STILL AT RISK

THE URGENT NEED TO ADDRESS IMMIGRATION ENFORCEMENT'S HARMS TO CHILDREN

JUNE 2023

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ACKNOWLEDGEMENTS

This report is the result of a collaborative effort by staff at the Center for Law and Social Policy (CLASP) and UnidosUS (formerly the National Council of La Raza). The authors are grateful to Carlos Guevara, former Director of Immigration at UnidosUS, for his support with the origination of and design of this project; Susan Collins, Director of Policy and Advocacy at UnidosUS, for her continued leadership on this report; Dr. Chloe East, Assistant Professor of Economics at the University of Colorado Denver, Clarissa Martinez De Castro, Vice President of Latino Vote Initiative at UnidosUS, and Charles Kamasaki, Senior Cabinet Advisor at Unidos US, for contributing their expertise and thoughtful feedback; and Juan Carlos Gomez, Senior Policy Analyst for the Immigration and Immigrant Families team at CLASP, for his support with policy recommendations. The authors also thank Heidi Altman at the National Immigrant Justice Center for her careful review of and expert feedback on this report and recommendations.

We would also like to thank Luis Herrera, independent digital designer, for his thoughtful work on the design and layout of the report, executive summary, and social media shareables. The UnidosUS and CLASP communications teams provided essential support in the editing, publication, and dissemination stages, so at UnidosUS, we thank Kelly Isaac, Senior Design and Brand Manager; Jocelyn Ocampo, Senior Manager of Social & Digital Strategy; Emelynn Arroyave, Content Specialist; and Elsa Rainey, Media Relations Consultant. At CLASP, we thank Tom Salyers, Director of Communications; Archana Pyati, Senior Media Relations Manager; and Claudia Hernandez, formerly CLASP's Communications Manager, for their work.

The content of this report is the sole responsibility of CLASP and UnidosUS and may not reflect the views of the organizations' respective funders and any other individual or organization that assisted in its preparation.

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Correction: This report was updated on September 11, 2023, to correct errors in the data in Figure 5.

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INTRODUCTION

In the past two decades, the nation's interior immigration enforcement policies have undermined the ability of a sizable share of America's children to subsist and thrive. The impact of these policies has varied in severity; however, the harm they cause makes it clear that policymakers must move in a direction that prioritizes the well-being of children and families. Policymakers should appreciate and protect the role of the 5.2 million children living with at least one undocumented parent, and not subject them to discrimination and threat.[1]

Interior immigration enforcement continues to have a significant impact on children in mixed-status families.[i] Numerous studies have demonstrated the association between the detention and deportation of parents—including the threat of these actions—and negative outcomes for children and their families.[2] These include developmental concerns, housing instability, educational setbacks, poor physical and mental health, and economic insecurity. While there have been overall decreases in arrests and detention numbers since 2009, funding for enforcement continues to grow. Moreover, despite reforms at the local, state, and administrative levels over the years, the interior enforcement policies that cause harm to children in immigrant families remain in place, and well-intentioned policies aimed at mitigating the harm are often stalled by federal courts or face implementation challenges.[ii] Furthermore, policies that promote harsh or indiscriminate immigration enforcement of long-residing families in the United States erode trust in government and law enforcement, putting entire communities' safety at risk. It is also important to note that the well-being of children in mixed-status families is intertwined with the well-being of their peers in native-born families. They attend school side-by-side, share space in houses of worship, and play together as friends and relatives.

Immigration policies, the passage of which were influenced by racial animus, have had, and continue to have, a disproportionate impact on children in communities of color.[3] A growing body of literature on the topic, as we will discuss in this brief, substantiates the various layers of harm that interior immigration enforcement policies have on children of color. Yet, Congress has not taken action to implement safeguards, putting the well-being of immigrant children at the whims of partisan shifts at the executive level. As the policy landscape evolves and the possibility looms large of an anti-immigrant conservative coming into the presidency in 2024, lawmakers must work to mitigate the effects of these policies, the systems in which they operate, and the long-term impact on an entire generation of American children.

This brief presents key data on immigration enforcement and its impact on our nation's children, and it proposes action steps for the federal government as well as state and local policymakers. Building upon findings in the 2018 CLASP Our Children's Fear and the 2019 UnidosUS Beyond the Border reports, this brief focuses on interior immigration enforcement—policies carried out by Immigration and Customs Enforcement (ICE) in the interior of the United States—not on enforcement policies at the country's border.[4] This includes policies and programs that facilitate cooperation between ICE and state and local law enforcement, like 287(g) agreements and Secure Communities, worksite and home raids, and other enforcement actions that take place in the interior of the country. The appendices contain key terms and definitions used throughout the brief, as well as a timeline to provide policy context around trends. The recommendations that follow represent critical action steps necessary to build a society that is safe and welcoming for all children, including children in mixed-status families.

[i] For the purposes of this report, mixed-status families are defined as families that have members with different immigration statuses, with at least one undocumented member, while immigrant families are a term used to refer to, families with at least one foreign-born parent.

[ii] At the local level, cities and counties have implemented community safety policies like limiting cooperation and data sharing with federal immigration enforcement agencies like ICE. Some recent reforms at the state level include expanding publicly funded health care coverage for all immigrants, including undocumented immigrants. Relatively recent administrative reforms include the establishment of the Deferred Action for Childhood Arrivals (DACA) program (which is no longer accepting new applicants), and policies that restrict ICE from enforcing immigration enforcement in certain areas, such as protected area policy.

SECTION ONE

NATIONAL STATISTICS AND TRENDS ON ENFORCEMENT AND REMOVAL ACTIONS

Among the enforcement actions that harm immigrant families, removals—oftentimes referred to as deportations—are the most severe. As a result of these deportations, families and households are separated indefinitely and struggle emotionally and financially. **A top priority of many advocates is to minimize the number of arbitrary removals and ensure that ICE does not target long-residing immigrants.** Long-residing immigrants have developed community ties and raised families in this nation, all while contributing to the nation through their labor and taxes. Many may have children who do not know life in any other nation. Forcing them and their families to separate or return to their countries of origin has harmful impacts on a family's economic outcomes and their children's development (*see Section 2 for more details*).

The paragraphs below contain analyses of enforcement data across the Obama, Trump, and Biden Administrations. Although the figures are not particular to children, they all have tangible and long-lasting implications for their well-being. Many of the immigrants encapsulated in these figures are important people in the lives of children in the U.S.—whether they be a parent, a sibling, or other support figure –demonstrating the importance of assessing trends in these data. Despite the limited data on President Biden's enforcement record, we nevertheless observe significant downtrends in the interior of the country in the number of ICE removals, ICE administrative arrests, parents of U.S. citizen children deported by ICE, and book-ins to ICE detention over the course of his administration. By inspecting these snapshots across the last several years, we can begin to assess how the past three administrations' children- and family-friendly policies have impacted communities on-the-ground. In the remainder of President Biden's current term, advocates must push for immigration policies and laws that are humane, fair, and ensure family unity as much as possible.[iii]

figure 1

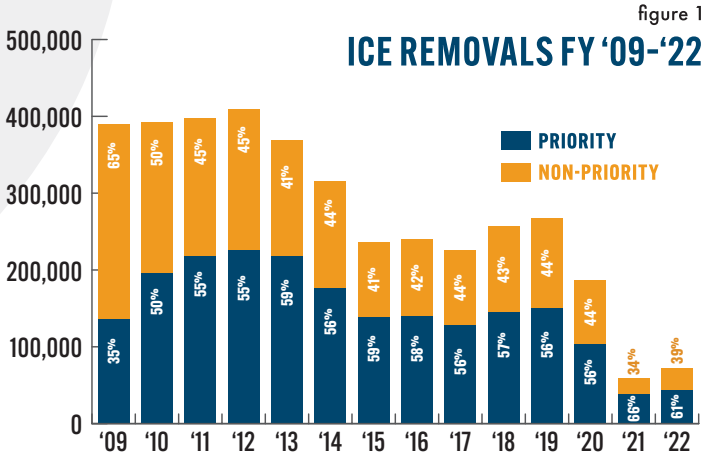
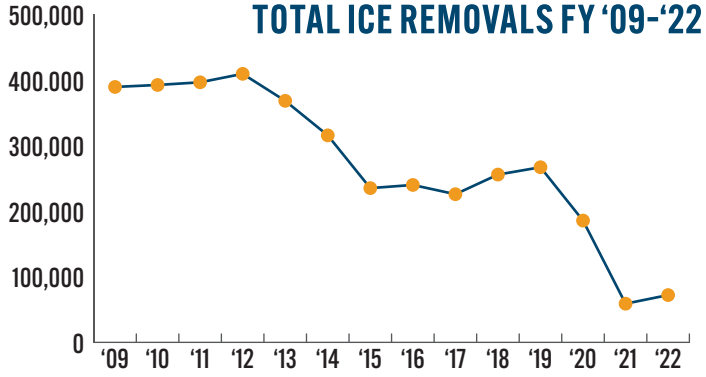


figure 2



General trends across administrations

In the last 13 years, there has been an overall downward trend in the number of ICE removals, with the exception of incremental increases throughout the Trump Administration. For instance, there were only 72,177 total removals conducted in fiscal year (FY) 2022. This figure is only 19% of the total 389,834 individuals who were removed in FY 2009. This downward trend, however, does not account for the growth in other harmful enforcement practices not depicted by these figures, namely the more than 2 million expulsions that have occurred since 2020 because of the Title 42 policy.

[iii] *These data are largely sourced from both the Enforcement and Removal Operations reports issued by ICE each fiscal year and specific spreadsheets from ICE's FOIA library, which can—respectively—be found here and here. The figures we depict in this section contain information from each fiscal year's report going back as far as FY 2009 report to the latest FY 2022 report. As demonstrated in the two last figures of this section covering the number of ICE arrests at worksite raids and the deported parents of U.S. citizen children, the types of data collected for these annual operation reports are not consistent across administrations, per differing priorities on enforcement strategy and data collection. This results in occasional gaps in data and discrepancies in how metrics are defined, details which are also discussed in this report.*

Use of prioritization categories

Arguably just as important as the number of removals conducted is an administration's decision to rely on or disregard priority and non-priority categories, and how those very categories are defined. The creation of priority frameworks, of which administrations have had varying definitions, largely began during the Obama Administration and were based on multiple criteria such as date of entry into the U.S. and the presence of a criminal record. This framework was intended to target ICE's finite resources on a given administration's priority populations but has not consistently been implemented as such. Whereas President Obama implemented the priorities to shield many long-residing and contributing immigrants from deportation, President Trump did away with the priority framework entirely and encouraged indiscriminate enforcement by ICE officers.

- President Trump ushered in an era of indiscriminate enforcement: In that moment, long-residing immigrants who were deeply rooted in local communities and economies—including parents of minor children—were just as vulnerable to enforcement action as so-called priority targets. Between 2016 to 2020, the majority of immigrants in ICE detention centers had no criminal record. Of those with criminal records between 2016 and 2020, most of these immigrants' offenses included "Level 3" crimes, such as traffic violations, unlawful entry, and marijuana possession.[5] Since Black immigrants are disproportionately represented in the criminal justice system, this results in higher punitive actions against Black immigrants, perpetuating an unequal enforcement system.[6]
- In FY 2021, the proportion of priority removals increased to 66%—the highest it has been since before the Obama Administration. Arguably, this peak can be attributed to President Biden's efforts to change the internal culture and operations of ICE. In lieu of continuing Trump's indiscriminate enforcement paradigm, President Biden in 2020 proposed an alternative—via the Guidelines for the Enforcement of Civil Immigration Law—that considered both ICE's limited resources and the holistic nature of an individual's immigration case.[iv] Unfortunately, this new set of priorities was enjoined in the courts and has not been implemented. While the outcome of the priorities is settled in the courts, the Biden Administration claims to be resorting to case-by-case analyses and assessing whether prosecutorial discretion is warranted in individuals' immigration court proceedings—a much more holistic alternative to previous administration's enforcement strategies.

figure 3

ICE ADMINISTRATIVE ARRESTS FY '09-'22

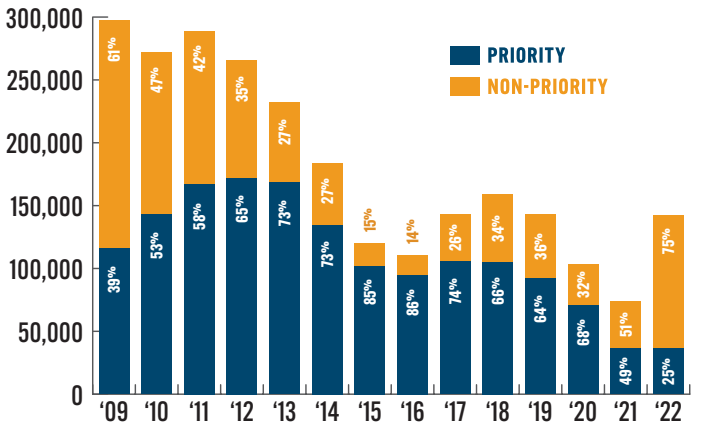
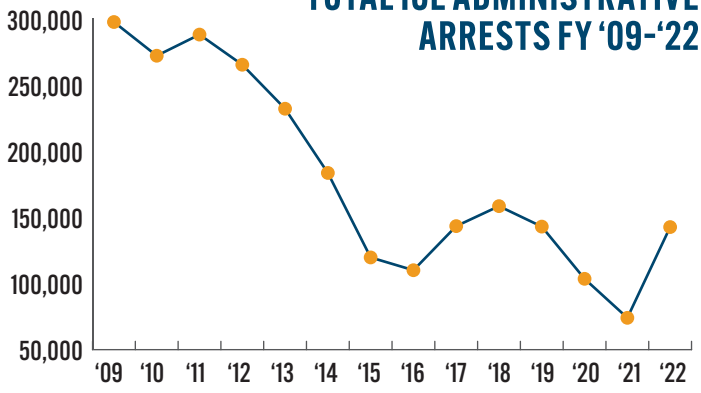


figure 4

TOTAL ICE ADMINISTRATIVE ARRESTS FY '09-'22



[iv] The Guidelines for the Enforcement of Civil Immigration Law was originally issued by Secretary Mayorkas in September 2021. Immediately following its publication, conservative states followed up with lawsuits arguing that the memo violates directives within the Immigration and Nationality Act. In the months since, the memo has been enjoined and has ping-ponged across the courts. Virtually, it has no enforcement power and its effects on these statistics are inconclusive. For more information see here.

Use of administrative arrests

Figures on administrative arrests may appear secondary to removal rates; however, they are significant in their own right. Not all administrative arrests result in the detention and/or deportation of an individual. Nevertheless, this metric can provide a better impression of ICE's level of interactions with individuals and communities in the interior. Even when family separation is not the ultimate outcome of an administrative arrest, any encounter with an ICE officer may leave immigrants and their families feeling intimidated and unsafe in their home environment.

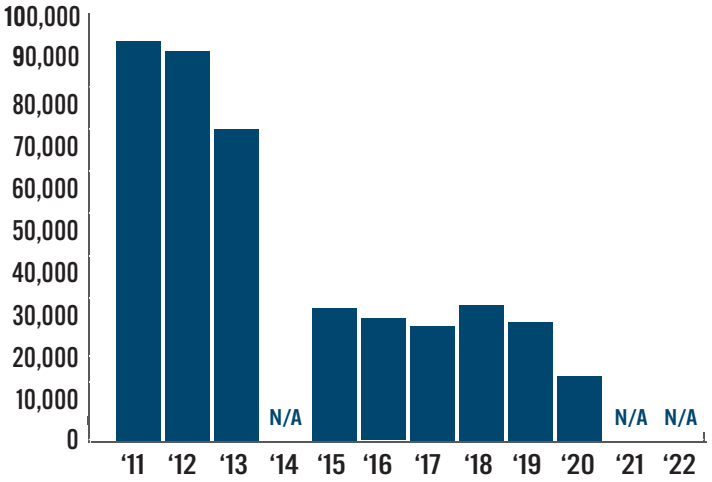
In FY 2021, which includes the first several months of the Biden Administration, the rate of administrative arrests was at its lowest in years at 74,082. This is a fraction of one of its earlier peaks of nearly 300,000 in FY 2009. The gap between the rates of administrative arrests for priority and non-priority individuals shrunk however, and the rates were nearly identical in FY 2021, raising the question of whether on-the-ground ICE officers are still adhering to aggressive Trump-era intimidation tactics. In FY 2022, overall total administrative arrests returned to levels previously seen in the Trump Administration. According to ICE, however, this upturn can be attributed to the relocation of many ICE officers to the U.S.-Mexico border region to assist CBP with the processing of these border encounters within the interior of the U.S.[7]

Worksite raids

Historically, the raids of worksites employing immigrants without legal status have been included in ICE's tactics to conduct administrative arrests. This strategy was restarted by the Trump Administration, resulting in the arrest of 1,892 workers, many of whom were parents of minor children, between 2017-2019.[8] To curtail the growing sense of risk undocumented individuals felt in their workplaces and avoid disruptions to local economies, schools, and governments, the Biden Administration ended this practice and instead shifted its focus to disciplining employers that employ or exploit workers without legal status.

figure 5

DEPORTED PARENTS OF U.S. CITIZEN CHILDREN, '11-'22 CALENDAR YEARS



Deportation of parents

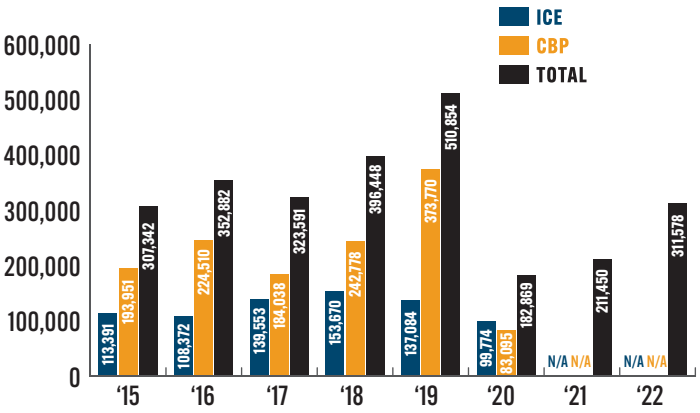
Data on the deported parents of U.S. children began to be reported in 2011, per requirements established in that year's appropriations process. This data is significant because it provides a clear picture of parents being deported and the impact on families. Tens of thousands of parents of U.S. citizens were deported under the Obama Administration between 2011-2013. Since then, the figures have remained relatively consistent. However, semi-annual reports have not been released for three specific years - 2014, 2021, 2022. ICE's recently revised Detained Parents Directive requires ICE to have a centralized tracking and reporting system with data relevant to the directive on primary caretakers of "minor child(ren) or incapacitated adults in the United States."[9] At the time of writing, it is still unknown what specific information will be collected in this system, but relevant data collected—including figures on the number of deported parents of U.S. citizen children—could help provide additional insights on the impact of immigrant detention on children.

Initial book-ins

Aside from arrests, we have observed a general downward trend in the number of initial book-ins to detention made by ICE. The negative impact of detention on incarcerated individuals, and their loved ones on the outside, has been well documented.[10] Although data remain unavailable on book-ins conducted by ICE in FY 2021 and FY 2022, the hope is that the Biden Administration can limit new book-ins to priority cases and thereby prevent unnecessary harms caused particularly to children as a result of detention of non-priority individuals.

figure 6

INITIAL BOOK-INS TO DETENTION BY ARRESTING AGENCY '11-'22



ICE funding over time

Despite decreases in ICE interior arrests over the years, policymakers continue to direct more resources to immigration enforcement, while simultaneously retaining barriers to legal immigration. Between FY 2014 and 2022, ICE funding increased by 57%. Since FY 2004, funding for ICE has increased by nearly 150%. In comparison, appropriations for the United States Citizenship and Immigration Services (USCIS), the primary federal agency overseeing lawful immigration to the U.S., have grown by only 13.5% since FY 2004.[v]

Unlike the ICE budget, which has seen continuous growth, the USCIS budget only began to see modest increases in response to the exacerbated application backlogs during the COVID-19 pandemic. It was not until President Biden's most recent budget proposal for FY 2023 that USCIS saw an increase in its funding request, including an allocation of $765 million for application processing—a 200% increase above the spending level in 2022.[11] However, appropriated FY 2023 funding for ICE of $8.4 billion is 3110 times that of USCIS, which was only $2.7 million. Over the past few decades, USCIS's total budget has primarily been financed by application fees for immigration and naturalization applications, at times for more than 95% of its budget.[12]

Despite the Biden Administration's relatively softer rhetoric on immigration and incremental decreases in deportations and removals, these disparate funding levels suggest that interior immigration enforcement takes priority over facilitating legal pathways for immigrants to enter and stay in the U.S.

As funding for ICE and immigration enforcement increases, it is clear that downward trends in arrests, book-ins, and removals do not necessarily signal the rise of immigrant-friendly policies or enforcement practices. For instance, while there have been downward trends in interior enforcement, more migrants are being expelled at the border due to Title 42 asylum restrictions (see appendix for more context).[13] At the same time, limitations in available data make it difficult to make decisive conclusions about these trends.[14] Without complete and consistent data collection over the years, trends and reasons for them in immigration enforcement are obscured.

Other relevant data that would be important to tracking trends in interior enforcement include the following figures: the number of detention centers closed and built and the number of beds in each, the growth of detained population over time, and the number of arrests under Secure Communities and PEP—complete data over the years are vital to understanding how interior immigration enforcement is changing and how it could impact families with children.

[v] Calculations done by authors using appropriations amounts from annual appropriations bills in collaboration with Heidi Altman of the National Immigration Justice Council.

SECTION TWO

INTERIOR IMMIGRATION ENFORCEMENT IS HARMFUL TO CHILDREN

While trends point to fewer detentions and arrests overall, even one arrest or deportation of a parent impacts the current and future well-being of their children and has implications for the entire community. Millions of children in the U.S. are at risk of having a parent detained and or deported: nearly 5 million children have at least one undocumented parent.[15] This does not include the approximately 360,000 U.S. citizen children have parents who are Temporary Protected Status (TPS) beneficiaries and 300,000 U.S.-born children have at least one parent with Deferred Action for Childhood Arrivals (DACA) status who are also at risk of being parental separation due to the temporary nature of DACA and TPS (See appendix for more information).[16] This section summarizes the latest research available on the impact of interior immigration enforcement activities and policies on immigrant communities' sense of trust and safety which in turn negatively impacts child development, children's economic, food, and housing security, educational outcomes, and physical and mental health. These policies include programs that facilitate cooperation between local law enforcement and ICE authorities, workplace and home raids, and other interior enforcement actions. Programs that facilitate cooperation between local law enforcement include 287(g) agreements and Secure Communities. While Secure Communities is no longer in effect, the Criminal Apprehension Program (CAP), which also relies on cooperation between ICE and state and local law enforcement, is in place, but aims to distinguish itself from Secure Communities by arresting and removing "noncitizens who threaten the safety of our nation's communities and the integrity of U.S. immigration laws." See appendix of terms and policy timeline for more details.

These enforcement policies are oftentimes enacted with the justification that they will lower crime rates and ensure the safety of civilians. The research suggests, however, that more selective enforcement is the appropriate route to minimizing danger to immigrant communities and ensuring vulnerable people's trust in law enforcement.

Current research shows a disproportionate impact on Hispanic communities and a gap in research

The immigrant population is diverse in race, ethnic identity, and country of origin, among other characteristics. This report, however, primarily focuses on the impact that interior enforcement has on Hispanic and Latino communities, mostly because the available research focuses primarily on this population. While 8 in 10 Latinos in the U.S. are U.S. citizens, the literature demonstrates that immigration enforcement has historically led to the racial profiling of people—including documented immigrants and citizens—who are perceived as ethnically Latino.[17] This is for a number of reasons, which include the relatively recent racialization of immigrants in the U.S. as Latino, the widespread assumption that Latino populations in the U.S. are largely undocumented, and the limitations of currently available data sources (for example, the Census does not include a Middle-Eastern or North African category, and DHS only collects data on country of origin and not race).[18]

It is undeniable, however, that immigration enforcement affects immigrants of all races. While some recent groundbreaking reports have shown how enforcement impacts Black migrants, more peer-reviewed research examining the impact of interior immigration enforcement on Black and Indigenous immigrant communities is needed, as well as a re-examination of available data in order to capture all communities impacted by immigration.[19] This is critically important due to anti-Black discrimination within the U.S. immigration system and the disproportionate representation of Black immigrants in the criminal justice system, which is increasingly intertwined with the immigration enforcement system.[20] Until then, analyses of the impact of immigration enforcement will be limited in insights.

Daily Life & Sense of Trust in Government

All people living in a community deserve to feel safe attending school, going to work, shopping for groceries, and visiting the doctor. Many immigrants and children in mixed-status families residing in high-enforcement areas, however, experience the opposite. They do not perceive police as allies in enhancing community safety, but instead as extensions of immigration enforcement authorities. Exposure to community violence creates a high-stress environment and can negatively impact early childhood development.[21] These developmental impediments, often judged in isolation, should be understood as issues that lie at the intersection of public safety and public health.

- Despite proponents' claims that immigration enforcement decreases criminal activity, studies conducted over the past decade, including a November 2022 study from the Department of Justice, have shown that Secure Communities and 287(g) programs have **little to no impact on public safety or crime.**[22] On the contrary, a 2023 study found that these policies were found to significantly increase the risk that Latinos are victims of crime.[23]

- In fact, immigrants who perceive more local law enforcement cooperation with ICE are less likely to report crimes they witness, less likely to report crimes when they are the victim, and less likely to use public services and participate in public events where police may be present.[24]

- A **reduction in immigration enforcement may improve trust between immigrant communities and communities of color with the police.** A Dallas study evaluated the impact of the 2015 Priority Enforcement Program, which replaced Secure Communities with a similar program that hewed to the categories of enforcement priorities outlined by the Obama Administration, while continuing to facilitate data sharing between local law enforcement agencies and ICE. The study observed an increase in the number of Hispanics reporting violent and property crimes to the police.[25]

Immigration enforcement creates not only distrust, but also a climate of fear that is detrimental to the safety and health of children, including fostering children's negative attitudes toward law enforcement. Research has found that after raids, following announcements about proposed immigration enforcement operations, or after an increase in apprehensions in an area, immigrants are less likely to leave their homes, even to run essential errands like trips to the grocery store, visits to the doctor, or outings with children to the playground. For example, a 2018 report covering the impact of Trump policies documented children being instructed by adult family members not to open the door or talk to law enforcement agents.[26] Another report found that after worksite raids in Mississippi, many families hid away in their homes for extended periods of time, including one father who remained in his home with the windows covered for more than two weeks.[27] While some of the more aggressive enforcement tactics of previous administrations like worksite raids are no longer taking place, approaches that rely on ICE's partnerships with the criminal legal system also contribute to a climate of distrust and fear.

Economic Security

When a parent is detained or deported, the family's total income often decreases due to the loss of that parent's income and potential increased costs, such as legal fees and family support. This is especially true if the deported parent is the primary breadwinner, and the remaining parent has a young child and must pay for childcare or quit their job to care for them.[28]

- Recent studies estimate that **immigration enforcement reduces the median household income of affected families between 19 and 47%**, increasing these households' likelihood of living in poverty.[29] A 2010 study of immigration raids found that family incomes fell an average of 70 percent in the six months after the arrest of a parent.[30]

- Following the 2019 Mississippi worksite raid – the largest worksite raid in U.S. history with more than 1,800 arrests—families of the nearly 700 detained or deported workers, including those with children, struggled to make ends meet. Consequently, virtually all families reported having to turn to charitable donations for support with basic needs like rent, utilities, and food for months afterward.[31] Even family members with work authorization had a hard time finding work in the aftermath of the raids.

- Another study found that **immigrant households in states with greater immigration enforcement, including those with U.S. citizens and immigrants**

with legal status, are more likely to report difficulty paying for basic household expenses.[32]

It is important to note that, unlike U.S. citizen families, mixed-status families face more barriers to accessing public assistance to meet basic needs. For instance, undocumented individuals, Legal Permanent Residents (LPRs) who have been in the United States for less than five years, Deferred Action for Childhood Arrivals (DACA), and Temporary Protected Status (TPS) recipients cannot access federal Medicaid programs, Supplemental Nutrition Assistance Program (SNAP—also known as food stamps), federally funded cash assistance under the Temporary Assistance to Needy Families (TANF) program, and certain tax credits, among other benefits.[33] As a result, they are worse off when facing a financial crisis, like when a family breadwinner is detained or deported. In contrast, a pathway to citizenship and access to public benefits would help bolster the economic vitality of mixed-status families and lift an estimated 250,000 children out of poverty.[34]

Food Security

Access to healthy, nutritious food is foundational to a child's well-being and healthy development. Studies have shown that enforcement actions threaten food security among families with children. In addition, fears about their information being shared with immigration enforcement authorities may cause families to disenroll from or avoid governmental assistance like SNAP and WIC nutrition assistance that they are eligible for and which their taxes support.

- Likely as a result of decreased household income, families have more difficulty paying for food after the detention or deportation of a parent.[35]
- One study found that **Mexican non-citizen households with children living in an area with a 287(g) agreement are 10% more likely to experience food insecurity than similar families in areas without a 287(g) agreement.**[36]
- **Mixed-status Mexican families at increased risk of deportation are less likely to participate in WIC.**[37]
- Another study found **significant declines in SNAP enrollment among all Hispanic households after the implementation of Secure Communities.**[38] The negative impact of Secure Communities was pronounced among households with members with different immigration statuses, but muted among Hispanic households in localities with limited collaboration between ICE and police agencies, often known as sanctuary jurisdictions.

While food security has been a long-standing concern for immigrant communities, it is an especially pressing issue as our nation confronts the impact of the ongoing COVID-19 pandemic and chilling effects from anti-immigrant actions under the Trump Administration, including expansions to the definition of public charge for purposes of obtaining a visa or green card. While these public charge rules were reversed under the Biden Administration, undocumented immigrants were excluded from a number of COVID-19 relief measures, including initial rounds of stimulus checks and unemployment insurance.[39] They did, however, benefit from the Pandemic-EBT program to assist the families of students who receive free and reduced-price meals in school. Despite this, approximately four in ten adults in immigrant families with low incomes reported food insecurity in the past year and more than one in eight adults in these households reported that a member of their family avoided applying to nutrition programs.[40] Retaining and expanding access to safety net benefits like nutritional assistance is critical for young people, as evidence shows that early life access to SNAP improves children's long-term health and economic outcomes.[41] Immigrant families do not experience these hardships in isolation, so as food insecurity continues to be exacerbated by fears related to immigration enforcement, the negative consequences only compound.

Housing Stability

Improved access to affordable housing and homeownership has proven to be an effective strategy to decrease income inequality and lift more immigrants out of poverty. Harmful immigration enforcement policies, however, actively force families to move often and endure poorer housing conditions. A nationally representative 2020 survey demonstrated that over half of adults in immigrant families with low incomes worried about being able to pay rent or mortgage in the next month.[42] Despite the common understanding that access to stable and quality housing is foundational to child and family well-being, immigrant households are seldom afforded the resources and protections necessary to feel empowered in their financial and housing decisions. Immigrants are also at higher risk of being exploited by unscrupulous landlords. When these landlords threaten to call ICE on them, vulnerable tenants are often coerced

into paying higher rent rates, agreeing to unfair lease terms, and being unlawfully evicted.[43] This chronic insecurity causes stress to immigrant parents and is an impediment to their children realizing their full potential.

- **Increased cooperation by municipalities** with immigration enforcement policies is associated with higher rates of material hardship for noncitizen households, **causing missed rent payments and leading to a higher rate of housing instability.**[44]
- **Immigration arrests removing primary income earners from their households play a large role in why Latinos experience foreclosures more often.**[45]

When families who are already in tight housing conditions experience the arrest of an income earner, they are spurred to look for housing alternatives to cut costs and forced to contend with poor conditions and overcrowding.[46] Moving often due to financial constraints prevents families from creating crucial community connections through schools and other social services, making it difficult to learn about available resources. In addition, frequent moves hinder children's emotional development—they lack sufficient time to form close friendships, assuming they even feel safe to do so. Housing instability causes stress that manifests in other parts of a child's life, including their performance in school as well as their mental and physical health.[47]

Early Care and Educational Impacts

Education is an important steppingstone toward future success, but fear and anxiety about immigration enforcement often undermine student achievement and access to education, from early education through postsecondary education. Children with at least one undocumented parent made up 12% of the U.S. K-12 school enrollment in 2021.[48] Beyond setting students up for future economic security and socioemotional development, places of learning also act as important community hubs to help families access emotional or material support.[49]

Numerous studies have shown that immigration enforcement actions reduce student engagement and increase absenteeism:

- Local immigration enforcement raids and collaboration with law enforcement through 287(g) enforcement have been shown to decrease school engagement by **increasing chronic student absenteeism and displacing students**, disrupting learning, and threatening future achievement.[50]
- In addition to worksite raids and local law enforcement cooperation with federal enforcement authorities, a recent study found that absenteeism could be a response to local and state anti-immigration laws as well. After the enactment of a state immigration enforcement law, both undocumented and documented Hispanic student absences and withdrawals from school increased.[51]
    - K-12 providers have reported **Latino students directly expressing fear and concern over immigration enforcement, which in turn has led to a decline in academic performance.**[52]
    - The implementation of **Secure Communities and number of removals is associated with decreased academic achievements** in English Language Arts test scores among both Hispanic and non-Hispanic Black students, and additionally associated with decreases in math test scores among non-Hispanic Black students.[53]
    - Student achievement is further hampered by parental detention and deportation[54] **Parental detention and removal interfere with parental engagement in their children's education,** which means children are losing out on demonstrated benefits such as better student behavior, higher academic achievement, and enhanced social skills.
- **Immigration enforcement causes additional strain on early care and education providers**, 18 percent of whom are foreign-born.[55] Studies have found that these enforcement activities have a tremendous impact on participation in and availability of early care education programs.
    - During its implementation, **Secure Communities reduced children's participation in center-based child care programs, especially among disadvantaged children, including those of citizen parents,** and reduced the number of center-based child care workers, decreasing center-based child care availability.[56]
    - Another study shows that immigration enforcement decreased Hispanic enrollment in Head Start programs by 10%.[57]

At the same time enrollment of Hispanic children dipped, 46% of surveyed early education administrators reported difficulty meeting enrollment goals, further threatening the child care supply for entire communities.[58]

- **Many early care and education workers expressed anxiety and concern in response to changing immigration policy** during the Trump Administration. One study conducted during the Trump Administration found that child care and early education providers were struggling to support children and families who were under additional stress, including some who had experienced the detention or deportation of a parent.[59]
- The decrease in center-based child care availability and participation means more children are pushed to lower-quality child care settings, which may slow their cognitive and developmental progress.[60]

Despite policies that restrict immigration enforcement in critical locations like child care centers and schools, parents have been arrested right outside these locations or on the way to drop off or pick up their children. When large-scale raids occur, child care centers and schools are sometimes left to ensure the well-being of children left behind, often with little warning or support from federal authorities.[61] Under the Obama Administration, in response to reported arrests of youth near bus stops, the sensitive locations policy was expanded to specifically include bus stops. The new 2021 protected areas policy reinforces that places of learning, including child care centers, bus stops, and after-school programs, remain restricted to immigration enforcement.[62] Some school districts have created their own policies to restrict the presence of immigration enforcement authorities near their locations and have taken steps to communicate to parents that their buildings are a safe place.[63]

The long-term benefits of quality early education and education overall, which include improved social-emotional development, increased maternal employment and income, and improvement in health outcomes, will not materialize if children face barriers to education due to immigration enforcement or are plagued with mental health issues during this critical period of their lives.[64] Similarly, educators should not be forced to address the additional and unnecessary challenges created by the impact of immigration enforcement policies on children's learning and overall well-being.

Mental Health of Children

Living with the possibility of losing a parent or loved one due to immigration enforcement causes anxiety and fear, especially for children who require a stable environment for healthy development. Immigration enforcement over the years has compromised the mental health of children, with long-term implications for their development and well-being.

- In a study conducted during two years of the Trump Administration, children as young as 3 years old who were part of mixed-status families demonstrated disturbing behavioral changes such as increased aggression, separation anxiety, and withdrawal from their environments.[65] Not only children from mixed-status families but even those whose parents have lawful immigration status expressed fear and concern about parent separation. **Research consistently shows that hardship and distress in children's early years can particularly compromise their healthy development and growth in the short and long terms.[66]**
- A study of DACA-eligible mothers has shown that their U.S.-born children have 50% fewer diagnoses of adjustment and anxiety disorder than the children of mothers who do not qualify for DACA.[67] This decrease is important as these disorders are associated with poorer academic performance and decreases in income.[68]
- **After a Tennessee workplace raid in April 2018 detained 97 undocumented workers, behavioral issues and substance use among local Hispanic students increased,** including among U.S. citizen children whose families were not directly involved in the raid. Substance use disorders during the raid year was 1.5 times above the average rate, while diagnoses of self-harm, suicide attempts, or suicidal ideation increased by 50%.[69]

- This same study also identified that **sexual abuse among children of immigrants during the raid year increased at a rate double the average,** likely due to higher numbers of children staying in the care of others or receiving less adult supervision.[70]

Nearly half of U.S.-born Latino adolescents are concerned, at least some of the time, with the personal impacts of U.S. immigration policy (44%), family separation caused by deportation of a loved one (44%), and a family member being reported to an immigration office (41%). These adolescents are more likely to experience higher levels of anxiety, sleep issues, and adverse blood pressure changes.[71] Unfortunately, few mental health resources exist specifically for impacted children, and even fewer health resources overall that overcome language and cultural barriers.[72] Research indicates, however, that providing access to legal status has a protective impact on children's mental health.

Physical Health of Children

The threat of deportation and detention intimidate mixed-status immigrant families and keep them from seeking out medical care or applying to certain social safety net programs, even when their U.S.-born children are eligible. Families may be misinformed and fear that their information will not be kept private, or worse, shared with ICE, for simply using available resources to improve their health. The consequences are tangible and long-term when it comes to the physical well-being of the children of immigrants.

The COVID-19 pandemic demonstrated the dire impact that immigration enforcement can have on the health and well-being of immigrant families.[73] Many undocumented immigrants were reluctant to seek out testing or treatment throughout the pandemic, sometimes with tragic consequences. In March 2020, ICE announced it would largely cease immigration enforcement actions due to the pandemic and reinforced that such actions would continue to be restricted in health care settings.[74] Just a few months later with COVID death tolls still soaring, ICE then announced a resumption of enforcement activities, including a nationwide operation that ultimately resulted in more than 2,000 arrests of people, including parents and other individuals who had resided in the U.S. for decades.[75] When COVID vaccinations were made available, once again fears related to immigration enforcement were cited among the reasons mixed-status families were reluctant to get vaccinated.[76] The new DHS protected areas policy explicitly includes vaccination sites in its policy to address this concern, although little has been done to share this information with communities.

- The 2018 Tennessee raid also occurred at the same time as a community health event, resulting in Hispanic families missing out on vaccinations and other basic health needs and information offered to community members attending the event. Many Hispanic families subsequently stopped attending other health care related appointments with their children altogether.[77]

- One result of this was demonstrated by a 2012 North Carolina study finding that **Latina mothers sought prenatal care later and received insufficient care relative to non-Latina mothers**. Latina respondents shared that they were mistrustful of health services, likely influenced by the presence of 287(g) agreements and the Secure Communities program in that area at the time.[78]

The period of anti-immigrant policymaking under the Trump Administration led to a 'chilling effect' in the use of public health insurance, among other public benefits. A 2020 survey showed that 10.2% of adults in immigrant families with children shared that they or a family member avoided SNAP and 9.6% avoided Medicaid and the Children's Health Insurance Program (CHIP). The rates were worse among adults in low-income immigrant families with children, who reported the same concerns over SNAP and Medicaid and CHIP at 17.1% and 14.8%, respectively.[79] The immigrant communities' lack of trust in health care providers also contributes to health disparities. For instance, in 2020 about four in ten undocumented immigrants were uninsured, relative to one in ten U.S. citizens. The effects of this disparity trickle down to U.S. citizen children, who are more likely to be uninsured if they have at least one noncitizen parent than if they had two citizen parents (i.e., 10% to 4%).[80] A recent survey demonstrates this 'chilling effect' has lingered even after the Trump Administration, finding that many immigrant families continued to avoid public benefit programs in 2021.[81]

CONCLUSION

One of President Trump's underlying justifications for Executive Order: Enhancing Public Safety in the Interior of the U.S. was to curb the "significant threat to national security and public safety" allegedly posed by undocumented immigrants. It is clear from the evidence, however, that interior immigration enforcement causes unwarranted and substantial harm to both immigrants and U.S. citizens alike, with particular harm to children.

On his campaign trail, President Biden promised the public that he would "work to heal the wounds inflicted on immigrant communities" by past administrations. Much of the immigration enforcement guidance his administration has since issued indicates a commitment toward that goal. Notable policies include the DHS Protected Areas policy; the Department of Justice's court docket prioritization measures; and ICE's Detained Parents Directive, Guidelines for the Enforcement of Civil Immigration Law, and policy guidance directing the discontinuation of mass worksite operations.[vi]

Nevertheless, the safeguarding impact of these well-intentioned policies on children and families cannot always be guaranteed: administrations and policy priorities shift, federal courts increasingly intervene, and on-the-ground implementation challenges persist.

The enforcement of U.S. immigration laws can be done in a way that honors our country's values and upholds the well-being of children and families. Policymakers can protect children from unnecessary harm and keep families together by rejecting policies that exacerbate racial inequities and working toward a more humane and just immigration system. Despite progress in recent years, there is still more work that needs to be done to ensure a brighter future for millions of children who are critical to our nation's future prosperity.

[vi] *See appendices for summaries of relevant immigration enforcement policies across administrations and the following links about notable policies: https://www.clasp.org/publications/fact-sheet/what-are-protected-areas/, https://www.justice.gov/eoir/book/file/1403401/download, https://www.ice.gov/detain/parental-interest, https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw.pdf, https://www.dhs.gov/sites/default/files/publications/memo_from_secretary_mayorkas_on_worksite_enforcement.pdf.*

SECTION THREE

RECOMMENDATIONS TO MITIGATE THE HARMS OF INTERIOR ENFORCEMENT

The following federal, state, and local policy recommendations aim to decrease the scope and mitigate the harm of immigration enforcement, uphold family unity, and support the economic stability of families in the short term. They also help build pathways towards a more human-centered system that prioritizes the well-being of children. Given the long-lasting harm of interior enforcement policies on children and communities, it is critical for policymakers to pass immigration policies that center the dignity and humanity of immigrants and their families.

CONGRESS

- Pass a pathway to citizenship for undocumented immigrants in the United States, which would remove the fear of family separation for those eligible and lift a quarter-million children out of poverty.[82]
- Lift barriers to legal entry that undermine family unity, like the three- and ten-year and permanent bars.[vii]
- Modernize the family-based immigration system to reflect current demand and address the backlog, including recapturing unused visas and ensuring adequate funding to process applications.
- Ensure immigration judges are able to consider potential hardship to minor children in all removal decisions regarding their parents.[viii]
- Restore the ability of sentencing judges in the criminal legal system to issue Judicial Recommendations Against Deportation where the judge believes deportation would not be a proportionate or appropriate penalty for the underlying offense for reasons, for reasons involving the impact deportation would cause on the person's child(ren).[ix]
- Allow previously deported parents to return to the United States for purposes of attending court hearings concerning their parental rights, as well as to care for their minor children in the U.S. and other family members in need of care.
- Codify and strengthen policies that mitigate the harm of immigration enforcement actions on children, such as the ICE parental interest directive,[83] which provides protections for detained and deported parents, and the protected areas policy,[84] which restricts immigration enforcement actions in areas that are critical for children and families. For example:
    - The parental interest directive should include a presumption of release for parents and caregivers.
    - The protected areas policy should be expanded to include areas within 1,000 feet of a protected area, as well as all courthouses.
- Increase funding for opt-in programs that minimize harm to immigrants and their families, such as community-based case management programs rather than programs that increase immigrant detention and other harmful enforcement actions
- Decriminalize immigration violations, including the repeal of criminal penalties for unauthorized entry and reentry of individuals into the U.S., which was criminalized almost a century ago.[85]

[vii] *The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) established three- and ten-year rules preventing certain individuals who had voluntarily left the United States from returning to the U.S. for any purpose, even to reunite with their families or secure legal status. The undocumented population increased since the implementation of these bars. For more information read this resource.*

[viii] *Immigration law permits immigration judges to consider hardship to an individual's family members (spouse, parent, and children) in some removal decisions. In decisions regarding removals, people who have resided in the United States for more than 10 years may ask for a form of defense to removal called "cancellation of removal;" in order to qualify for such relief, however, the person must be able to show hardship to minor U.S. citizen or legal permanent resident children that is "substantially different from, or beyond that, which would normally be expected from the deportation of an alien with close family members here." For undocumented parents with less than 10 years presence in the United States, there is often no defense to removal available whatsoever, regardless of the hardship deportation will cause to the person's child(ren). See here.*

ADMINISTRATION

- Utilize existing authority to provide protection from deportation and work authorization to eligible immigrants, such as but not limited to Temporary Protected Status and Deferred Enforced Departure.
- Expand eligibility for and streamline procedures for cancellation of removal petitions for some long-residing individuals in the United States (*e.g., DACA recipients and parents with U.S. citizen children*) who are not in immigration court proceedings.
- Exercise executive authority to grant prosecutorial discretion in cases where it is warranted for humanitarian reasons and where an individual can demonstrate certain vulnerabilities—such as those who are pregnant or have children in the United States.
- Prioritize the use of community-based alternatives to detention programs that use limited surveillance and provide comprehensive support and allow individuals to remain with their families in the community as they await the outcome of the removal process.
- Ensure regular training for all ICE personnel who may come into contact with children during enforcement activities on how to minimize trauma to them as well as how to implement relevant policies like the parental interest directive and protected areas policy. In addition, develop inter-agency guidance to ensure all relevant stakeholders are aware of these policies.
- Collect and make public all data on the number of parents and legal guardians of minor children in ICE custody by state, as well as the number of children involved in state or local child welfare systems with detained or deported parents or legal guardians.[x]
- Fund research that examines the impact of interior immigration enforcement on children from a range of immigrant communities, especially those from Black and Indigenous communities.

STATE AND LOCAL

- Implement community safety policies that restrict collaboration between local law enforcement and federal immigration authorities, including rejecting collaborations between local law enforcement and federal immigration enforcement, such as the Secure Communities and 287(g) programs.
- Fund educational outreach on policies such as the protected areas policy and parental interest directive to ensure local stakeholders are aware of such policies and know how to ensure their effective implementation.
- Reduce the incentive for profits in the detention and incarceration of immigrants and discontinue the use of detention facilities that have proven to violate the rights and safety of immigrants.

[ix] *See legislation introduced by Senator Padilla (D-CA) and Congressman Espaillat (D-CA) that would restore this program: U.S. Congress, Senate, Fair Adjudications for Immigrants Act, S 1343, 118th Cong., 1st sess., introduced in Senate April 27, 2023, https://www.congress.gov/bill/118th-congress/senate-bill/1343/text?s=1&r=11.*

[x] *The new parental interest directive includes a requirement for ICE to track covered individuals in its custody and maintain a centralized database. Information that would be helpful to track include the number of parents/legal guardians identified during ICE encounters, the number of parents/guardians in ICE custody, the proportion of detained caretakers who are involved in child welfare proceedings, the number of children under the detained parents/guardians' care (including the number of U.S. citizen children), as well as covered individuals' wishes upon removal regarding whether to bring their children with them.*

APPENDIX A:

TERMS & DEFINITIONS

1. **Interior immigration enforcement:** This brief repeatedly refers to "interior immigration enforcement." This term refers to the policies and actions implemented by the U.S. Immigration Customs and Enforcement (ICE) agency to detain and deport undocumented immigrants in the interior of the United States. These include workplace raids, 287(g) agreements with local law enforcement agencies, and Secure Communities.
2. **287(g):** Named after the section in the Immigration and Nationality Act that allows for these agreements, 287(g) contracts between ICE and local law enforcement deputize local-level police officers to carry out federal immigration law in apprehending and detaining individuals violating immigration laws, including undocumented immigrants. As of January 2023, ICE still retains 287(g) agreements with 139 local law enforcement authorities in 24 states.[86]
3. **Deferred Action for Childhood Arrivals (DACA):** This program, created by executive action by the Obama Administration, granted certain individuals who came to the United States as minors, temporary and renewable work authorization and relief from detention and deportation for two years at a time. At the time of this publication and due to ongoing debates in federal courts, the DACA program was no longer accepting new applicants but allowed existing applicants to renew their DACA status.[87]
4. **Deferred Enforced Departure:** This temporary immigration benefit allows certain individuals from designated countries and regions facing conflict or natural disaster to stay in the U.S. without the threat of deportation.[88]
5. **Deportations:** See removals.
6. **Dreamers:** This term has often been ascribed to undocumented individuals who arrived in the United States as children. Many Dreamers were brought up in the United States and have established deep ties to this country through school, work, and the families they have built here since their arrival.
7. **K-12:** Kindergarten through grade 12.
8. **Legal Permanent Residents (LPR):** Also known as green card holders. Non-citizens who have been lawfully authorized by USCIS to live in the U.S. permanently.
9. **Mixed-Status Families:** Households whose members include people with different citizenship or immigration statuses. This term is used in this brief to refer to families in which at least one individual is undocumented.
10. **Pandemic-EBT (P-EBT):** During the COVID-19 pandemic, Congress created P-EBT to help the families of students receiving free or reduced-price meals at school with meal support. Similar to SNAP benefits, an electronic benefits transfer (EBT) card given to these families can be used to purchase food at grocery stores and other authorized retailers. A broader range of immigrants can access P-EBT benefits than SNAP benefits.
11. **Protected Areas:** As defined by DHS, these are sites, including but not limited to child care centers, schools, hospitals, and places of worship, where individuals typically access essential services or engage in essential activities. These areas were expanded under the new 2021 policy and were previously known as "sensitive locations."
12. **Removals:** Also known as deportations, the term removals refers to the act in which a noncitizen is forcibly removed from the United States, usually back to their country of origin. Noncitizens who are present in the United States without legal authorization and those with legal status who have violated a requirement of their legal status are vulnerable to removal.

13. **Sanctuary cities:** Jurisdictions with policies limiting cooperation with federal authorities to enforce immigration law. This is an informal term to refer to a set of practices/policies often implemented to increase trust between local government and immigrant communities. These practices include but are not limited to prohibiting 287(g) agreements, closing down or prohibiting the building of immigration detention centers, restricting local police responses to federal immigration detainers, and not sharing data on immigrants with the federal government.[89]

14. **Secure Communities:** Secure Communities was a program piloted in 2008 under the Bush Administration that automatically shared local law agencies' biometric data on arrested individuals with DHS to identify noncitizens. The Priority Enforcement Program (PEP), established under the Obama Administration in 2014, replaced Secure Communities. DHS under the Trump Administration discontinued PEP in January 2017 (see Policy Timeline).[90] The practice of local law enforcement sharing biometric data on arrested individuals with DHS still exists, under the re-named Criminal Apprehension Program (CAP), with a renewed focus on apprehending "priority" noncitizens with a history of criminal records who "threaten the safety of our nation's communities and the integrity of U.S. immigration laws."[91]

15. **Supplemental Nutrition Assistance Program (SNAP):** Sometimes referred to as food stamps, SNAP provides monthly food assistance in the form of an electronic benefits transfer (EBT) card to income-eligible families. An EBT card is similar to a debit card. Undocumented and many documented immigrants are barred from receiving these benefits, but their U.S.-born children may be eligible.

16. **Temporary Assistance to Needy Families (TANF):** TANF provides monthly cash assistance to income-eligible families. Undocumented and many documented immigrants are barred from receiving these benefits, but their U.S.-born children may be eligible.

17. **Temporary Protected Status (TPS):** TPS is a temporary, renewable immigration status that provides work authorization and protection from deportation for individuals from designated countries that have experienced environmental disasters, epidemics, conflict, or other conditions that prevent them from safely returning to their country of origin.

18. **The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC):** WIC provides supplemental foods and vouchers, health care referrals, and nutrition education to low-income pregnant and postpartum parents as well as to infants and children up to age 5 found to be at nutritional risk.

19. **Title 42:** Title 42, a public-health order originally established under the 1944 Public Health Service Act, was implemented by the Trump Administration in March 2020 reportedly in response to the COVID-19 pandemic. The policy authorizes the immediate expulsion of migrants arriving to the U.S.-Mexico border without authorization, effectively barring many asylum seekers from requesting immigration relief. Title 42 ended on May 11, 2023 with the termination of the public health emergency. The Biden Administration, however, has replaced Title 42 with the Circumvention of Lawful Pathways Final Rule, which extends much of Title 42's asylum restrictions.[92]

20. **Undocumented:** Individuals who do not have legal authorization to live or work in the United States.

OBAMA ADMINISTRATION

2009 **Worksite Raids halted**
DHS Memorandum
Inactive

ICE issued a memo to strengthen the George W. Bush-era humanitarian guidelines for worksite operations, expanding the guidelines to apply to all worksite enforcement operations involving 25 or more undocumented workers, rather than 150. It clarified the purpose and priorities of worksite enforcement to refocus immigration enforcement on employers that employ unauthorized workers, as opposed to the workers themselves.

Worksite Enforcement Strategy Memorandum

2011 **"Sensitive Locations" guidance issued**
DHS Memorandum
Inactive

This memo limits the contexts in which ICE officers and agents arrest, interview, search, and surveil individuals at sensitive locations, such as schools, churches, hospitals, funerals, or public demonstrations. It outlines requirements for any planned enforcement action at a sensitive location to have prior approval of senior officials.

Memorandum 10029.2: "Enforcement Actions at or Focused on Sensitive Locations"

2012 **DACA program created**
DHS Memorandum
Inactive

Created by executive action, DACA granted certain individuals who came to the United States as minors temporary and renewable work authorization and relief from detention and deportation for two years at a time.

Exercising Prosecutorial Discretion with Respect to Individuals who Came to the United States as Children

2013 **Parental Interest Directive guidance issued**
ICE Directive
Inactive

Establishes ICE policy and procedures to address the placement, monitoring, accommodation, and removal of certain immigrants who are parents or legal guardians who are the primary caregivers of minor children and who are involved in family court proceedings involving a minor or child welfare case in the United States.

ICE Directive 11064.1: Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities

2014 **Enforcement priorities guidance issued**
DHS Memorandum
Inactive

Provided clear guidance in pursuit of prioritizing national security, public safety, and border security in enforcement and removal policies. Includes a statement reiterating the importance of DHS's exercise of prosecutorial discretion in enforcing immigration law and data reporting requirements to track the priorities. This rescinds the 2011 memoranda related to priorities for detention and removal. It discontinued the Secure Communities program and established the Priority Enforcement Program (PEP) to focus on "convicted criminals and others who pose a danger to public safety." PEP was in place until 2017.[xi]

Policies for the Apprehension, Detention and Removal of Undocumented Immigrants

2014 **Family detention resumed**
DHS Memorandum
Inactive

Announced the resumption of the practice of detaining families in response to an increase of family migrants at the border.

Statement by Secretary of Homeland Security Jeh Johnson

[xi] *Priority Enforcement Program.* https://www.ice.gov/pep.

APPENDIX B: POLICY TIMELINE

TRUMP ADMINISTRATION

2017 **Sweeping measures to increase interior enforcement**
White House Executive Order
Inactive

Rescinded the Obama Administration's enforcement priorities and prioritized all undocumented immigrants for deportation. Provided additional resources to ramp up interior enforcement. This order reinstituted the Secure Communities program.

EO No. 13,768: Enhancing Public Safety in the Interior of the United States

2017 **DACA rescinded**
DHS Memorandum
Inactive

This memorandum rescinds the 2012 memorandum, thereby ending the DACA program.

Memorandum on Rescission of Deferred Action For Childhood Arrivals (DACA)

2017 **Parental interest directive revised with fewer protections**
ICE Directive
Inactive

This supersedes guidance in the 2013 ICE parental interest directive. While it includes some minor improvements, it no longer recommends the use of prosecutorial discretion for parents or legal guardians and excludes other important provisions.

ICE Directive 11064.2: Detention and Removal of Alien Parents or Legal Guardians

APPENDIX B: POLICY TIMELINE

BIDEN ADMINISTRATION

2021 **2017 EO on interior immigration enforcement rescinded**
White House Executive Order
Partially enjoined

Rescinds Trump's EO on interior immigration enforcement, calls for review of ICE enforcement policies, and a 100-day moratorium on deportations (which was later enjoined by litigation).

EO No. 13,993: Revision of Civil Immigration Enforcement Policies and Priorities

2021 **Worksite raids halted and improved employer accountability**
DHS Memorandum
Active

In October 2021 under the Biden Administration, DHS issued a memorandum to stop the practice of mass worksite raids and instead focus enforcement on "unscrupulous employers" who exploit undocumented workers.

Worksite Enforcement: The Strategy to Protect the American Labor Market, the Conditions of the American Worksite, and the Dignity of the Individual

2021 **"Sensitive Locations" guidance replaced with strengthened "Protected Areas" guidance**
DHS Memorandum
Active

Provides ICE and CBP with guidance on protected areas and encourages the agencies to not take enforcement action in or near a location that provides essential services or activities.

Guidelines for Enforcement Actions in or Near Protected Areas (supersedes and rescinds 2011 sensitive locations memorandum)

2021 **Enforcement priorities reinstated**
DHS Memorandum
Enjoined in courts

Allows for the exercise of prosecutorial discretion in the arrest, detainment, removal, and execution of removal orders of undocumented immigrants. This prioritizes enforcement action against those who are determined to pose a threat to national security and public safety.

Guidelines for the Enforcement of Civil Immigration Law (Enforcement Priorities)

2021 **White House memo to fortify DACA issued**
White House Memorandum
Enjoined in courts

Guides the DHS Secretary to take all actions available to preserve and fortify the DACA program.

Preserving and Fortifying Deferred Action for Childhood Arrivals (DACA)

2021 **ICE Directive 11032.3 on pregnant detainees replaced and improved to include postpartum and nursing individuals**
ICE Directive
Active

Guides ICE to refrain from detaining, arresting, or taking into custody individuals who are pregnant, postpartum, or nursing and ensures they are effectively identified, monitored, tracked, and housed appropriately. This replaces a prior ICE directive that did not address postpartum or nursing individuals.

ICE Directive 11032.4: Identification and Monitoring of Pregnant, Postpartum, and Nursing Individuals

2022 **Parental interest directive revised and strengthened**
Directive
Active

This supersedes guidance in the 2017 ICE Directive. Ensures that when a parent or legal guardian is arrested or detained for a civil immigration proceeding that the noncitizen can maintain visitation with their child or incapacitated adult for whom they serve as guardian, coordinate their care, and participate in any related court or child welfare proceedings. The update includes new requirements (such as data collection), enhanced procedures, and training for ICE personnel.

ICE Directive 11064.3: *Parental interest of noncitizens parents and legal guardians of minor children or incapacitated adults*

2022 **DACA program codified through final rule**
DHS Final Rule
Enjoined in courts

More formally codifies the DACA program by issuance of a final rule.

Deferred Action for Childhood Arrivals

ABOUT THE CENTER FOR LAW AND SOCIAL POLICY (CLASP)

The Center for Law and Social Policy (CLASP) is a national, nonpartisan, anti-poverty organization advancing policy solutions for people with low incomes. Because poverty in America is inextricably tied to systemic racism, CLASP focuses its policy and advocacy efforts for economic and racial justice on addressing systemic racism as the primary cause of poverty for communities of color. For more information on CLASP, visit www.clasp.org or follow us on Facebook and Twitter.

ABOUT UNIDOS US

UnidosUS is a nonprofit, nonpartisan organization that serves as the nation's largest Hispanic civil rights and advocacy organization. Since 1968, we have challenged the social, economic, and political barriers that affect Latinos through our unique combination of expert research, advocacy, programs, and an Affiliate Network of nearly 300 community-based organizations across the United States and Puerto Rico. We believe in an America where economic, political, and social progress is a reality for all Latinos, and we collaborate across communities to achieve it.

For more information on UnidosUS, visit www.unidosus.org or follow us on Facebook, Instagram, and Twitter.

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