

OUR FUTURE TOGETHER:

A Framework for an Equitable Immigration System that Protects and Promotes the Well-Being of Families



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INTRODUCTION & SUMMARY

As a country, we have an obligation to protect and support children and families. This obligation is not conditional. It extends to all families, whether they have lived here for generations or just arrived.

Today, there are more than 44 million immigrants living in the United States, and one in four children live in immigrant families.¹ Immigrants hail from all corners of the globe.² They have varied educational backgrounds and work in a wide range of industries.³ They also have diverse legal statuses. About half of immigrants are naturalized citizens, about a quarter are lawful permanent residents or legal residents on temporary visas, and about a quarter, or 11 million, are undocumented.⁴ Most children in immigrant families have parents with legal status. Just over a third, or about 5 million children, live with at least one undocumented parent, and the vast majority of these children are U.S. citizens.⁵

As a nation, we must ensure that immigrant families are able to fully participate in their communities and ultimately thrive in the U.S. The Census Bureau predicts that immigration will become the main driver of U.S. population growth by 2030, bolstering our long-term economic growth.⁶ Ultimately, ensuring that all families have what they need to succeed will not only benefit those families, but it will enrich our culture, our economy, and our society.⁷

Rather than promoting families' well-being, however, our current system of immigration enforcement is threatening it. At the southern border, families seeking to enter the United States may be interrogated by law enforcement officers who have no training to interact with children, detained in jail-like settings without adequate food and medical care, and separated because of the misguided application of policies that themselves have not been shaped with the well-being of children and families in mind. Within the United States, parents may be arrested and separated from their children and loved ones without notice, detained in facilities that are hundreds of miles from their homes, jobs and communities, and deported without any consideration of the impact of their deportation on the children and family they leave behind. Families without legal status and with varying legal statuses are most directly harmed by this interior enforcement, but it effects entire communities, as millions live in fear of the next immigration raid and avoid requesting the services and supports they need or attending community events—or even school—because it might bring them into contact with enforcement.



Immigrant families and communities have not always faced these threats. Until the 1980s, enforcement at the southern border was limited, there was no real system of immigrant detention, and the deportation of immigrants—particularly parents with children and families to support—was relatively rare.⁸ But over the last three decades, a series of policy decisions has created an immigration enforcement bureaucracy that is unprecedented in its size and scope. The government's capacity to detain adults, children, and families has ballooned, so that today more than 50,000 people are detained daily, including up to 3,500 children and parents held in family detention centers.⁹ Annually, hundreds of thousands of people are deported, leaving thousands of children and family members behind. In Fiscal Year 2018, more than 256,000 people were removed from the U.S.¹⁰ In the previous calendar year, the most recent year for which we have data, more than 27,000 parents of U.S. citizen children were removed.¹¹ Every day, an inestimable number of children and families are impacted by the detention of a loved one, and by worksite and home raids carried out by Immigration and Customs Enforcement (ICE), which have increased significantly under the Trump administration.¹²

While these policies have had a devastating impact on immigrant families of all backgrounds, families of color are more likely to experience these harms. The expansion of the enforcement system was made possible by the proliferation of deeply racist imagery in which immigrants, and Latinx immigrants in particular, were depicted as criminals who deserved to be locked up and deported.¹³ Today, Latinx and black immigrants—groups which frequently overlap—are detained and deported at disproportionately high rates,¹⁴ and they are more likely to be caught up in enforcement because of the entanglement of the immigration system with the criminal justice system, which itself is rife with inequities.¹⁵

Our current system of immigration enforcement is deeply inequitable, and actively threatens the well-being of children and families. What would it look like, if we did things differently?

Ultimately, this is about who we want to be, as a nation. As an organization that is committed to building a racially, socially, and economically just society in which all children, youth, and families can thrive, we believe that all families should be treated with dignity and respect. Across policies and systems, we believe we should protect, and when possible promote, well-being.

Child and family-serving systems have learned, over years working with families, basic lessons

for protecting and promoting well-being. First, families come in many forms. Adults do not need to be legal guardians or related to children by blood or marriage in order to play an important role in children's lives. The child welfare system recognizes that the close and caring relationships that children forge with extended and fictive kin can help support them through difficult times.¹⁶ Second, that family unity is critical for well-being. Families support each other through stressful and traumatic events, and child well-being is dependent on the presence of caring and reliable adults who can help buffer this stress.¹⁷ Though there are instances when removing children from their families is necessary to protect their immediate safety, whenever possible children should be kept with relatives with whom they have close and supportive relationships. Finally, at points in their lives, all families need access to supports and services so that they can live and thrive together. In order to be effective, these services—whether legal, social, and economic—should be adapted to families' circumstances and respect and respond to their cultural and linguistic needs.¹⁸

In this report we chart a path forward, offering a framework for an equitable immigration system that protects and promotes well-being—for families seeking to enter the United States at the southern border or other ports of entry, as well as for families who are already living here. As we explain in more detail below, such a system would discard the punitive policies and practices that have been most harmful for families. It would protect families from further harm by ensuring that, whatever course the legal immigration process may take, it does not cause additional trauma. And finally, it would actively promote well-being by providing services that support immigrant children and families. Each of these decisions has the potential to reinforce and compound the others—doing more to protect and promote well-being together than they do individually.

It was not long ago that we had an immigration system that looked more like this, and creating a system that builds on what we know worked in the past and reflects more recent research and lessons about how to protect and promote well-being is within our reach. Immigration policy debates are divisive, and even like-minded experts disagree over the specific reforms that are necessary. This report does not make detailed recommendations, but outlines the basic principles that should be recognized in order to protect and promote the health and well-being of children and families. Ultimately, incorporating these principles into policy and practice will benefit families, communities, and the country as a whole.

HOW WE GOT HERE

The system of immigration enforcement that developed over the last three decades was not created with families in mind. Rather, lawmakers expanded the enforcement bureaucracy out of fear for our national security and concern for undocumented immigration, which at the time consisted primarily of single men crossing the southern border to look for work in the United States.

Undocumented immigration was a problem that the immigration system itself helped create. Starting in the 1970s, undocumented migration began to grow because of changes to immigration law that imposed the first numerical limits on immigration from Mexico and other Western Hemisphere countries and ended the temporary worker program that had brought hundreds of thousands of Mexicans to work on American farms over the previous decades. Though actual migration patterns between Mexico and the United States did not change significantly in the years that followed, the number of undocumented immigrants living in the United States grew dramatically as people who once moved legally between the two countries, now moved, or stayed, illegally. Lawmakers turned to enforcement in response.¹⁹

The Immigration Reform and Control Act of 1986 (IRCA), Congress's first attempt to address the growth in undocumented immigration in a comprehensive way, granted nearly 2.7 million previously-unauthorized people legal status, but also expanded border security to deter unauthorized immigration and imposed the first sanctions on employers who hired unauthorized workers. The Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) and the Antiterrorism and Effective Death Penalty Act (AEDPA), both passed in 1996, did not address the growing number of people living in the United States without documentation, but further increased resources for border enforcement, and significantly expanded the government's capacity to arrest, detain, and deport immigrants who are already here—including undocumented immigrants as well as immigrants with legal status who have been convicted of a criminal offense.²⁰

The laws that fundamentally re-oriented the U.S. immigration system toward enforcement were not designed with families in mind, and it should come as no surprise that they have caused significant harm to families over time. But the situation

The Laws that Built the Immigration Enforcement Apparatus and Threaten Family Well-Being²¹

- *Immigration Reform and Control Act of 1986*: Imposed sanctions on employers who hired unauthorized workers; increased border security to deter unauthorized entries; and established a legalization program for long-term unauthorized immigrants.
- *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*: Authorized significant funding for border and interior enforcement; expanded offenses leading to removal; stripped immigration judges of much of their discretion to grant relief from removal; limited judicial review of removal orders.
- *The Anti-Terrorism and Effective Death Penalty Act of 1996*: Expanded criminal grounds for deportation; limited relief from removal; restricted judicial review, and expanded mandatory detention.
- *The Personal Responsibility and Work Opportunity Reconciliation Act of 1996*: Restricted immigrants' access to public benefits.

has worsened in recent years, as more families have come into contact with enforcement. Though undocumented immigration overall has declined, families living in the United States continue to be separated at high rates by detention and deportation because of the increased capacity for interior enforcement and laws and policies that subject a larger share of our population to detention and deportation.²² In addition, at the southern border, even though apprehensions overall are among the lowest levels we have seen in decades, a growing share of people seeking entry to the United States at the border are coming as families.²³ In December 2018, a record 27,518 individuals who came as part of families were apprehended at the border, along with 4,766 unaccompanied children, making up more than half of the 50,753 individuals apprehended that month.²⁴ Many of these children and families are fleeing violence and poverty in Central America, and presenting themselves to immigration officials to apply for asylum.²⁵ Our immigration system, however, rather than protecting these families while their request for asylum is lawfully considered, often further traumatizes them.

A FRAMEWORK

FOR WELL-BEING IN THE IMMIGRATION SYSTEM

DISCARD HARMFUL POLICIES

FOR FAMILIES AT THE BORDER

- Do not separate families
- Do not detain families

FOR FAMILIES IN THE INTERIOR

- Limit arrests, detention, and deportation
- Ensure future enforcement is humane and mitigates harm to children and families

PROTECT FROM FURTHER HARM

FOR FAMILIES AT THE BORDER

- Ensure that facilities are family-friendly and meet basic needs
- Ensure that families interact with trained personnel

FOR FAMILIES IN THE INTERIOR

- Grant families legal status and a path to citizenship
- Enact reforms so a large population without legal status does not develop in the future

PROMOTE WELL-BEING

FOR FAMILIES AT THE BORDER

- Help families connect to services upon their release

FOR FAMILIES IN THE INTERIOR

- Ensure that immigrant families have access to services on the same terms as citizens
- Bolster additional supports for immigrant families to promote their full inclusion

PROTECTING & PROMOTING

THE WELL-BEING OF FAMILIES ENTERING THE UNITED STATES

Families who seek to enter the United States, whether at or between ports of entry, should be treated with dignity and respect. It is not only the right thing to do and the lawful thing to do, but it is in our national interest. Many of the families seeking to enter the United States without prior authorization have extensive family connections, claims to immigration relief, or both. They can and will become members of our communities, and ensuring that their first moments in the United States protect their safety and well-being will allow them to more easily integrate into and contribute to those communities.

DISCARD HARMFUL POLICIES:

Do not separate or detain families

Currently, when families are apprehended at the border or they present themselves at a port of entry, they experience the threat of both separation and detention. The Department of Homeland Security (DHS) uses an extremely narrow definition of family as being only a parent or legal guardian and a minor child,²⁶ which compels border patrol to separate young children from the older siblings, grandparents, aunts, and uncles who may be their caretakers.²⁷ Border patrol officers may also separate families because they think there may be a threat to a child's safety, because of the constraints imposed by detention space, or as we have seen in the first two years of the Trump administration, because they have been instructed to do so in order to deter further migration to the United States.²⁸ Meanwhile families are usually detained—all are held in Customs and Border Protection (CBP) facilities while their information is processed, typically for a day or longer, at which point some may be transferred to Immigration and Customs Enforcement (ICE) detention facilities, where they may be held for weeks.²⁹

Being forcibly separated from a caregiver is a highly stressful experience for a child. If this stress is not mitigated, it can become toxic, and have a lifelong impact on that child's development.³⁰ Loving and supportive caregivers can help buffer children from highly stressful experiences, but are unable to do so if they are separated. As the American Academy of Pediatrics has observed, "highly stressful experiences, like family separation, can cause irreparable harm, disrupting a child's brain architecture and affecting his or her short- and long-term health."³¹

Detention also threatens children's health and well-being. Studies have found high rates of post-traumatic stress disorder, depression, and anxiety among children who have been detained, and psychologists agree that "even brief detention can cause psychological trauma and induce long-term mental health risks for children."³² Dr. Luis Zayas, Dean of the School of Social Work at the University of Texas at Austin and an expert on child and adolescent mental health, interviewed families in immigration detention facilities and found "regressions in children's behavior; suicidal ideation in teenagers; nightmares and night terrors; and pathological levels of depression, anxiety, hopelessness, and despair."³³

The American Academy of Pediatrics and the American Medical Association have both issued policy statements opposing family detention,³⁴ and the Department of Homeland Security's own Advisory Committee on Family Residential Centers concluded that "detention is generally neither appropriate nor necessary for families—and that detention or the separation of families for purposes of immigration enforcement or management are never in the best interest of children."³⁵ In recognition of the harm detention poses to children, a federal court decision known as the Flores Settlement Agreement requires that DHS release children "without unnecessary delay"—in practice, however the Flores Settlement is often honored in the breach.³⁶

It is our obligation to ensure that we do not inflict the harms resulting from separation and detention on children and families in the future. Families should not be separated unless there is a serious threat to a child's immediate safety, determined by professionals with training in child abuse and neglect, discussed in more detail in the next section. Following child welfare best practice, chil-

dren's relationships with kin and fictive kin should be recognized. While it can understandably be difficult to evaluate the nature of a child's relationship with another relative or adult in the circumstances which families present themselves at the border, the harm posed by separating a child from any close relative who plays a caregiving role is too significant to ignore.³⁷ This is why it is critical that trained professionals be involved whenever there is a concern, and that they follow best practice in keeping children with their loved ones unless their immediate safety is threatened.

Finally, families should never be placed in immigration detention.³⁸ Any time that families spend in DHS custody should be kept to an absolute minimum, after which time families should be released on their own recognizance.³⁹

PROTECT FROM FURTHER HARM:

Ensure that facilities are family-friendly and meet basic needs, and that families interact with trained personnel

Currently, the first people families meet after crossing the southern border are usually CBP officers, in CBP facilities. CBP describes itself as “one of the world’s largest law enforcement organizations,” and its mission is to “safeguard America’s borders thereby protecting the public from dangerous people and materials while enhancing the Nation’s global economic competitiveness by enabling legitimate trade and travel.”⁴⁰ CBP facilities, which often look

like jails, reflect this mission. CBP guidance says that the holding cells in which many families spend the night should be made of concrete and minimally furnished—they are not designed for sleeping, and do not have beds.⁴¹ When asked whether they’ve received any training to interact with children and families, border patrol officers have told researchers that the training is “on the job” or that because they “have children, nieces or nephews of their own, they have sufficient experience to deal with children.”⁴²

Customs and Border Protection plays a critical role protecting our borders and overseeing trade and travel, but its interactions with families should be circumscribed. CBP officers will often be the first people families meet on U.S. soil, and they need to receive training in how to interact with children and families who have experienced trauma, so that they do not compound that trauma. They should also be trained in how to identify signs of abuse and trafficking. Ultimately, however, even trained border patrol officers should not have prolonged interactions with families. And families should not be detained in facilities that look like jails.

Instead, families’ information should be processed as expeditiously as possible in family-friendly facilities that meet their basic needs and protect their well-being. Ideally, these facilities would not be run by CBP, which has a mission that is at odds with protecting family well-being.⁴³ CBP Commissioner Kevin McAleenan himself admitted the his agency’s holding cells were “incompatible” with the new reality of parents with children coming across the



border to request asylum, after two children died in CBP custody in December of 2018. “Our Border Patrol stations were built decades ago to handle male single adults in custody, not families and children,” he told lawmakers.⁴⁴

Instead of jails, the facilities where immigrant families’ information is processed should be designed to promote healing after families’ journey to the border. If families must stay there for more than a few hours, there should be beds so that they may rest. There should be adequate food and water. There should be developmentally-appropriate toys, books, and recreational spaces for children. There should be private spaces where families can go if interviews and screenings are necessary, and parents should have access to child care if they are being interviewed and asked to disclose protection-related information which they may not want to share in front of their children.

If any interviews or screenings of families are necessary before their release, they should not unnecessarily prolong the process for families and they should be conducted by human services and other professionals who are extensively trained to interview children and their caregivers. One promising model that is widely used in child welfare systems is multidisciplinary teaming. For years, child welfare systems have recognized that bringing together professionals with different disciplinary backgrounds and expertise to work with families helps agencies better understand their circumstances and needs when there is a concern about abuse or neglect.⁴⁵ Systems have also found that multidisciplinary teaming can foster critical analysis that can mitigate individual and systemic racial bias. In child welfare, multidisciplinary teams may include professionals from health, housing, education, social work, and other sectors, but all members of teams have training in child-friendly, developmentally appropriate approaches to interviews, and they work to ensure that any investigation is tailored to the needs of the family, and that children are not further traumatized by the process.⁴⁶

Teaming is now a routine aspect of child welfare practice, and it can easily be adapted by the immigration system at the border for families that need additional screening. If there is a concern about abuse or trafficking, a caseworker with training in conducting child welfare and trafficking investigations should be on the team, and conduct any screening necessary. Any medical and mental health screening and immediately necessary health care should be provided by trained professionals. If families will need to be interviewed by asylum officers or other immigration officials, those officials should have training in how to interact with families, and families should be given an

opportunity to talk first with an attorney to learn about their rights.

All members of these multidisciplinary teams should have training in cultural responsiveness, and be proficient in one or more of the most common languages spoken by families apprehended at the border.⁴⁷ Interactions with families should occur in the family’s native language, and if team members do not speak that language, an interpreter should either be present or contacted via telephone—and teams should be held accountable for using interpreters when they are necessary. Team members should all have training in trauma-informed, healing centered, interview skills. Ultimately, the goal of this teaming is to ensure that families’ health and well-being are protected.⁴⁸ The goal of the entire process, however, must be to release families quickly.

PROMOTE WELL-BEING:

Help families connect to services upon release

Currently, when families are released from DHS custody—whether CBP or ICE—they are given little information about where to go or how to access services and supports to meet their most basic needs. While at times immigration enforcement officials inform local community-based organizations when they will be releasing families from detention, so that they might greet the families and offer them shelter and guidance as they prepare for their journey to their final destinations, at other times they do not.⁴⁹

In advance of their release, families should be given information about the availability of help as they plan for their journeys and their future in the United States, however long that might be. Ideally, officials at the border facility will give families information about an organization that offers services and supports at their point of release (should they need it) as well as at their final destination. If families engage with an organization at their point of release, that organization should ideally provide a “warm hand off” to the organization at their final destination, calling it directly to facilitate their connection. In health, early education, child welfare, and other family-serving systems, warm hand offs are widely recognized as the most effective method to coordinate services for families.⁵⁰

When families arrive at their final destinations, the organization with which they were put in contact should offer them voluntary services, again through multidisciplinary teams. For many families, lawyers will be critical members of their multidis-

ciplinary teams going forward. Experts have found that the lack of appointed counsel has a dramatic impact on case outcomes and undermines the rule of law.⁵¹ In a survey of immigration judges, more than 80 percent reported that “competent counsel improved the court’s operations.”⁵² Caseworkers will also be critical members of this team, as they can connect families with the wide range of services they may need. Recent experience with case management programs for families in immigration proceedings has underlined how important holistic services—that is, services that address social-emotional and physical health, housing, employment, legal, and other needs—are for promoting families’ well-being, as well as the timely resolution of their immigration cases.⁵³

The members of the multidisciplinary teams at families’ final destinations should, like those at border facilities, be trained in providing culturally-responsive, trauma-informed, developmentally-appropriate care. And they should be embedded in a larger network of services and supports designed to promote the inclusion of immigrant families, discussed in more detail below.



PROTECTING & PROMOTING

THE WELL-BEING OF FAMILIES LIVING IN THE UNITED STATES

Immigrant families who are already in the United States should, like all families, be protected from harm and offered the services and supports they need to thrive. Protecting and promoting the well-being of immigrant families is a prerequisite to realizing our national vision of equality and fairness, and to ensuring our future growth and prosperity. Mitigating the harm that our current system of immigration enforcement inflicts on families and communities is a critical step toward protecting and promoting overall well-being.

DISCARD HARMFUL POLICIES:

Limit arrests, detentions, and deportations, and ensure future enforcement is humane and mitigates harm to children and families

Within the United States, immigration enforcement most directly harms families when an adult—often a parent—is arrested by ICE, and then sometimes detained and deported. Children may witness the arrest of a parent, especially when it occurs at home or around other community institutions that families frequent together, and witnessing a parent's apprehension can be particularly traumatizing.⁵⁴ At other times, parents or other loved ones may be arrested during a workplace raid or while otherwise not with their children, and children may be left wondering what happened to them.

Separation may then be prolonged if family members are detained after their arrest, and the hardship for children and families only grows if they are then deported. Studies of families separated by workplace immigration raids document steep declines in income, increases in housing instability and food insufficiency, and widespread changes in child behavior. More than half of children were more afraid, and more than a third were more anxious, withdrawn, clingy, angry, or aggressive, after a parent was arrested.⁵⁵ The fear that enforcement instills in immigrant communities also has follow-on effects, leading families to withdraw from programs and services that help them meet their basic needs for fear that utilizing those services, often for the benefit of their citizen children, will lead to detection and arrest.

Protecting child and family well-being requires discarding the policies that have led such large

numbers of families living in the United States to experience arrest, detention, and deportation by immigration enforcement, and to reducing the harm of these enforcement measures when they do occur.

Ultimately, more families are experiencing enforcement because of changes in immigration law in 1996 that made more people deportable, mandated their detention before deportation, and limited judge's discretion to prevent deportations if deportation posed a hardship to families. These laws also strengthened the link between the criminal justice system and immigration systems, introducing new inequities into immigration, and resulting in immigrants often being punished twice for the same crime.⁵⁶

In order to reduce the harm caused by immigration enforcement, we need to roll back the policies that have led the system to negatively intervene in so many lives. We should sever the link between the criminal justice and immigration systems, so that the immigrants who commit crimes receive fair and equitable treatment. We should expand discretion in the immigration system, to ensure that law enforcement officers, prosecutors, and judges can consider an immigrant's family and community ties when deciding whether to arrest, detain, or deport someone.⁵⁷ And we should significantly reduce the use of detention, ending mandatory detention and ensuring that the presumption is that immigrants in deportation proceedings will be released into the community while they await their court dates—just as they should be if apprehended at the border.

Finally, we need to take steps to ensure that when enforcement does occur, that it is humane. People should be protected from apprehension at sensitive locations, so that families do not avoid sending their children to day care, school or to the doc-

tor's office in order avoid arrest.⁵⁸ Protocols should ensure that enforcement is avoided when children are present, and if children are present, parents are given an opportunity to designate a caregiver and make the necessary phone calls to arrange care. All agents who interact with families should be trained in how to minimize the trauma that their actions cause children.⁵⁹ In addition, other public and private agencies that work with immigrant families and provide services and supports that help them meet their basic needs should not work with immigration enforcement, and they should clearly communicate their privacy policies to clients to limit the chilling effect that enforcement has on access to services and supports. Finally, children and families who are involved with immigration enforcement in the interior should be offered the support of a multidisciplinary team—just like families who have recently crossed the border—that can provide legal, counseling, and other services to help them as their immigration cases unfold and they consider their options for the future.

PROTECT FROM FURTHER HARM:

Grant families legal status and a path to citizenship and enact reforms so a large population without legal status does not develop in the future

While immigration enforcement directly threatens the well-being of immigrant families and communities today, for many, their tenuous legal status is a fundamental barrier to well-being even absent harmful enforcement. Undocumented workers are paid lower wages than workers with legal status,⁶⁰ and they are more likely to work in industries where wage theft and other labor violations are rampant.⁶¹ Meanwhile, parents who are undocumented are more likely to avoid social services which support economic security, and to which their U.S. citizen children may be entitled, out of fears of disclosing their legal status.⁶² As a result, having undocumented status, or living with parents who do, leads to worse outcomes for children and youth. Children and youth who are undocumented or live in mixed-status families are less likely to be engaged in education, from early childhood through high school, so that by the time they are young adults they have received on average five fewer years of education. These same children and youth also have higher levels of food insecurity, are less likely to visit health care providers, and are more likely to live in poverty.⁶³

There is significant evidence that laws and administrative decisions that have granted people legal status in the past have improved well-being and economic mobility. For example, people who

received legal status as a result of the Immigration Reform and Control Act (IRCA) of 1986, which granted lawful permanent residence to 1.7 million unauthorized immigrants through its “general” legalization program and 1.3 million through a “Special Agricultural Workers” program, soon earned higher wages, moved on to better jobs, and invested more in their education.⁶⁴ Similarly, a 2018 survey of beneficiaries of the Deferred Action for Childhood Arrivals (DACA) program—which allows people without documentation who came to the United States as children and meet certain eligibility criteria to work with authorization and to receive temporary protection from deportation—found that it significantly improved their economic circumstances. Ninety-six percent of DACA recipients who responded were currently employed or in school, and their average hourly wage increased from \$10.29 to \$18.42 after receiving DACA. Six percent started their own business after receiving DACA, outpacing the general population, who started businesses at a much lower rate.⁶⁵ Policies like DACA, however, fall short of providing long-term security, because they can be rescinded—as the Trump administration has tried to do.⁶⁶

Families need the permanency and stability that comes with permanent legal status in order to thrive. For decades, the child welfare system has recognized how important permanency is for children, and it is a central goal of child welfare services.⁶⁷ Immigrant families living in the United States similarly need and should have permanency and stability.

There are many proposals to reform the immigration system to realize this goal.⁶⁸ Ultimately, in order to promote well-being, any solution must grant families currently in the United States a permanent path to legal status and citizenship, and reform the system of legal immigration so that a large population without legal status does not develop again in the future.

When considering these long-term reforms, lawmakers should recognize the importance of family and community ties. There should be a process to allow undocumented immigrants who have been in the United States for a substantial period of time and developed strong familial and community ties to apply for permanent legal status.⁶⁹

There should also be a process to allow people living in the United States to sponsor their close family members living abroad to immigrate. Under the current system, some families are able to bring loved ones to join them in the United States through the family-preference visa system, but many are thwarted by narrow definitions of family and per-country limits on visas that have made it

significantly harder for family members from certain countries—notably, Mexico, India, China, and the Philippines—to come to the United States.⁷⁰ In addition, some families are not able to take advantage of family preference visas because the loved ones they would like to sponsor are already living in the United States without legal status, and cannot receive green cards without leaving the United States for years at a time.⁷¹ In order to be truly equitable, families must have an equal opportunity to sponsor their loved ones for residence in the United States—regardless of their country of origin, or the current legal status of their relatives.⁷² And, as the child welfare system does already, the immigration system should recognize the critical role that extended family members play in the lives of many immigrant families, and expand access to visas for other close relatives.

Ensuring that families have a path to permanent legal status and citizenship will benefit families, and ultimately benefit us all by guaranteeing that all families in the United States have a prerequisite to full inclusion.⁷³

PROMOTE WELL-BEING:

Ensure that families have access to services on the same terms as citizens and bolster additional supports for immigrant families to promote their full inclusion

All families at times need access to supports and services in order to thrive, but immigrants, whether or not they have legal status, are less likely to access the services and supports they need. Undocumented immigrants are almost entirely ineligible for public benefits such as cash, food, and medical assistance. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which overhauled the nation's system of public assistance, severely limited lawful permanent residents' access to these benefits.⁷⁴ As a result, low-income immigrant families use public benefits at lower rates than low-income families who were born in the United States.⁷⁵ For example, about half of poor citizen children living in citizen households receive nutrition assistance through the Supplemental Nutrition Assistance Program, compared to one-third of non-citizen children and two-fifths of citizen children in non-citizen headed families.⁷⁶ When we look across programs, we see that the exclusion of immigrants from public benefits systematically disadvantages their citizen children. That is, these citizen children consistently have less access to the benefits and services that help people meet their most basic needs simply because they were born to immigrant parents.

Immigrant families should have access to services and supports on the same terms as citizens. They also should have access to additional supports to promote their inclusion and integration. A landmark report by the National Academies defines integration as “the process by which members of immigrant groups and host societies come to resemble one another” and it “depends on their participation in major social institutions such as schools and the labor market, as well as their social acceptance by other Americans.”⁷⁷ Both Republican and Democratic administrations have recognized the importance of immigrant integration.⁷⁸ Currently, a diverse array of governmental and non-governmental organizations provide supportive services for immigrants to facilitate their inclusion and integration. But the services are ad-hoc and inadequate. Two experts on immigrant integration describe it as a “threadbare, loose patchwork of integration initiatives.”⁷⁹ A Government Accountability Office study reported that “all representatives we interviewed from 15 governmental and nongovernmental offices indicated a need for a national immigrant integration strategy, federal coordination for immigrant integration efforts, or both.”⁸⁰

Across the country, in cities large and small, there is an immediate need for an integrated system of culturally and linguistically appropriate services to support immigrant families.⁸¹ Community-based organizations have taken the lead serving immigrant families in the past, and they have built trust in immigrant communities. These organizations should continue to be the primary contact for immigrant families in the future, working with immigrant communities as well as municipalities, states, and the federal government to meet families' needs. The necessary services will vary depending on the local context, but the goal of the services should be to support immigrant families' economic security and health and well-being. And these services must be truly accessible to families—available to them at schools, doctor's offices, and other institutions that they frequent. Organizations should specifically consider co-locating services, so that a range of services are offered in the same location to ease access.

The federal government can play an important role in supporting immigrant family inclusion. It can provide grants to build the capacity of community organizations that currently support and serve immigrant families to provide these services.⁸² And it can offer states and localities guidance on how to most effectively work with community-based organizations to support and include immigrants—particularly those with less experience working with and supporting immigrant communities.⁸³

THE WAY FORWARD

This vision, of an immigration system that eliminates the policies that inflict the most harm on families, protects families against further harm, and promotes well-being, is far from the landscape we have today. But the costs of our current policies are too significant to ignore. It is in our national interest and we have an obligation to protect and support children and families. The changes we should make are feasible and make economic and common sense.

If we re-orient our immigration system toward protecting and promoting family well-being, it opens up opportunities for immigrant children and families to pursue their aspirations and fully participate in American society. It will allow children to attend school, with no greater fear than whether they are prepared for a quiz or test. It will help parents earn an adequate living, and apply for and receive food assistance in times that they do not. It will give families who have walked thousands of miles to seek protection in the United States the opportunity to heal and grow. Ultimately, we will all benefit—because immigrant families are as crucial to our future as they have been to our past.



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ENDNOTES

¹Significantly, while the number of immigrants is high by historical standards, the share of the population that are immigrants is still lower than in the late nineteenth and early twentieth centuries. Zong, Jie et al. "Frequently Requested Statistics on Immigrants and Immigration in the United States." Migration Policy Institute, March 14, 2019. Available at: <https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states#Now>. In 2017, over 18 million children lived in immigrant families (i.e. had at least one immigrant parent), or 26 percent of all children in the U.S.

²About half were born in the Americas, just under a third are from Asia, about 10 percent are from Europe, and five percent are from Africa. The languages most frequently spoken at home, other than English, are Spanish, Chinese, Tagalog, Vietnamese, Arabic, French, and Korean. Migration Policy Institute Data Hub. "Regions of Birth for Immigrants in the United States, 1960-Present." <https://www.migrationpolicy.org/programs/data-hub/us-immigration-trends#source>.

³Recent immigrants are more likely to be very highly educated, having an advanced degree, and to be less educated, having less than a high school education, than the U.S. population as a whole. They are in the labor force at higher rates than the U.S. population as a whole, and work in every major industry. Zong, et al. "Frequently Requested Statistics."

⁴Ibid.

⁵Capps, Randy et al. "A Profile of U.S. Children with Unauthorized Immigrant Parents." Migration Policy Institute, January 2016. Available at: <https://www.migrationpolicy.org/research/profile-us-children-unauthorized-immigrant-parents>. The Center for Migration Studies, using a different methodology, estimates that almost 6 million U.S. born children live in households with undocumented residents, primarily their parents. Warren, Robert and Donald Kerwin. "Mass Deportations Would Impoverish US Families and Create Immense Social Costs." Center for Migration Studies, 2018. Available at: <https://cmsny.org/publications/mass-deportations-impoverish-us-families-create-immense-costs/>.

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Academies of Sciences, Engineering, and Medicine, 2017. Available at: <https://doi.org/10.17226/23550>.

⁷ Scholars define integration as the process, which has both economic and sociocultural dimensions, “by which immigrant groups and host societies come to resemble one another.” The “process of integration depends upon the participation of immigrants and their descendants in major social institutions such as schools and the labor market, as well as their social acceptance by other Americans (Alba et al., 2012). Greater integration implies parity of critical life chances with the native-born American majority.” Waters, Mary and Marisa Gerstein Pineau, eds. *The Integration of Immigrants into American Society*. National Academies, 2015, p. 19. Available at: <https://doi.org/10.17226/21746>. On the value of immigrant integration, see “White House Task Force on New Americans: One-Year Progress Report.” White House, December 2015. Available at: https://obamawhitehouse.archives.gov/sites/default/files/image/tfna_progress_report_final_12_15_15.pdf.

⁸ On the turn to detaining immigrants in the 1980s, see Minian, Anna Raquel. “America Didn’t Always Lock Up Immigrants: Our current detention policies have very specific historical roots.” *New York Times*, December 1, 2018. Available at: <https://www.nytimes.com/2018/12/01/opinion/sunday/border-detention-tear-gas-migrants.html>.

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¹⁰ U.S. Immigration and Customs Enforcement. “Enforcement and Removal Operations Report, FY 2018.” Available at: <https://www.ice.gov/doclib/about/offices/ero/pdf/eroFY2018Report.pdf>.

¹¹ U.S. Immigration and Customs Enforcement. “Deportations of Aliens Claiming U.S.-Born Children, First Half, Calendar Year 2017” and “Deportations of Aliens Claiming U.S.-Born Children, Second Half, Calendar Year 2017.” Available at: <https://www.dhs.gov/sites/default/files/publications/ICE%20-%20Deportation%20of%20Aliens%20Claiming%20U.S.%20-Born%20Children%20-%20First%20Half%2C%20CY%202017.pdf> and <https://www.dhs.gov/sites/default/files/publications/ICE%20-%20Deportation%20of%20Aliens%20Claiming%20U.S.%20-Born%20Children%20-%20Second%20Half%2C%20CY%202017.pdf>.

¹² Vasquez, Tina. “ICE Workplace Raid Roils Immigrant Community in North Carolina (Updated).” *Rewire News*, February 6, 2019. Available at: <https://rewire.news/article/2019/02/06/ice-workplace-raid-roils-immigrant-community-in-north-carolina/>. On how overall enforcement has changed under the Trump administration, see Guevara, Carlos. “Beyond the Border: Family Separation in the Trump Era.” *UnidosUS*, March 2019. Available at: <http://publications.unidosus.org/handle/123456789/1915>. Capps, Randy et al. “Rewing Up the Deportation Machinery: Enforcement and Pushback under Trump.” *Migration Policy Institute*, May 2018. Available at: <https://www.migrationpolicy.org/research/rewing-deportation-machinery-under-trump-and-pushback>.

¹³ On how political entrepreneurs cultivated a new politics of fear, see Massey, Douglas, et al. “Why Border Enforcement Backfired.” *American Journal of Sociology*, March 2016. Available at: <http://www.princeton.edu/system/files/research/documents/684200.pdf>. On the development of the “Latino Threat Narrative” see Chavez, Leo R. *The Latino Threat: Constructing Immigrants, Citizens, and the Nation*. Stanford University Press, 2008, 2013.

¹⁴ Though immigrants from Latin America make up an estimated 77 percent of the unauthorized population in the United States, they have constituted well over 90 percent of immigrants removed by U.S. Immigration and Customs Enforcement (ICE) in recent years. Here Latin America is defined as Mexico, Central America, and South America (Cuba and the Dominican Republic, often included in a definition of Latin America, are left off because of the way the data on the unauthorized population is presented). Data on the unauthorized population are from “Profile of the Unauthorized Immigrant Population in the United States.” *Migration Policy Institute*. Available at: <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/US>. According to the author’s calculations based on ICE data, immigrants from these countries constituted roughly 96 percent of removals in FY 2016 and 93 percent of

removals in FY 2017. See “Fiscal Year 2017 ICE Enforcement and Removals Report.” U.S. Immigration and Customs Enforcement, December 2017. Available at: <https://www.ice.gov/sites/default/files/documents/Report/2017/iceEndOfYearFY2017.pdf>. Black immigrants comprise 5.4 percent of the unauthorized population and 7.2 percent of the total noncitizen population but made up 10.6 percent of all immigrants in removal proceedings between 2003 and 2015. More than one out of five people facing deportation on criminal grounds is black. “The State of Black Immigrants, Part II: Black Immigrants in the Mass Criminalization System.” NYU Law, Immigrant Rights Clinic and Black Alliance for Just Immigration. Available at: <http://www.stateofblackimmigrants.com/assets/sobi-fullreport-jan22.pdf>. On the entanglement of the criminal justice and immigration systems, see Marcias-Rojas, Patrisia. “Immigration and the War on Crime: Law and Order Politics and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.” *Journal of Migration and Human Security*, 2018. Available at: <https://journals.sagepub.com/doi/10.1177/233150241800600101>.

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¹⁶ On the common definition of kin in child welfare, see “About Kinship Care.” Child Welfare Information Gateway. Available at: <https://www.childwelfare.gov/topics/outofhome/kinship/about/>.

¹⁷ On child well-being and family unity, see “Raising the Bar: Child Welfare’s Shift Toward Well-Being.” Center for the Study of Social Policy and the State Policy Advocacy and Reform Center, July 2013. Available at: <https://cssp.org/resource/raising-the-bar-child-welfares-shift-toward-well-being/>.

¹⁸ Across a wide range of fields, from social work to education to health care, the importance of providing care and services that respect and respond to the cultural and linguistic needs of families is well-recognized. See, for example, Goode, Tawara D. et al. “The Evidence Base for Cultural and Linguistic Competency in Health Care.” The Commonwealth Fund, October 1, 2006. Available at: <https://www.commonwealthfund.org/publications/fund-reports/2006/oct/evidence-base-cultural-and-linguistic-competency-health-care>. Reardon, Christina. “More Than Words—Cultural Competency in Healthcare.” *Social Work Today*. Available at: <https://www.socialworktoday.com/archive/051109p12.shtml>. Early Childhood Learning & Knowledge Center. “Culture & Language” U.S. Department of Health and Human Services. Available at: <https://eclkc.ohs.acf.hhs.gov/culture-language>.

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²³ In 2017, 303,916 people were apprehended at the Southwest Border, the lowest level we have seen in decades. In FY 2018 the number apprehended ticked up to 396,579. “U.S Border Patrol Monthly Apprehensions, FY 200-FY 2018. Available at: <https://www.cbp.gov/sites/default/files/assets/documents/2019-Mar/bp-total-monthly-apps-sector-area-fy2018.pdf>.

²⁴ Customs and Border Protection. “Southwest Border Migration FY2019.” Available at: <https://www.cbp.gov/newsroom/stats/sw-border-migration>.

²⁵ Surveys by the Pew Research Center have found that violence is a primary factor driving immigrants from Northern Triangle countries, along with economic opportunity. “Rise in U.S. Immigrants from El Salvador, Guatemala, and Honduras Outpaces Growth from Elsewhere.” December 7, 2017. Available at: <http://www.pewhispanic.org/2017/12/07/rise-in-u-s-immigrants-from-el-salvador-guatemala-and-honduras-outpaces-growth-from-elsewhere/>. A growing number of adults and children from these countries have requested asylum. United Nations High Commissioner for Refugees, Regional Office for the United States and the Caribbean, Washington, DC. “Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection.” Available at: <https://www.unhcr.org/en-us/about-us/background/56fc266f4/children-on-the-run-full-report.html>. Over the last year alone, the United States has seen a spike in the number of people entering the United States who express a fear of persecution, particularly among those trying to cross legally at ports of entry, and CBP officers admit that the numbers would be higher if the agency actually allowed all people seeking asylum to enter and apply. For the most recent data, see U.S. Customs and Border Protection. “Claims of Fear: CBP Southwest Border and Claims of Credible Fear, FY 2017-FY 2018.” December 2018. Available at: <https://www.cbp.gov/newsroom/stats/sw-border-migration/claims-fear>. Lind, Dara. “It’s Official: Trump’s Asylum Crisis is Driven by People Coming Legally.” Vox, December 10, 2018. Available at: <https://www.vox.com/2018/12/10/18134707/border-crisis-asylum-caravan-illegal>.

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³¹ Kraft, Colleen. "AAP Statement Opposing Separation of Children and Parents at the Border." May 8, 2018. Available at: <https://www.aap.org/en-us/about-the-aap/aap-press-room/Pages/StatementOpposingSeparationofChildrenandParents.aspx>. See also Shonkoff, Jack P. "Testimony to Congress of the United States at Hearing "Examining the Failures of the Trump Administration's Inhumane Family Separation Policy." February 7, 2019. Available at: https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Shonkoff%20testimony%20FINAL_0.pdf. Linton, Julie M. "Testimony on behalf of the American Academy of Pediatrics, to Congress of the United States at Hearing "Examining the Failures of the Trump Administration's Inhumane Family Separation Policy." February 7, 2019. Available at: https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Linton%20testimony%20FINAL_1.pdf.

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³⁴ Linton, et al. "Detention of Immigrant Children." American Medical Association, "AMA Adopts New Policies to Improve Health of Immigrants and Refugees," June 12, 2017. Available at: <https://www.ama-assn.org/ama-adopts-new-policies-improve-health-immigrants-and-refugees>.

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³⁶ For the terms of the original agreement, see *Flores v. Reno*, Available at: <https://www.aila.org/File/Related/14111359b.pdf>.

³⁷ On the importance of keeping children with kin, including siblings, grandparents, and other extended family members, see Children's Bureau. "Sibling Issues in Foster Care and Adoption." Child Welfare Information Gateway, January 2013. Available at: <https://www.childwelfare.gov/pubPDFs/siblingissues.pdf>. Generations United. "Children Thrive in Grandfamilies." Available at: <http://grandfamilies.org/Portals/0/16-Children-Thrive-in-Grandfamilies.pdf>. Research has found that children in the care of relatives, compared to children in the care of non-relatives, are more likely to report feeling "always loved." Wilson, Leslie and James Conroy. "Satisfaction of 1,1000 Children in Out-of-Home Care, Primarily Family Foster Care, in Illinois' Child Welfare System." 1996. Available at: <http://www.eoutcome.org/Uploads/COAUploads/PdfUpload/SatisfactionInIllinoisChildWelfare.pdf>. They are also less likely to have behavioral problems

and poor social skills. Sakai, Christina, et al. "Health Outcomes and Family Services in Kinship Care." *Archives of Pediatrics & Adolescent Medicine*, February 2011. Available at: <https://jamanetwork.com/journals/jamapediatrics/article-abstract/384260>. On their better behavioral health outcomes see also Rubin, David et al. "Impact of Kinship Care on Behavioral Well-being for children in Out-of-Home Care." *Archives of Pediatrics & Adolescent Medicine*, June 2008. Available at: <https://jamanetwork.com/journals/jamapediatrics/article-abstract/379638>.

³⁸ The U.N. Committee on the Rights of the Child has called for all countries to "expeditiously and completely cease the detention of children on the basis of their immigration status." Quoted in International Detention Coalition. "There are Alternatives." 2015, p. 22. Available at: <https://idcoalition.org/wp-content/uploads/2016/01/There-Are-Alternatives-2015.pdf>. Recently proposed legislation lists the following groups as vulnerable who should not be detained: anyone who is an asylum seeker or victim of torture or trafficking; has special religious, cultural, or spiritual considerations; is pregnant or nursing; is under 21 years of age or older than 60 years of age; identifies as gay, lesbian, bisexual, transgender, or intersex; is a victim or witness of a crime; has a mental disorder or physical disability; or has been determined by an immigration judge or the Secretary of Homeland Security to be experiencing severe trauma or to be a survivor of torture or gender-based violence, based on information obtained during intake, from the individual's attorney or legal services provider, or through credible self-reporting. See H.R. 532, Alternatives to Detention Act of 2019, 116th Congress. Available at: <https://www.congress.gov/bill/116th-congress/house-bill/532/text?r=1>.

³⁹ Many people entering the United States have strong family ties and are neither flight risks nor public safety concerns. There is no need to either detain them, or intensively monitor them through electronic monitoring or another intensive monitoring method. For background on the use of alternatives to detention, see Rutgers School of Law-Newark Immigrants' Rights Clinic. "Freed but not Free: A Report Examining the Current Use of Alternatives to Immigration Detention." American Friends Services Committee, July 2012. Available at: <https://www.afsc.org/sites/default/files/documents/Freed-but-not-Free.pdf>. Lutheran Immigration Refugee Services have reported that their clients who have been forced to wear ankle monitors have found monitors to be painful—improperly fitted and difficult to be removed—as well as humiliating and complicating to manage, since they require regular charging and people must stay at the wall where their device is plugged in during the duration of the charging. "They have reported discomfort with the sense that they can be tracked at all time, and that BI workers can speak to them at any point through the device, including while in public and with their children." Lutheran Immigration Refugee Service. "Family Placement Alternatives: Promoting Compliance with Compassion and Stability through Case Management Services." Available at: <https://www.lirs.org/wp-content/uploads/2018/11/Family-Placement-Alternatives-Final-Report.pdf>. Others have reported difficulties finding and maintaining employment. Any monitoring and check-in requirements should be reasonable to allow families to participate in legal case and maintain employment. American Immigration Lawyer's Association. "The Real Alternatives to Detention." Available at: <https://www.womensrefugeecommission.org/images/zdocs/The-Real-Alternatives-to-Detention-FINAL-06-27-17.pdf>. For an overview of alternatives to detention internationally, see International Detention Coalition. "There are Alternatives."

⁴⁰ See Customs and Border Protection. "Mission Statement." Available at: <https://www.cbp.gov/about>.

⁴¹ In 2008 CBP guidance stated that people should not be held for longer than 12 hours in CBP facilities. In 2015 the guidance was modified to state that detainees should generally not be held for longer than 72 hours in CBP facilities. Cantor, Guillermo. "Hieleras (Iceboxes) in the Rio Grande Valley Sector."

⁴² Cavendish, Betsy and Maru Cortazar. "Children at the Border: The Screening, Protection and Repatriation of Unaccompanied Mexican Minors." Appleseed, 2011. Available at: <https://www.appleseednetwork.org/wp-content/uploads/2012/05/Children-At-The-Border1.pdf>.

⁴³ In Ibid, Appleseed has suggested that USCIS is a natural fit within DHS, while HHS is another possibility. See also Linton et al. "Detention of Immigrant Children."

⁴⁴ Miroff, Nick. "7-year old migrant girl taken into Border Patrol custody dies of dehydration, exhaustion." *Washington Post*, December 13, 2018. Available at: https://www.washingtonpost.com/world/national-security/7-year-old-migrant-girl-taken-into-border-patrol-custody-dies-of-dehydration-exhaustion/2018/12/13/8909e356-ff03-11e8-862a-b6a6f3ce8199_story.html?utm_term=.109ac65cb002.

⁴⁵ On the benefits of multidisciplinary teams generally, see Van Pelt, Jennifer. “Multidisciplinary Child Protection Teams—The Social Workers Role.” *Social Work Today*, March/April 2013. Available at: <https://www.socialworktoday.com/archive/031513p26.shtml>. See other resources at, “Multidisciplinary Teams.” Child Welfare Information Gateway, U.S. Children’s Bureau. Available at: <https://www.childwelfare.gov/topics/responding/ia/investigation/multidisciplinary/>.

⁴⁶ See, for example, “Casework Teaming to Reduce Workload, Enhance Effectiveness & Boost Morale.” National Child Welfare Workforce Institute, January 2013. Available at: http://ncwwi.org/files/Casework_Teaming_1-pager.pdf. “The Urgent Need in Illinois for Unit-Based Multidisciplinary Teams to Investigate Child Abuse.” Illinois Children’s Justice Task Force, February 2016. Available at: <http://calio.org/images/the-urgent-need-in-illinois-for-unit-based-multidisciplinary-teams-to-investigate-child-abuse.pdf>.

⁴⁷ For similar recommendations, see H.R. 7047 Child Trafficking Victims Protection and Welfare Act, 115th Congress. Available at: <https://www.congress.gov/bill/115th-congress/house-bill/7047/all-info>.

⁴⁸ Currently, people who are apprehended at the border may be placed in expedited removal or reinstatement of removal proceedings, and can quickly be deported without a regular immigration court hearing. People who declare a need for protection are, by law, not supposed to be placed in such proceedings. If an individual or family declares a need for protection, trained asylum officers with the U.S. Citizenship and Immigration Services (USCIS) are supposed to conduct a credible fear screening, and families may be detained until such a screening has occurred. It is agency practice to give applicants at least 48 hours after arriving in detention before the interview is conducted, but applicants can waive that waiting period. USCIS. “Questions and Answers: Credible Fear Screening.” Available at: <https://www.uscis.gov/humanitarian/refugees-asylum/asylum/questions-answers-credible-fear-screening>. Researchers have found that the median period of detention associated with credible fear and reasonable fear proceedings is one day. Eagly, Ingrid Esq. et al. “Detaining Families: A Study of Asylum Adjudication in Family Detention.” American Immigration Council, August 2018. Available at: <https://www.americanimmigrationcouncil.org/research/detaining-families-a-study-of-asylum-adjudication-in-family-detention>. There is evidence that expedited removal infringes on people’s right to claim asylum. Cassidy, Elizabeth and Tiffany Lynch. “Barriers to Protection: The Treatment of Asylum Seekers in Expedited Removal.” U.S. Commission on International Religious Freedom. Available at: <https://www.uscirf.gov/sites/default/files/Barriers%20To%20Protection.pdf>. The Department of Homeland Security’s own Advisory Committee on Family Residential Centers called for eliminating the use expedited removal or reinstatement of removal proceedings in the case of families. If this were done, then families would be placed in regular removal proceedings and given a Notice to Appear before an immigration judge and released. Theoretically this could all occur quickly, and little in the way of immigration-related interviews or screening would need to occur immediately upon families’ arrival. “Report of the DHS Advisory Committee on Family Residential Centers.” U.S. Immigration and Customs Enforcement, September 30, 2016. Available at: <https://www.ice.gov/sites/default/files/documents/Report/2016/ACFRC-sc-16093.pdf>.

⁴⁹ Even when ICE has routinely informed community-based organizations in the past that they will be releasing families they do not necessarily continue to do so. See, for example, Lyon, Danny. “Welcome to El Paso.” *New York Review of Books*, January 17, 2019. Available at: <https://www.nybooks.com/daily/2019/01/17/welcome-to-el-paso/>.

⁵⁰ See, for example, Goldberg, Jessica et al. “Getting to the Warm Hand Off: A Study of Home Visitor Referral Activities.” *Maternal and Child Health Journal*, October 2018. Available at: <https://link.springer.com/article/10.1007/s10995-018-2529-7>. “Supporting Kindship Caregivers Part 2.” Child Welfare Information Gateway Podcast. Available at: https://www.acf.hhs.gov/sites/default/files/cb/cw_podcast_supporting_kinship_caregivers_part2_transcript.pdf.

⁵¹ Eagly, Ingrid and Steven Shafer. “A National Study of Access to Counsel in Immigration Court.” *University of Pennsylvania Law Review*, December 2015. Available at: https://scholarship.law.upenn.edu/cgi/view-content.cgi?article=9502&context=penn_law_review, Benson, Lenni B. “Immigration Adjudication: The Missing ‘Rule of Law.’” *Journal of Migration and Human Security*, January 2018. Available at: <http://cmsny.org/publications/jmhs-immigration-adjudication/>.

⁵² Benson, “Immigration Adjudication.”

⁵³ Organizations such as the Lutheran Immigrant and Refugee Services and the U.S. Conference of Catholic Bishops have extensive experience providing case management services to immigrant families and connecting them to the supports they need. The federal government also piloted the Family Case Management Program in 2016, but it was terminated in 2017 despite promising early results. On these programs generally, see Catholic Legal Immigration Network. “Backgrounder: Alternative to Detention Programs.” Available at: <https://cliniclegal.org/sites/default/files/cara/Alternatives-to-Detention-Backgrounder.pdf>. On the short-lived Family Case Management Program, see Women’s Refugee Commission. “Backgrounder: Family Case Management Program.” Available at: <https://www.womensrefugeecommission.org/images/zdocs/Backgrounder-FCMP.pdf> and Bajak, Frank. “ICE Shuttles Detention Alternatives for Asylum-Seekers.” Associated Press, June 9, 2017. Available at: <https://www.detroitnews.com/story/news/nation/2017/06/09/asylum-seeker-program-shuttered/102663370/>.

⁵⁴ Capps, Randy et al. “Implications of Immigration Enforcement Activities for the Well-Being of Children in Immigrant Families: A Review of the Literature.” Migration Policy Institute, September 2015. Available at: <https://www.migrationpolicy.org/research/implications-immigration-enforcement-activities-well-being-children-immigrant-families>. On how this information spreads in Latinx communities, see Dreby, Joanna. “How Today’s Immigration Enforcement Policies Impact Children, Families, and Communities.” Center for American Progress, August 2012. Available at: <https://www.americanprogress.org/wp-content/uploads/2012/08/DrebyImmigrationFamiliesFINAL.pdf>. On the effects of immigration enforcement under the Trump administration, see Cervantes, Wendy et al. “Our Children’s Fear: Immigration Policy’s Effect on Young Children.” CLASP, March 2018. Available at: https://www.clasp.org/sites/default/files/publications/2018/03/2018_ourchildrensfears.pdf.

⁵⁵ These studies found that fathers are typically arrested in workplace raids, leaving children behind with their mothers, who often have limited attachment to the labor force. Chaudry, Ajay et al. “Facing Our Future: Children in the Aftermath of Immigration Enforcement.” The Urban Institute, February 2010. Available at: <https://www.urban.org/sites/default/files/publication/28331/412020-Facing-Our-Future.PDF>. Capps, Randy et al. “Paying the Price: The Impact of Immigration Raids on America’s Children.” Urban Institute, October 2007. Available at: <https://www.urban.org/sites/default/files/publication/46811/411566-Paying-the-Price-The-Impact-of-Immigration-Raids-on-America-s-Children.PDF>. For a summary of the research and analysis on the impact of immigration enforcement on children see American Immigration Council and First Focus. “Falling Through the Cracks: The Impact of Immigration Enforcement on Children Caught Up in the Child Welfare System.” December 2012. Available at: https://www.americanimmigrationcouncil.org/sites/default/files/research/falling_through_the_cracks_3.pdf.

⁵⁶ Leadership Conference on Civil Rights Education Fund and the Commission on Immigration, American Bar Association. “American Justice Through Immigrants’ Eyes.” 2004. In the first 10 years after these laws were enacted, almost 900,000 people who were convicted of a crime were deported, including almost 180,000 people who were legally present. Seventy-two percent of people deported for a crime were convicted of non-violent offenses. Almost 30 percent of people without legal status who were deported for a crime had at least one U.S. citizen or legally present child or spouse. All of the legally present immigrants who were deported for a crime had at least one U.S. citizen or legally present child or spouse. “Forced Apart (By the Numbers): Non-Citizens Deported Mostly for Non-violent Offenses.” Human Rights Watch, April 2009. Available at: <https://www.hrw.org/report/2009/04/15/forced-apart-numbers/non-citizens-deported-mostly-nonviolent-offenses#>.

⁵⁷ On discretion in the immigration system, see generally, “The End of Immigration Enforcement Priorities Under the Trump Administration.” American Immigration Council, March 7, 2018. Available at: <https://www.americanimmigrationcouncil.org/research/immigration-enforcement-priorities-under-trump-administration>.

⁵⁸ DHS had longstanding policies that restrict enforcement actions in sensitive locations such as churches, schools, and health care facilities, but there are increasing reports that families have been apprehended at these locations. See “Department of Homeland Security’s ‘Sensitive Locations’ Policies.” CLASP, June 2018. Available at: https://www.clasp.org/sites/default/files/publications/2018/06/2018_sensitive_locations_detailed.pdf.

⁵⁹ Cervantes, Wendy, et al. “Our Children’s Fear.”

⁶⁰ Hall, Mathew et al. "Legal Status and Wage Disparities for Mexican Immigrants." *Social Forces*, December 2010. Available at: <https://academic.oup.com/sf/article-abstract/89/2/491/2235311>. Pastor, Manuel et al. "The Economic Benefits of Immigrant Authorization in California." Center for the Study of Immigrant Integration, January 2010. Available at: https://dornsife.usc.edu/assets/sites/731/docs/chirla_v10_small.pdf.

⁶¹ See generally Fine, Janice and Gregory Lyon. "Segmentation and the Role of Labor Standards Enforcement in Immigration Reform." *Journal of Migration and Human Security*, January 2018. In 2010, over half of workers born in Mexico and Central America were employed in "seven notoriously low-wage, high violation industries: construction, restaurants, retail, landscaping, agriculture, food manufacturing, and building services." For a comprehensive analysis of the failure to enforce our labor laws, with information about how immigrant workers are harmed, see Bernhardt, Annette et al. "Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities." National Employment Law Project, September 2009. Available at: <https://www.nelp.org/wp-content/uploads/2015/03/BrokenLawsReport2009.pdf>.

⁶² Dreby, "How Today's Immigration Enforcement Policies Impact Children, Families, and Communities." On the challenges in reaching mixed status families, and possible solutions, see Koball, Heather. "Health and Social Service Needs of U.S. Citizen Children with Detained or Deported Immigrant Parents." Migration Policy Institute and Urban Institute, September 2015. Available at: <https://www.migrationpolicy.org/research/health-and-social-service-needs-us-citizen-children-detained-or-deported-immigrant-parents>.

⁶³ Zayas and Hefron. "Disrupting Young Loves." "Undocumented Status: The Impact on Teens and Their Families Living in the United States." Society for Research on Adolescence, August 29, 2018. Available at: <https://s-r-a.org/research-summaries/undocumented-status-impact-teens-families-living-united-states/>. See also Yoshikawa, Hirokazu. "Unauthorized Status and Youth Development in the United States: Consensus Statement of the Society for Research on Adolescence." *Journal of Research on Adolescence*, March 2017. Available at: <https://onlinelibrary.wiley.com/doi/full/10.1111/jora.12272>.

⁶⁴ See Hinojosa-Ojeda, Raúl. "The Economic Benefits of Comprehensive Immigration Reform." *Cato Journal* 32, no. 1 (Winter 2012), p. 182. Kossoudji, Sherrie A. and Debora A. Cobb-Clark. "Coming out of the Shadows: Learning about Legal Status and Wages from the Legalized Population." *Journal of Labor Economics* 20, no. 3 (2002): 598-628. Amuedo-Dorantes, Catalina, Cynthia Bansak and Steven Raphael. "Gender Differences in the Labor Market: Impact of IRCA's Amnesty Provisions." *The American Economic Review*, 97, no. 2 (May 2007): 412-416.

⁶⁵ Wong, Tom K. et al., "Amid Legal and Political Uncertainty, DACA Remains More Important Than Ever." Center for American Progress, August 15, 2018. Available at: <https://www.americanprogress.org/issues/migration/news/2018/08/15/454731/amid-legal-political-uncertainty-daca-remains-important-ever/>.

⁶⁶ Duke, Elaine C. "Memorandum on Rescission of Deferred Action for Childhood Arrivals (DACA). U.S. Department of Homeland Security, September 5, 2017. Available at: <https://www.dhs.gov/news/2017/09/05/memorandum-rescission-daca>. As of this writing, however, the fate of the program remains uncertain because there is ongoing litigation. See "DACA Litigation Timeline." National Immigration Law Center, February 11, 2019. Available at: <https://www.nilc.org/issues/daca/daca-litigation-timeline/>. Research has found that a long and uncertain period of temporary status inhibit integration. Enchautegui, María E. "Legalization Programs and the Integration of Unauthorized Immigrants: A Comparison of S. 744 and IRCA." The Urban Institute, 2013. Available at: <https://www.urban.org/sites/default/files/publication/24316/412981-Legalization-Programs-and-the-Integration-of-Unauthorized-Immigrants-A-Comparison-of-S-and-IRCA.PDF>. For more see Waters and Pineau. *The Integration of Immigrants into the United States*, chpt. 3.

⁶⁷ On the importance of permanency in child welfare, see "Overview." Child Welfare Information Gateway, Children's Bureau. Available at: <https://www.childwelfare.gov/topics/permanency/overview/>. "Assessing the Context of Permanency and Reunification in the Foster Care System. Westat & Chapin Hall Center for Children, 2001. Available at: <https://aspe.hhs.gov/report/assessing-context-permanency-and-reunification-foster-care-system>.

⁶⁸ Kerwin and Warren, "National Interests and Common Ground in the US Immigration Debate."

⁶⁹ Some immigration experts have proposed reforming the registry program, which provides lawful permanent resident (LPR) status to certain long-term undocumented immigrants with good moral character, who are not inadmissible on security and other grounds. People are only eligible for the registry program if they arrived in the United States before the registry cutoff date. When the registry was first created in 1929, people were eligible to apply under its provisions if they arrived eight years earlier, but today people are only eligible if they have arrived before 1972—47 years ago. One possibility is to pass legislation to advance the registry date, so that people who have been in the country for five or 10 years can apply for LPR status, and include a provision in the legislation to automatically advance the registry date by one year for every year thereafter. Imposing a statute of limitations on deportation, and giving people a path to legal status who have been in the United States for longer than that statute of limitations, would likely also support family unity and well-being. For examples of these recommendations, see Benson, “Immigration Adjudication;” and Ngai, Mae. “We Need a Deportation Deadline.” *Washington Post*, June 14, 2005. Available at: <http://www.washingtonpost.com/wp-dyn/content/article/2005/06/13/AR2005061301460.html>.

⁷⁰ Petitions of U.S. citizens receive priority over LPRs, and those for spouses and children of traditional nuclear families are privileged over other family relationships. See the excellent summary in Thronson, David B. “Immigration Enforcement and Family Courts.” In Phillips, Susan D. et al. “Children in Harm’s Way.” See U.S. Department of State—Bureau of Consular Affairs. “Visa Bulletin for January 2019.” Available at: <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2019/visa-bulletin-for-january-2019.html>. For more information on the family preference system, see Kandel, William. “U.S. Family-Based Immigration Policy.” Congressional Research Service, February 9, 2018. Available at: <https://fas.org/sqp/crs/homsec/R43145.pdf>.

⁷¹ Under current law, someone is barred from the United States for three years if they have been present unlawfully for between 6 months and 1 year, and they are barred for ten years if they have been unlawfully present for more than one year. See United States Citizenship and Immigration Services. “Unlawful Presence and Bars to Admissibility.” Available at: <https://www.uscis.gov/legal-resources/unlawful-presence-and-bars-admissibility>. For an explanation of the three- and 10-year bars, see “The Three- and Ten-Year Bars: How New Rules Expand Eligibility for Waivers.” American Immigration Council, October 28, 2016. Available at: <https://www.americanimmigrationcouncil.org/research/three-and-ten-year-bars>. In 2016, the Obama administration expanded the eligibility for the provisional waiver process to allow family members to stay in the United States while they apply for a visa. See “USCIS to Allow Additional Applicants for Provisional Waiver Process.” U.S. Citizenship and Immigration Services, July 29, 2016. Available at: <https://www.uscis.gov/news/news-releases/uscis-allow-additional-applicants-provisional-waiver-process>.

⁷² Eliminating the per-country limits and the three and 10 year bars would accomplish this. For similar recommendations, see Butera, Emily and Wendy Cervantes. “Family Unity in the Face of Immigration Enforcement: Past, Present, and Future.” In Phillips, Susan D. et al. “Children in Harm’s Way: Criminal Justice, Immigration Enforcement, and Child Welfare.” The Sentencing Project and First Focus, 2013. Available at: <https://firstfocus.org/resources/report/children-in-harms-way-criminal-justice-immigration-enforcement-and-child-welfare>.

⁷³ In fact, studies suggest that more of workers’ paychecks will be spent in the United States if they have LPR status, since workers tend to send less money back to their countries of origin in the form of remittances after attaining LPR. Catalina Amuedo-Dorantes and Francesca Mazzolari. “Remittances to Latin America from migrants in the United States: Assessing the impact of amnesty programs.” *Journal of Development Economics* 91, no. 2 (March 2010): 323-335. Available at <https://www.sciencedirect.com/science/article/pii/S0304387809000650>. Raúl Hinojosa-Ojeda, “The Economic Benefits of Comprehensive Immigration Reform.” *Cato Journal* 32, no. 1 (Winter 2012), p. 186. On the benefits for tax revenue, see the estimates in Manuel Pastor et al. “The Economic Benefits of Immigrant Authorization in California,” as well as Juan Carlos Guzmán and Raúl C. Jara. “The Economic Impact of Passing the Development, Relief, and Education for Alien Minors (DREAM Act): A Report by States.” Center for American Progress, 2012. Available at https://cdn.americanprogress.org/wp-content/uploads/2012/09/statesProfiles_v10.pdf (detailing the impact of the DREAM Act on New York state); Juan Carlos Guzmán and Raúl C. Jara. “The Economic Benefits of Passing the Dream Act.” Center for American Progress, 2012. Available at <https://cdn.americanprogress.org/wp-content/uploads/2012/09/DREAMecon-methodology.pdf> (detailing the methodology used in the study of the impact of the DREAM Act).

⁷⁴ On the changes to immigrant eligibility for public benefit programs in 1996, see Fix, Michael and Jeffrey S. Passel. "The Scope and Impact of Welfare Reform's Immigrant Provisions." Urban Institute, January 2002. Available at: <https://www.urban.org/sites/default/files/publication/60346/410412-Scope-and-Impact-of-Welfare-Reform-s-Immigrant-Provisions-The.PDF>. For a summary of current immigrant eligibility for public benefit programs, see Broder, Tanya et al. "Overview of Immigrant Eligibility for Federal Programs." National Immigration Law Center, December 2015. Available at: <https://www.nilc.org/issues/economic-support/overview-immeligfedprograms/>.

⁷⁵ Ku, Leighton and Brian Bruen. "Poor Immigrants Use Public Benefits at a Lower Rate than Poor Native-Born Citizens." Cato Institute, March 4, 2013. Available at: <https://www.cato.org/publications/economic-development-bulletin/poor-immigrants-use-public-benefits-lower-rate-poor>.

⁷⁶ Ku and Bruen. "Poor Immigrants Use Public Benefits at Lower Rate."

⁷⁷ Waters and Pineau. *The Integration of Immigrants into the United States*, p. 2.

⁷⁸ Presidents George W. Bush and Barack Obama both established Task Forces on New Americans to consider how to facilitate integration. For the results of the Bush Task Force, see U.S. Department of Homeland Security, Task Force on New Americans. "Building an Americanization Movement for the Twenty-First Century: a Report to the President of the United States from the Task Force on New Americans." 2008. Available at: <https://www.uscis.gov/sites/default/files/USCIS/Office%20of%20Citizenship/TaskForceonNewAmericansReport.pdf>. For the results of the Obama Task Force, see "White House Task Force on New Americans, One Year Progress Report." White House, December 2015. Available at: https://obamawhitehouse.archives.gov/sites/default/files/image/tfna_progress_report_final_12_15_15.pdf.

⁷⁹ De Graauw, Els and Irene Bloemraad. "Working Together: Building Successful Policy and Program Partnership for Immigrant Integration." *Journal of Migration and Human Security*, 2017. Available at: <https://journals.sagepub.com/doi/pdf/10.1177/233150241700500106>.

⁸⁰ U.S. Government Accountability Office. "Immigrant Integration: U.S. Citizenship and Immigration Services Could Better Assess Its Grant Program." December 2011. Available at: <https://www.gao.gov/assets/590/587090.pdf>.

⁸¹ On the benefits of services for multiple generations, see Greenberg, Mark et al. "Promoting Refugee Integration in Challenging Times: The Potential of Two-Generation Strategies." Migration Policy Institute, 2018. Available at: <https://www.migrationpolicy.org/research/refugee-integration-two-generation-strategies>.

⁸² Experts on immigrant integration see the federal government's role as funding services and coordinating best practices. De Graauw and Bloemraad call for the creation of a national immigrant affairs office as well as the expansion of the Office of Citizenship within DHS so that it can expand its grant making and other activities to support states and community organizations. De Graauw and Bloemraad, "Working Together." See also Rodriguez, Cristina. "Enforcement, Integration, and the Future of Immigration Federalism." *Journal of Migration and Human Security*, 2017. Available at: <https://journals.sagepub.com/doi/pdf/10.1177/233150241700500215>.

⁸³ On the importance of supporting states and localities that have not traditionally been immigrant destinations, but have recently witnessed significant growth in their foreign born populations, see Emmerling, Suzi. "Everyone Benefits from the Integration of Immigrants." Center for American Progress, May 28, 2009. Available at: <https://www.americanprogress.org/issues/immigration/news/2009/05/28/6058/everyone-benefits-from-the-integration-of-immigrants/>.