between-the-immigration-and-child-welfare-systems>.
10. Wong, T. (2017). The Effects of Sanctuary Policies on Crime and the Economy. Retrieved from <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>
11. The Trump Administration released an executive order on January 25, 2017 that asked the Departments of Justice and Homeland Security to withhold "federal funds, except as mandated by law" from cities that opted out of these federal immigration enforcement programs. Unclear wording in the order left unclear to many municipal lawmakers exactly which grants to law enforcement agencies may be withheld, however the Washington Post reports that Homeland Security and Justice Department grants that could be affected under this Executive Order make up a relatively small part of the federal budget and are not a substantial source of revenue for larger cities. For more information, see "How sanctuary cities work, and how Trump's executive order might affect them", available online here: <https://www.washingtonpost.com/graphics/national/sanctuary-cities/>.
12. Wong, T. (2017).
13. Capps, R., Fix, M., & Zong, J. (2016).
14. National Immigrant Law Center. (March, 2016). State-Funded TANF Replacement Programs. Retrieved from https://www.nilc.org/issues/economic-support/guide_tanf/
15. Mendoza, G.S., & Shaikh, N. (2014). Tuition Benefits for Immigrants. Retrieved from: http://www.ncsl.org/documents/immig/InStateTuition_july212015.pdf



Center for the Study of Social Policy

1575 Eye Street, NW, Suite 500
Washington, DC 20005

www.cssp.org

Center
for the
Study
of
Social
Policy