

Northwest University

US Immigrant Detention/Deportation System and Child Rights:
Implications for Child Development, Social Justice, and Role of the Community.

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Context

Immigration is a global phenomenon that has consistently shaped the world and communities we live in. The socio-political perceptions of immigrants are a driving force behind immigration policies and systems. However, owing to the growing distrust of job security, unprecedented “America first” notions, and global fears of ISIS, the United States (US) immigration policies and systems face enormous ethical, moral, political, and physical challenges. While these challenges are complex and everybody agrees on the need for an immigration reform, the current debates have been predominantly based on the political and economic implications of the immigration system. For example, consider the immigration enforcement systems of detention and deportation that are crafted to deter individual immigrants from entering or staying in the US without proper documentation. Though it has been acceptable economically and politically, such an individualistic perspective doesn’t fully-recognize the invariable impact of such policies and systems on the families and children of undocumented immigrants. Of the more than eleven million undocumented immigrants living in the United States, “3.5 million unauthorized immigrants are parents of US citizens under the age of 18, and up to 3.7 million are parents of children who are either green card holders or DACA¹ recipients” (George 253). Consequently, children of undocumented immigrants interact with immigration enforcement systems and policies, either directly or indirectly. Hence, it is essential to broaden and deepen the current debate on immigration reform to include its impact on children and by extension, their families.

1. DACA stands for Deferred Action for Childhood Arrivals. This humanitarian-based immigration policy/program allows for “certain people who came to the United States as children and meet several guidelines ...[to] request consideration of deferred action for a period of two years, subject to renewal” (“Consideration of Deferred Action”).

With the national political debate on immigration becoming heavily polarized, there is an increasing tendency to classify people's views on immigration, and in fact people themselves, as pro-immigration and anti-immigration. Though the study does not intend to prove any one school of thought on immigration, it attempts to broaden and enrich the current debate by highlighting the critical need to investigate how immigration enforcement policies and systems affect the children of undocumented/mixed status families, most of whom are US citizens. This study is an effort to help the American community, on both sides of the immigration debate, to envision and build an immigration system that secures the well-being of this country by protecting the interests of its people, including its most vulnerable children. As a nation idealized as the land of dreams, America has the moral and social responsibility to ensure that none of its policies or systems deprive any of the US children their right to develop and live a life of opportunities and well-being.

Immigrant Detention/Deportation System and Children

In the US, immigration is an issue of great national interest and importance. The most visible faces of this issue have been undocumented immigrant men and women from Latin America and other developing countries, who have crossed and stayed in this country without proper documentation or legal status. When immigration policies are drafted from this populist perspective, the system of detention and deportation used to control and remove individual undocumented immigrants becomes accepted as the solution. But such a response doesn't take into account how the consequences of such policies go beyond an individual's life to affect their families and children. I find that fact peculiar because the US is a society that greatly values children and family. Is it possible that many US citizens have failed to recognize the most

important and vulnerable faces of the immigration enforcement process—its children and families?

Let me introduce you to Alice and Sophia, not their actual names, two of those unseen faces caught in the US immigration enforcement system. Alice and Sophia are sisters of ages (approx.) four and two respectively, and are US citizens. I first met these children in the summer of 2016 during my fieldwork for this study. They had been separated from their mother Eva (not her actual name) for nearly a year, when she was detained at the Northwest Detention Center (NWDC) for living in the US on undocumented status. Eva's separation from her children during detention not only affected their parent-child relationship, but also created negative behavioral outcomes in her daughters who consequently suffered an ingrained fear of separation. Eva describes the immediate impact of detention (post her release) on her children as follows:

Alice, the elder daughter, tends to be the mom... she throws a lot of tantrums and becomes aggressive... The younger daughter Sophia would ask me 'Are you my mom?' ... Even when I had to drop them to baby-sit, they would cry and ask 'would you come back?' (Eva)

The questions posed by Alice and Sophia offer only a tiny glimpse into the trauma and the immense challenges that immigrant families—mothers, fathers, and children—go through because of detention. It is short-sighted and harmful to ignore the voices of children who suffer from parental detention and deportation.

Through my fieldwork observations and personal interviews with former immigrant detainees and their children, I will define a more experiential and holistic reality of how immigrant detention/deportation affects families and children. Understanding and working together towards positive solutions to this issue's underlying problems will empower us, as a

community and as individuals, to stand for the millions of unseen US children like Alice and Sophia.

To better protect children from the unintended and unaccounted consequences of parental detention/deportation, the US immigration enforcement system and the community must affirm such children's rights by redefining social justice and reforming current immigration systems. The current system of immigrant detention/deportation is characterized by "criminalization of immigration, privatization of detention" (Ackerman and Furman 251), "perpetuation of illegality" (Sarabia), and reinforcement of vulnerabilities, all of which challenge child well-being and social justice. When undocumented parents/caretakers are detained or deported, they and their children face increased systemic fear, legal vulnerability, economic marginalization, and parent-child separations. Such psychosocial impacts affect the contexts of the children of undocumented/mixed status families, and create negative development outcomes. Besides that, the detention/deportation system distorts the vision of social justice and the role of the community by creating socio-ethical obscurity, socialization of risks, social exclusion and alienation, and socio-systemic oppression. This thesis proposes that a child rights framework helps affirm the rights of children exposed to the immigrant detention/deportation system, and also highlights the role of the community in its systemic reform and social justice.

System of Immigrant Detention – Understanding the Underlying Ideologies/Principles

The two prominent immigration enforcement agencies that fall under the United States Department of Homeland Security (DHS) are: the United States Immigration and Customs Enforcement (ICE), and the US Customs and Border Protection (CBP) ("Operational and Support"). The detention and deportation systems fall under the direct purview of ICE's operations, all of which are intended to fulfill its mission of protecting the national security and

public safety of its citizens. DHS and its three components ICE, CBP and USCIS (United States Citizenship and Immigration Services) directly resulted from the national security concerns raised in the aftermath of the tragic 9/11 attacks (“History of ICE”). In fiscal year 2016, ICE detained 352,882 “aliens,” and with CBP, ICE deported 450,954 “aliens” (DHS Immigration 3).

The current system of immigrant detention and deportation raises concerns of well-being for the millions of undocumented/mixed status² immigrant families and children living in the US. Without a doubt, the situation is complicated and grows more so daily. That said, this study in no manner undermines the original purpose and defined mission of the immigration enforcement system as protecting the national security and public safety. Rather I argue that the current system works under principles that cause systemic oppression and injustice for immigrant families who lack US legal status. This study identifies these underlying principles shaping the current immigrant detention/deportation system as— “criminalization of immigration, privatization of detention centers” (Ackerman and Furman 251), the “perpetuation of illegality” (Sarabia), and the reinforcement of vulnerabilities. Each of these ideologies help identify ways in which the immigration enforcement agencies’ actions and processes shape immigrant detention as a system that falsely implies justice and negatively influences the community’s role.

Criminalization of Immigration

The act of immigration without legal documentation is not considered a crime. In fact, “According to federal law, the crossing of the US border and entering without proper documentation is an administrative violation, in the same category of offense, for example, as filing taxes late” (Ackerman and Furman 253). But the immigration enforcement system

2. Mixed status families are immigrant families whose family members have different legal statuses, implying one or more family members are undocumented (Zayas and Bradlee 168).

increasingly criminalizes undocumented immigrants through the system of detention/deportation. In fact, this self-contradictory feature of the system contributes to the process of *enforced criminality* for the undocumented immigrant population.

The detention facilities used by the immigration enforcement system hold structural and functional parallels with the criminal justice system. A 2009 ICE report on Immigration Detention Reforms revealed that it has over 32,000 detention beds available in nearly 350 different facilities, which are either county jails or private detention centers designed for criminals and not for civil detainees (“2009 Immigration”). Unlike criminal detainees, civil detainees are not subject to solitary confinement. For example, NWDC has large living areas with several beds for detainees referred to as “pods” that are characterized mainly based on their level of “criminality.” Despite being a civil population, undocumented immigrants are treated as criminals when placed in jails and detention centers that are designed for criminals. Eva, a former immigrant detainee at NWDC, points out that “they call it a detention center, but they treat us like criminals... They do not treat us like any other person. They handcuff us and give us numbers” (Eva). Thus, the detention system and its current structural set-up tends to criminalize undocumented immigrants and their non-criminal act of immigration.

In addition, national and state policies that emphasize the illegality of immigrants as a threat to national security and public safety, intentionally or not, create enforced criminality for undocumented immigrants. The government has used increasingly stringent definitions and standards to define the criminality of immigrant actions, most of which are not applicable to US citizens (Ewing et al. 6). For example, Alabama’s HB56 “makes it a felony for undocumented persons to seek a driver’s or business license, [thereby] insuring that undocumented laborers in rural areas will either drive without a license or engage in a felony” (Ackerman and Furman

253). Thus, state laws such as Alabama HB56 and Arizona SB1070 outlaw the basic aspects of immigrant lives (Ackerman and Furman 253). But it is important to note that several states, including Washington, allow immigrants to apply for drivers' licenses without mandating legal status.

On a similar note, President Trump's executive order on "Enhancing Public Safety in the Interior of the United States," quotes that "many aliens who illegally enter the United States and those who overstay or otherwise violate the terms of their visas present a significant threat to national security and public safety" ("Executive Order: Enhancing"). Here, it is evident that the President's executive orders have explicitly used the legal status of immigrants to determine and define their undocumented existence within the country as a criminal act. And thereby, the orders justify increased detention and deportation of immigrants for being undocumented.

The self-contradictory structure and operation further affirms the detention system's enforced criminality. According to the DHS Immigration Enforcement 2016 report, eighty-eight percent of all intakes to ICE detention [detainee] were Priority 1 assignments, meaning immigrants with criminal convictions who were the top priority removal categories for immigration enforcement (DHS Immigration 4). However, the 2009 report of "Immigration Detention Overview and Recommendations" by Dr. Dora Schriro notes the following:

Of the aliens in detention on September 1, 2009, sixty-six percent were subject to mandatory detention and fifty-one percent were felons, of which, eleven percent had committed violent crimes. The majority of the population is characterized as low custody, or having a low propensity for violence. (2)

Also, the 2009 Immigration Detention Reforms proposed by ICE clearly states that it wants to move from the current "jail-centered approach to a system wholly designed for and based on

ICE's civil detention authorities" ("2009 Immigration"). Here, the detention system, while claiming to detain immigrants who are criminal and deportable, aspires to build a system that suits its predominantly civil population, who in legal terms are not criminal. In a research study on the immigration reforms of 2009, it is pointed out that "while the detained population has increased appreciably over time, the proportion of the arrested population who are criminal aliens has remained fairly constant" (qtd. in Gryll 1238). This explains why the increased number of detentions and deportations are not proportional to the increase in "criminal aliens," and hence, not directly proportional to national security. Besides giving a false notion that detention is the solution to undocumented immigration, it increases the scope of detaining immigrants based on their legality and not necessarily on their criminality. Each of these self-contradicting features of the detention/deportation system facilitate the creation of *enforced criminality* for undocumented immigrants and their families.

Privatization of Detention Centers

Economic concerns have played an important role in shaping the immigration response regarding undocumented immigrants. For example, criminalizing undocumented immigrants has resulted in higher costs for immigrant detentions and deportations. Because of the high cost of building and running detention facilities, ICE has contracted with local and county facilities owned/run by private corporations (Gryll 1245). When private facilities are being used to cut government costs and improve operational efficiency, they indeed signify the political influence of capitalist principles—profitability and liberalism. In fact, "privatization and commodification of as many traditionally non-commodified nooks and crannies of existence as possible" is considered as one of the pillars of economic globalization (International Forum on Globalization 587). However, this ideology of privatizing immigrant detention centers builds a paradoxical

system wrought with moral and ethical conflicts; it earns profits on detained people, shows corporate lobbying (Ackerman and Furman 256), and it argues the cost-effectiveness of the taxpayer money being spent on it.

The NWDC, with a detention capacity of 1,575, is run by the GEO group (“About the NW”). The GEO group owns and/or manages 104 correctional or detention facilities across the globe, with sixty-four facilities in the US (“Geo Corrections”). The GEO’s annual report of 2015 revealed that it earned an annual revenue of \$1.84 billion and a net income of \$139 million (The Geo Group Annual Report 20). From an economic perspective, profits are essential for any private corporation to sustain its business in a competitive capitalist market. But such a business and profit-centered environment presents an inherent challenge to the institutional legitimacy of such organizations (Ogle 598). In the context of detention centers, institutional legitimacy should mean safeguarding the social ideals of justice, public safety, immigrant rights, human rights, and detainee well-being. Priscilla (not the actual name) who at the time of this research, was detained at the NWDC, observes that “the food here [detention center] is really bad. I see detention as a business – they are making money on us, by detaining us.” (Priscilla). Thus, privatization of detention centers builds an enforcement system wrought with the inherent moral conflict of earning profit on people’s incarceration.

The privatization of detention offers private corporations the “perverse incentive” to lobby for increased detentions, as profits increase with increasing the number of detainees (Gryll 1244, 1245, Ackerman and Furman 256). Similarly, immigration laws that propose increased detention/deportation through criminalizing immigrants ensure that millions of dollars are directed as investments into corporations that run private detention facilities/jails (Chen 33). Thus, privatization of detention increases the scope of political lobbying and economic

profitability through increased prosecution of undocumented immigrants primarily based on their legal status rather than on their specific/violent criminal convictions.

In the budget report for fiscal year 2017, ICE requested \$2.2 billion for immigrant detention, with the average daily cost of detaining an immigrant at \$126.46 (DHS Budget-in-Brief 5, 38). The high costs of immigrant detention raise questions of social accountability and ethical conflict, especially when private corporations use tax-payer money to increase their profits. The current immigration policies aim to expand the scope of immigrant detention by criminalizing the act of undocumented migration. Such an expanded scope will drain greater amounts of tax payer money while private corporations expand their operational profits. It is time to realize that unless undocumented immigrants have been proven guilty of committing violent crimes, they should not be detained in these facilities. Efficient use of taxpayer money calls for the costly act of detention to be the exception and not the norm.

Perpetuation of Illegality

The enforcement laws and policies of the immigration system not only create the illegality of the undocumented population, but they also perpetuate illegality when used as the primary means to control undocumented immigration (Sarabia 49). Sarabia notes that immigration policies, especially those rooted in enforcement actions, cause undocumented immigrants to “live in perpetual illegality because [of] the lack of means to regularize their status, the heightened criminalization, and increased deportability” (54). Expanding Sarabia’s concept to the context of immigrant detention, the system creates “perpetuation of illegality” by restricting immigrants’ paths to legalization through criminalizing and restricting their economic opportunities, and by affecting their due process rights for immigration proceedings.

Consider the example of the Senate 744 bill³ that proposed to offer Registered Provisional Immigrant (RPI) status to qualified undocumented immigrants as a path to legal residency (Chen 33). The bill provides judges with the flexibility to admit previously inadmissible/disqualified immigrants, who have minor infractions or three or ten year bars from entering the US, on the grounds of humanitarian purpose, family unity, or public interest (“A Guide to S.744” 7). But many eligible immigrants of this bill “could be disqualified based solely on immigration status-related violations of immigration law” (“A Guide to S.744” 7). Another study of the bill observes that since the application process requires immigrants to have a decade of probationary status showing continuous employment, it is unlikely to benefit nearly four to five million low-income immigrants (Chen 34). Many undocumented immigrants will then be stuck in their enforced state of “illegality,” as they have no viable paths to legalize their status. The detention system further aggravates their precarious condition by criminalizing their stay in the US and by restricting their economic opportunities during the period of detention, which then creates economic adversity and lost periods of employment. Here, it is clear that detention decreases the scope for undocumented immigrant families to legalize their status in the US. And thus, the detention system perpetuates the “illegality” of immigrants based on their undocumented status.

Detention also poses several challenges that affect the due processing of immigration cases/pleas. Titus (not actual name), an immigration attorney who works on immigrant detention cases notes that “during detention, access to counsel is a huge issue. Both with and without

3. Though the bill known as the “Border Security, Economic Opportunity, and Immigration Modernization Act” passed the Senate in June, 2013, the House of Representatives refused to consider it (Wolgin).

attorney, access to evidence is a huge barrier...language is [another] barrier. When pro-bonos don't always speak Spanish, it is very hard to find an interpreter" (Titus). Location can also be a barrier. During my fieldwork research at NWDC, I met several families who drive from such places as Vancouver, WA, or Oregon to visit their loved ones at the detention center. When undocumented immigrants are detained at a center away from their family's residence, it causes several challenges and difficulties to both as they seek to collect evidence and information required for their legal cases. The report by "Inter-American Commission on Human Rights (IACHR)" also observes that detention significantly and negatively affects the ability of detainees to file claims and/or present adequate defense, which consequently affects the "quality of due process in immigration proceedings" (Gryll 1234). As a result, the detention system narrows the opportunity for immigrants to fight for their cases of relief. Therefore, such undocumented immigrants are often stuck in the "illegality" of the immigration system without a fair opportunity to prove their eligibility or need to stay in the US.

Reinforcement of Vulnerabilities

Unlike citizens and legal residents who are assured protection under the law, undocumented immigrants have no legal recognition to seek equal protection and rights. This legal vulnerability exposes such immigrants and their families to a host of other socio-political, economic, and physical vulnerabilities. The current punitive structure of the detention system aggravates the vulnerabilities of the undocumented population by facilitating increased economic exploitation and labor violations, racial discrimination, and accumulated health risks, among many others.

First, the legal vulnerability of undocumented immigrants makes them easy prey to various forms of exploitation and abuse. And the most prominent form is labor or economic

exploitation, because most immigrants⁴ come to the US to seek work that will enable them to feed their families and educate their children. The fact that “migrant labor clusters [are found] in sectors like construction and domestic work – replete with low wages, brutal conditions, and little career mobility, along with high rates of occupational injury,” is an indication of their economically vulnerable condition (Chen 35). But undocumented immigrants in such labor sectors are in a much more precarious situation because they lack legal recognition and equal rights for labor provisions and protections (Chen 35). Fear of exposing their status prevents workers from reporting any mistreatment at work, or seeking medical help for work-caused injuries, or even driving to work on roads patrolled by law enforcement officers (Chen 35). Thus, the detention system—or fear of it—reinforces the socio-economic vulnerabilities of undocumented immigrants, making them susceptible to increased economic exploitation and labor violations.

Second, immigrants’ socio-political vulnerabilities arise from their minority status of race and ethnicity. Multiple studies have noted that undocumented immigrants are prone to experience increased racial discrimination (Brabeck et al. 498, Trujillo 11, Holmes 129). In his book, *Fresh Fruit, Broken Bodies*, Holmes points out how racism affects the way migrants are being served in clinics (129). In his ethnographic study of migrant farmworkers, Holmes quotes that physicians and nurses in clinics stated that they faced work-difficulties when white patients complained about the farmworkers’ smell or bringing their children along with them to the clinic (129). While such explicit expressions of racism are unacceptable and condemned by most

4. In all of my volunteering and fieldwork process so far, all immigrants I interviewed and interacted with mentioned that they immigrated for work to feed and take care of their family, both in their home country and in the US.

Americans, the system of immigrant detention and its policies overtly embody racist principles of discrimination, inequality, and control.

For example, immigration enforcement policies such as Arizona's SB1070 and Secure Communities program allow local enforcement officers to use "racial profiling" to identify the legal status of immigrants (Aguirre et al. 699, Ewing et al. 10). This causes immigrants to suffer systemic discrimination because of their race and associated physical features like being "Mexican looking" (Aguirre et al. 699). Such discrimination affects immigrants even if they are in the process of establishing or applying for their legality under the current immigration system. In addition, the "DHS's Fiscal Year 2013 enforcement actions indicate that serious crimes such as 'Assault,' 'Robbery,' 'Burglary,' and 'Sexual Assault' collectively make up only one-fifth of the crime categories for which 'criminal aliens' were removed" (Ewing et al. 6). Unlike Americans who are legally recognized, undocumented immigrants suffer detention and deportation for offenses that are predominantly non-criminal. This fact proves that the current system of detention/deportation institutionalizes the racial and national inequalities that immigrants face. In the process of confining undocumented immigrants in detention centers during immigration proceedings, the detention system shows that it needs an improved systemic control over the undocumented immigrant population. However, the impact of such racial discriminatory policies and practices is not limited to the undocumented population, but extends to their racial minority populations as well.

Third, immigrants who enter the US by crossing the border suffer many traumatic life-threatening risks and experiences. Rose (not the actual names) describes her traumatic journey across the US-Mexico border:

Last time I got deported, I came back because my son had a surgery...I had not much financially [to pay coyotes⁵], so I decided to cross the desert [on foot]. It took me two weeks, because you walk only in the night...no food, no water, dry, big desert snakes... While I was crossing the desert, I saw pieces of [human] body. I was scared I would be one of them. (Rose)

The fear of detention and deportation compound the traumatic experiences of migration. Since the current system's primary goal is to detain immigrants during immigration enforcement and court proceedings, the detention period is often uncertain or undefined. Stephen (not the actual name), who was detained for lack of proper documentation, notes that the hardest thing to handle during detention was not knowing what will happen next (Stephen). The uncertainty of detention increases the stress of detainees and their families. Such high levels of stress and trauma result in an increase of accumulated health risks for immigrants (Holmes 101). Eva and Lisa (not actual names), former immigrant detainees, mention that detention was traumatic and that they were seeking [at the time of research] the help of a psychologist since their release. In fact, researchers have identified detention and deportation as traumatic experiences for immigrants (Levers and Hyatt-Burkhart 70). Thus, the detention system facilitates and aggravates the trauma of immigrants, in that it reinforces their vulnerabilities caused by immigration and/or undocumented status.

Impact of Parental Detention and Deportation on Child Development Outcomes

To study how the system of immigrant detention/deportation affects the lives of children whose families are impacted by the detention system, I use Bronfenbrenner's ecological model

5. Coyotes are men who offer to transport immigrants across the border for money and without any documentation papers.

of development as the research and analysis framework. Bronfenbrenner proposes that a child's development is influenced and characterized by the child's social environment or "ecological system" ("Ecological Models" 37, 38), comprising the child's immediate environment (home, school, etc.) and the surrounding environment made of social institutions/systems that enclose and shape the immediate environment ("Developmental Research" 2). Since "an ecological orientation points to the additional importance of relations between systems [that determine a child's environment] as critical to the child's development," it provides an effective framework to study how social institutions, systems, and policies affect the well-being of children (Bronfenbrenner, "Developmental Research" 4).

Bronfenbrenner's ecology of human development identifies a child's ecological environment "as a nested arrangement of concentric structures, each contained within the next... [and] referred to as micro-, meso-, exo-, and macrosystems" (*Ecology of Human* 22). Based on this concept, the ecology of a child who belongs to an undocumented/mixed status family consists of the following settings and their interactions/interrelations: the individual and family (microsystem), school, parental work-place, and neighborhood (mesosystem), community, social services and public institutions (exosystem), plus national policies and globalization/global changes that affect immigration and immigrant lives (macrosystem). The same is summarized in the figure below.

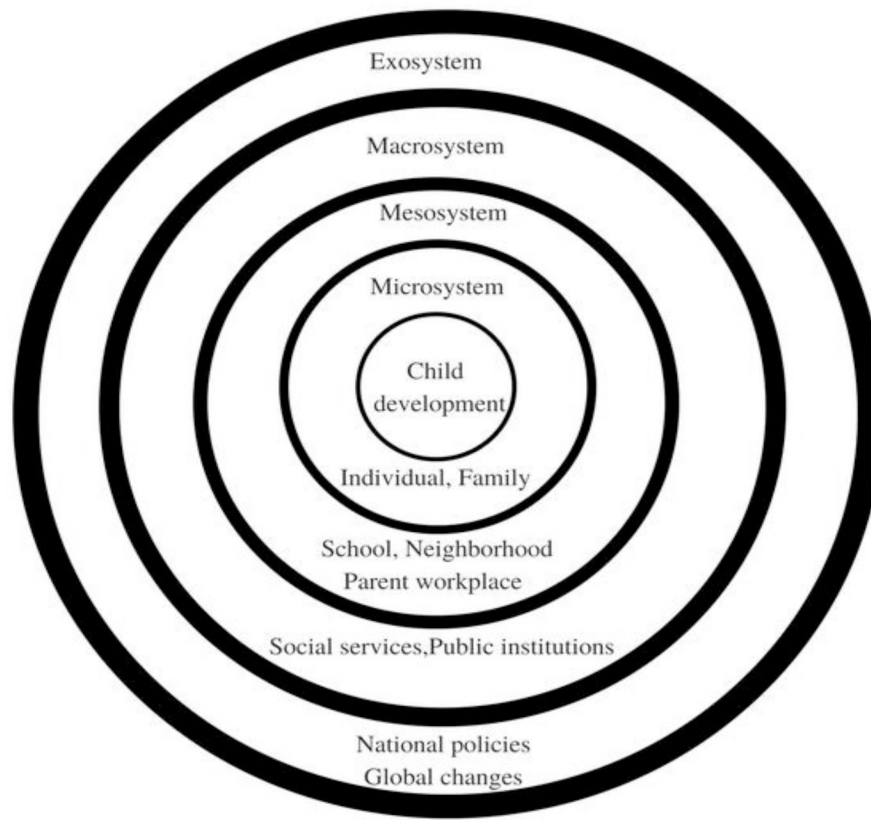


Fig.1 A child's ecological contexts of development

The impact of the immigration enforcement system transcends the individual experiences of detainees/deportees to shape the developmental contexts of their children. Brabeck et al. note that “through the social ecological lens, when a parent is unauthorized, and therefore at risk of deportation, a child is impacted via the multiple other contexts that are affected by the parents’ vulnerability” (498). This study identifies that undocumented families experiencing the detention/deportation of a family member face increased systemic fear and legal vulnerability, social discrimination, economic marginalization, and parent-child separations. Each of the above-mentioned factors influence change in the child’s ecological contexts in ways that not only deprive the child from accessing or receiving the required resources and support for healthy development, but also create contexts that cause negative development outcomes.

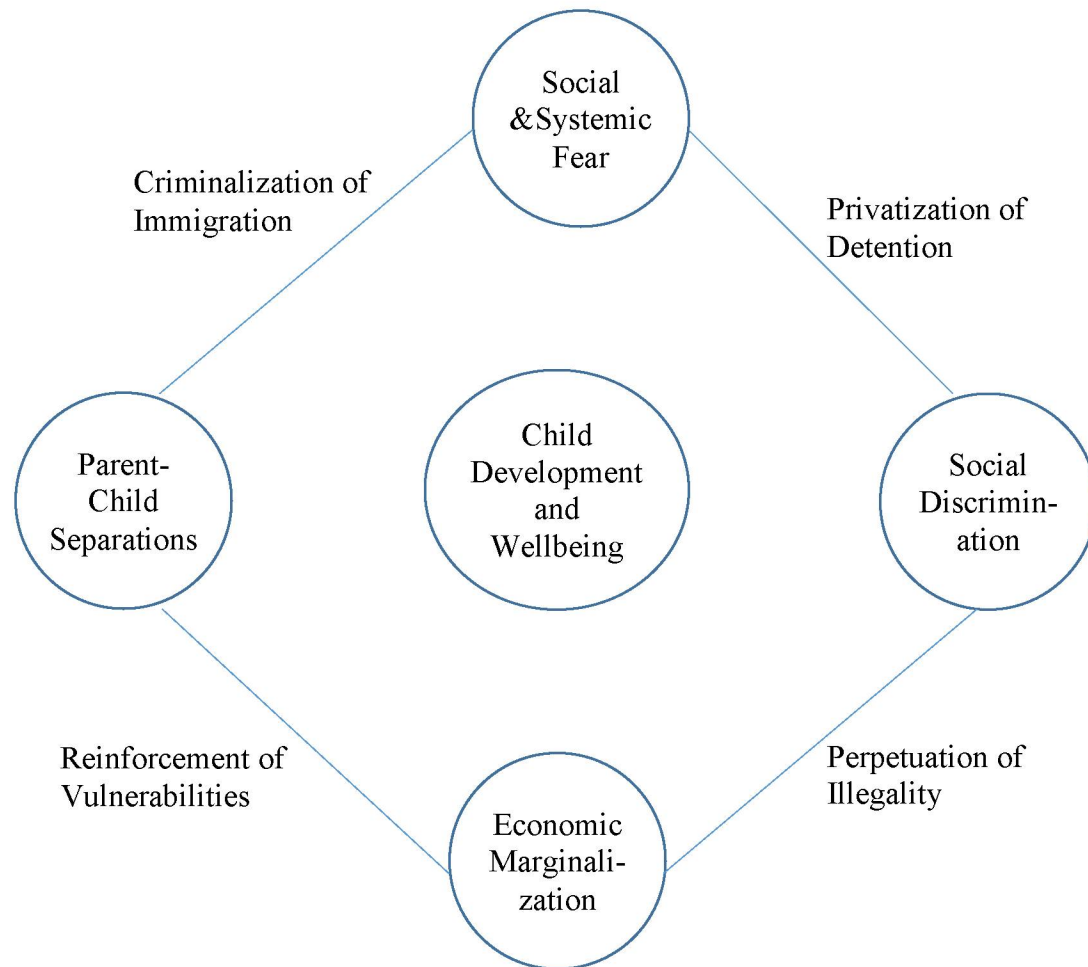


Fig. 2 Detention/deportation system's underlying principles and negative development contexts for child development and wellbeing.

Social and Systemic Fear

The impact of immigration enforcement policies changes the social contexts of immigrant families by perpetuating fear within the child's various contexts, including individual, familial, and social. At an individual level, the immigration enforcement policies often lead to isolation and fear of separation in the lives of the detainee's/deportee's children. Spring (not the actual name), a community activist for immigrant rights, describes how the detention and deportation of a close friend affected her (deportee's) four-year-old child to the extent that "when

teachers ask her [the deported friend's child] about her mom, she is very silent and isolated. She says 'I have no mom'" (Spring). In this context, the child seems to have internalized the isolation caused by her mother's deportation.

It is clear that immigrants' undocumented status poses the threat of detention and deportation, causing families to live in a constant state of fear and distress. Though various studies (Levers and Hyatt-Burkhart 72, Zayas 81, Holmes 37, Suárez-Orozco and Yoshikawa 65) on the undocumented immigrant population have reiterated this impact, witnessing the fear experienced by families can help in understanding the problem in a more humane manner. Below is an excerpt from my fieldwork journal on one such instance during the vigil⁶ outside NWDC:

Pat⁷ [volunteer] noticed that the car parked opposite to our stall had children waiting inside for a long time. We walked towards the car and saw two children in the backseat, with an elderly-looking lady in the front seat. The driver's seat was empty (and I assumed that the person driving must have gone into the detention center to visit). When Pat invited them, there was clear hesitation from the lady, who thought for a while and then with a smile let the children go. The children were boys, one looked ten years old and the other around five years old. . . . When asked, the elder brother told us that they had come from Portland and that their father was detained. He teared up as he spoke. His face was pale and I am unsure if the paleness was due to the long travel [from Portland] to reach the center

6. The vigil is a way to express comfort and solidarity for the immigrant families visiting the detention center. Two or more people from the community or volunteers arrange a food stall offering free coffee and snacks for immigrant families who visit the detention center.

7. Pat and Nancy are community volunteers and activists who have been conducting the vigils outside NWDC for the past eight years. They allowed me to volunteer with them and also helped me set-up the vigils.

and/or the family circumstances of having a parent being locked up. Only after a few interactions, I could see a smile on his face. It is hard to believe that these little hearts ought to take the burden of pain, shame, fear, and separation caused by parental detention and deportation. (Komattethu)

Besides embedding children in an anxious family environment, the fear of detention and deportation prevents family members from accessing services that are required for their children's well-being and health. A recent study on Latino immigrant families found that both undocumented parents (44% of those who participated) and documented parents (39.4%) who experienced the detention or deportation of a family member report that the existence of detention and deportation would affect their service use for their children (Xu and Brabeck 215). But then, "no parents are able to meet children's needs without any support from universally available welfare services" (Ward 204). This fact could possibly explain why researchers find that undocumented parents report greater child developmental risks than do parents with legal status (Ortega et al. 278). The families who face parental concern about child development and the fear to access services reveal that the children of undocumented/mixed status often risk inadequate developmental support, which can lead to negative child development outcomes in their adulthood (Ward 203).

At a societal level, the fear of detention and deportation can alter the living conditions of undocumented/mixed status immigrant families. Christina, (not the actual name) a social worker who works with immigrant families (predominantly undocumented/mixed status), points out that "the biggest challenge is to find a house for the low-income family. The Housing Authority [facilities] are only for families who have SSN [Social Security Number]..." (Christina). A brief research on housing programs offered by the Seattle Housing Authority reveals that it requires

applicants either to be citizens or have eligible immigration status (“Housing: Housing Programs”). Should undocumented/mixed status immigrant families find housing, they face a precarious condition with the detention of a family member, as landlords fearful of criticism/intervention from the police or their neighbors may evict the family (Zayas 79). The children in such families are exposed to the potential risk of periods of homelessness or frequent family moves from one place to another (Holmes 37). Studies show that family homelessness and ongoing moves affect children’s school performance (Noll and Watkins 362) and also lead to negative developmental outcomes such as “diminished levels of aspiration, [which] has serious implications for their ability to cope with their present situation and for their approach to future challenges” (Donahue and Tuber 249).

Social Discrimination

The immigration enforcement policies lead to the increased association of immigrants, especially Latinos, with crime (Trujillo 16). In fact, the popular use of the term “illegal alien,” in various legal, political, and social conversations including the media, embodies the discrimination that undocumented immigrants and their families face. A study by the Pew research center found that 78% of undocumented immigrants see discrimination as a major problem that prevents them from succeeding in America (Lopez et al. 7). Such “perceived discrimination negatively affects Mexican-origin adults including increasing generalized distress, depressive symptoms, and psychiatric problems” (Gassman-Pines 1175). Thus, the social discrimination faced by undocumented immigrant parents not only affects their mental health but also influences the family environment and interactions negatively.

This social discrimination influences a child’s ecological contexts and creates significant negative development outcomes, including behavioral problems and increased vulnerability to

social stressors. First, it increases the incidence of less-positive parent-child interactions that is scientifically proven to cause externalizing (e.g. temper outbursts) and internalizing (e.g. worrying) behaviors in children (Gassman-Pines 1180, 1183,1184). Research finds that “on days when fathers perceived discrimination [at workplace], fathers and mothers reported that their young children displayed more externalizing behaviors, and mothers reported fewer positive behaviors” (Gassman-Pines 1186). When applied to the context of parental detention/deportation, the social discrimination faced by such families carries an inherent risk for negative behavioral-development outcomes in their children.

Second, children are exposed to increased stressors of social discrimination through family separations caused by detention/deportation. The family system and the local communities protect children from experiencing stressors, including real and perceived discrimination (Ayón et al. 377). But a parent’s detention/deportation disrupts children’s primary and most effective protective system—the family—making them increasingly vulnerable to the negative effects of social discrimination.

Economic Marginalization

The undocumented population is also an economically vulnerable group: their lack of status makes them susceptible to economic exploitation. The statistical data presented by Brabeck et al. further affirms this fact:

...although the majority of unauthorized[undocumented] adults (especially men) are employed, unauthorized families are typically low-income or poor, with 32% of adult parents and 51% of children in 2011 living below the federal poverty level (FPL), and 44% of unauthorized adult parents and 63% of children living below 138% FPL. (498)

The system of detention/deportation affects the families in multiple ways, reinforcing and deepening their economic vulnerabilities. First, immigration enforcement policies intensify the economic exploitability of undocumented immigrants. Harrison and Lloyd refer to this fact saying, “the heightened ‘deportability’ [fear of deportation] has a disciplining effect, as that it creates a large pool of workers willing to remain in entry-level positions for years, earn entry-level pay, work long hours, and take few days off from work” (380). Second, the detention of a member incurs huge costs on families for bond payments and attorney fees. When detainees are unable to pay the bond fees, they must remain in detention until they gather the required fee. In such instances, the costs are not just economic, but also personal loss and family separations. Eva’s bond for detention release was \$20,000 (Eva), and arranging money took a long time, resulting in her separation from her children for nearly one year. Third, it deprives the families of the income that the detainee had earlier provided. Often, when men are detained, it places women in desperate situations to sustain the family by either seeking new jobs or working more jobs to make up for the lost income. Julie, (not the actual name) recalls how she and her children suffered when her former husband was deported:

The challenge was how do I go forward with my two children by myself, without a job and basically nothing. The older [child] was eight and the [younger child] was less than a year [old]. My [former] husband was detained for 3 months and then deported... I was depressed for about two months. My neighbors would feed the kids because I was on bed. (Julie)

The economic hardships of such single parenting pose severe implications for their children. The likelihood of poverty for single parent households is 4.2 times higher, and when the household is run by single mothers, the poverty rate is double (Brabeck et al. 501). Thus, children are thrust

into poverty and its associated contexts such as sub-standard housing that could expose them to toxic substances including high levels of lead, as well as malnutrition, and food insecurity (Zayas 76). In addition, when parents are detained/deported, caregivers struggle with economic hardships that decrease their ability to provide children with adequate supervision, supportive parenting, and effective discipline (Murray and Murray 297). These contexts affect children's physical, mental, and emotional growth, and thereby, their prospects for healthy development.

Parent-Child Separations

Zayas and Bradlee argue that immigrant detention and deportation can cause citizen children to be “orphans or exiles” (167). Immigrant parents who face deportation have only two choices for their children in the US: they can either leave the child here without their care and presence as parents, or they can take their child along with them into a country that the child has never belonged to or lived in (Zayas and Bradlee 167). Thus, deportation can result in parent-child separations, unless the parent who is getting deported chooses to take the child to the parent's home country. In the case of detention, the child is separated from the parent, and his/her context resembles that of a child with an incarcerated parent. Parent-child separations caused by immigration enforcement policies risk—in multiple ways—the healthy development and well-being of affected children. For now, we will look at three such impacts on child development and well-being.

First, parent-child separations expose children to increased risks of abuse and neglect. Rose, a former detainee of the NWDC broke into tears as she describes what happened to her children when she was detained at the NWDC for around thirty-six months:

You don't see your family because they are scared of immigration. I didn't see my kids for three years. My sister took care of my kids. But since she had her own

four kids, my kids did not get any attention. Her husband abused my kids. When I came out...my kids weren't with her, they were with somebody else.

Rose's experience reveals how parental detention can make children vulnerable to abuse and lack of adult care. Research studies have confirmed that child abuse and neglect affect the development of children leading to issues of substance abuse, poor physical health, and mental disorders (Herrenkohl et al. 196, Meeyoung et al. 841).

Second, detention-caused parent-child separations are traumatic and cause negative mental health outcomes. Unlike voluntary migration, detention/deportation causes "sudden and imposed family [separations]" (Brabeck et al. 500) that are comparatively more traumatic. The detainee/deportee's children suffer from the trauma of witnessing immigration raids, parental arrest, uncertainty of the trial, and the experience of loss of control due to forceful removal against their will (Murray and Murray 297). Such traumatic experiences related with parental incarceration lead to increased attachment insecurities for children, which in turn increases their risk for psychological disorders, and antisocial and internalizing outcomes (Murray and Murray 289). Allen et al. find that children whose parents were deported or in the process of deportation (including detention) are more likely to exhibit externalizing (aggression, conduct problems) and internalizing (anxiety, depression) problems of mental health than children with parents who have legal status (387).

Third, parent-child separations deprive the children, especially of immigrant families, of the support needed to adapt to the host culture. Immigrant families and children face the inherent need to learn and adapt to the new host culture, and this process of acculturation is crucial in enabling families and children to adapt to their ecological contexts (Pumariiega and Rothe 507). But the process is not simple, and it often causes immigrants to experience a host of physical and

psychological changes referred to as acculturative stress (Raffaelli et al. 28). Raffaelli et al. developed a model of child development that recognizes the intervening role of culture and acculturative stress in shaping the development outcomes for immigrant children (28). The role of culture in development is emphasized by the fact that “cultural values determine the cognitive skills (instrumental, analytical, social, etc.) and adaptive psychological skills that are reinforced as children develop” (Pumariega and Rothe 507). In addition, cultural beliefs and values including family connectedness help immigrant families and children to deal with life challenges and adversities (Raffaelli et al. 29). But the detention/deportation system causes family separations that deprive children of their prominent cultural support system, the family. Such deprivation puts to risk a child’s cognitive and psychological development, including his/her coping abilities and prosocial behaviors (Raffaelli et al. 29).

Thus, the current system of detention/deportation exposes children of undocumented and mixed status immigrant families to a host of development contexts that deprive them of their well-being and potential for positive participation in the community. These long-term outcomes of such child-developmental impacts are ironically counterproductive to the stated mission of the immigration enforcement system— “national security and public safety” (“History of ICE”). Besides contributing to raising a generation of children who are being increasingly exposed to systemic injustice through parental detention and deportation, the system sets a distorted vision of the community’s role in securing justice for these children and their families.

Implications for Social Justice and the Role of the Community

Defining justice in the context of undocumented immigration requires that we recognize the intricacies and complexities of the lives of immigrants and their families. When systems are built on a limited understanding of justice, based on rigid social norms of right and wrong, it

creates and perpetuates systemic oppression and violence. Because not all human actions can be classified into defined categories. It is essential to consider the social contexts and consequences, before arriving at a strict “right and wrong” judgement. This fact applies to the detention and deportation systems built as “punitive” structures of justice for individual actions of “illegal” border crossings or stay in the US (Hernández 58). The current definition of justice used to support detention and deportation as the primary (popular) means to enforce immigration laws on immigrants is distorted and unjust, especially when it is based on legal status of such immigrants. Therefore, it is essential to understand the specific ways in which the current system challenges social justice; only then can we help re-define immigration justice.

There have been, and still are differing opinions on what justice means in the context of undocumented immigration. While my thesis argues that social justice must affirm the rights of the marginalized, Negy brings a different perspective. In the study titled “*The Importance of Considering Undocumented Immigration from Multiple Perspectives in the Context of Social Justice*,” he argues that social justice concerns regarding US undocumented immigration have ignored the perspectives of legal residents (Negy 140), American citizens (139), and undocumented immigrants from countries that are not Latin American (141). For instance, he points out:

Children of undocumented parents qualify for ‘free’ breakfasts and lunches based on their parents’ income. The question of why should citizens of one country (in this case, United States) pay for educating children from other countries rarely is discussed, likely due to concerns over being perceived as insensitive to the needs of children. Expecting (legal) American children to attend underfunded and understaffed schools because, in part, significant portions of school budgets are

diverted toward educating children from other countries is a disservice and is unfair to American children. (Negy 139)

Negy raises a socially predominant perspective that has been critical in defining social justice in the context of immigration. Yet, his argument defines justice as transactional and categorical. It overlooks the fact that social justice is the existence of a social order whose goal is to promote wellbeing and equality for *all* people and communities. Therefore, the focus must not be only on a particular community or a group of individuals (undocumented immigrants, legal residents, etc.), but rather on the social systems that facilitate the oppression of vulnerable communities and groups within the community. Such an understanding opens avenues to seek justice for all, including undocumented immigrants, legal residents, and American citizens. It protects the community from the snare of privileging justice as something that individuals must earn/lose by individual action. It also prevents the community from overlooking a crucial distinction of social justice: it applies equally to every member, by virtue of their *humanity*.

Social justice is not necessarily a zero-sum game. Therefore, it is unfounded to assume that in the context of immigration, justice for undocumented immigrants might imply or result in injustice for the legal residents and citizens. The goal of social justice is to correct “any oppressive and alienating trends within the community” (Moe-Lobeda 178). This definition provides a useful tool to identify how the underlying principles of the detention/deportation system— “criminalization of immigration, privatization of detention” (Ackerman and Furman 251), “perpetuation of illegality” (Sarabia) and reinforced vulnerabilities—challenge the goal of social justice. In the following section, I will explore four such implications for social justice caused by the detention system: socio-ethical obscurity, socializing of risk, social exclusion and

alienation, and socio-systemic oppression. Each of these implications affect the role of the community in building social justice.

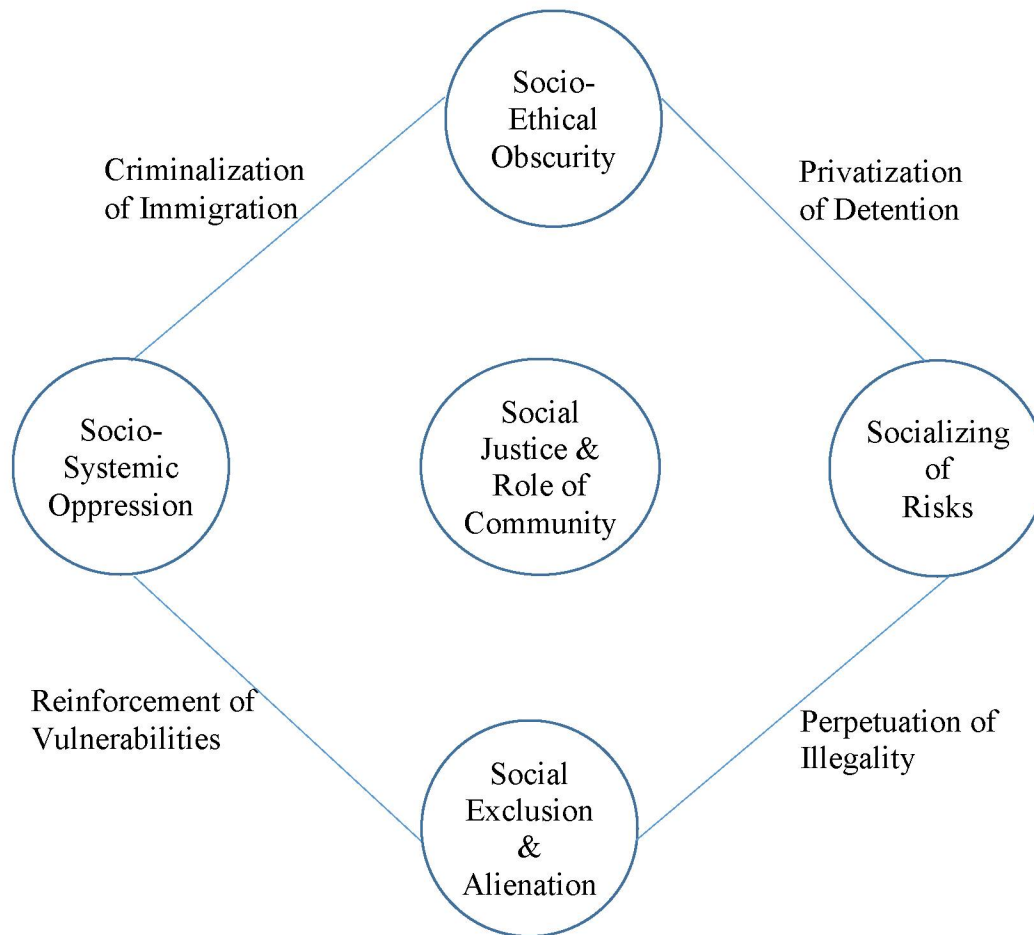


Fig.3 Detention/deportation system's underlying principles and its implications for social justice and role of the community.

Socio-Ethical Obscurity

The current US immigrant detention system is characterized by obscurity, which builds isolation and social inaction, perpetuating systemic injustice. Unlike the criminal justice system, the detention system lacks the legal recognition of its punitive structure because it works to

process an “administrative stage of the deportation process” (Hernández 59). Nevertheless, it does use punitive measures, and as Hernández argues, the detention system “naturalizes criminality in a system that is technically noncriminal, and thus inoculates the detention regime from parallel critiques of the criminal justice system” (63). The system’s physical and “spatial isolation” (Hernández 60) augments the detention centers’ systemic obscurity. My following observations help define the “obscurity” my study speaks to.

The physical obscurity, or anonymity, of the detention system took me by surprise when I visited NWDC for the first time. But since I have now frequented the place often, the very obscurity has become a defining feature of that place for me. NWDC is located in an industrial area without any visible housing communities. Industrial units surround the center, huge transport trucks rumble by, and not many people or families live around that place. No public transport is available within one mile from NWDC. Such locations isolate the detention centers from communities and, thereby, build the physical obscurity of the system.

The systemic and physical obscurity of the detention system negatively influences the community’s role in that it creates socio-ethical obscurity. First, the physical obscurity prevents public awareness and exposure to the system. This unawareness, in turn, diminishes the community’s role in understanding the system and its impact on their immigrant neighbors who are shut away and “criminalized” for their legal status, regardless of whether they have committed criminal acts or not. As a result, the community becomes less aware, less eager, and less equipped to seek systemic reform and justice. Second, the systemic obscurity of the system promotes social inaction because community members justify immigrant detention as right and safe. When communities refer to undocumented immigrants as “illegal aliens” and criminals because of their “illegality,” it creates a negative social construct that evades and/or justifies the

moral consciousness of the American community from supporting such immigrants. Thus, the obscurity of the detention system effectively shields its practices and impact from the ethical cognizance of the community. The lack of ethical cognizance builds the social acceptance of the status quo as just, and it limits the pursuit of justice.

Socialization of Risks

The private detention centers operate a profitable business, while socializing the associated risks of detention. Socializing the risk, in this context, means that the American community assumes the social costs and outcomes of the detention system regardless whether it is aware of it or not. The impact of detention perpetrates social inequalities and oppression that are not borne only by immigrants and their families, but also by the community and the country. In a report on immigrant detention, Wilder argues that the detention regime “has risen largely in poor, remote areas, effectively keeping immigration attorneys, family members, advocates, and the media out of reach” (22). This argument holds true in the case of NWDC in Tacoma, WA. Titus, an immigration attorney, observes that access is one of the largest barriers that attorneys face when they fight cases at the immigrant detention center. He notes that “private attorneys don’t take up detention cases. With detention, you have to go down to Tacoma and end up waiting” (Titus). The lack and difficulty of legal counsel deepens the hardships that immigrants and their families face, and might result in longer detention periods or deportation. This results in an increased spending of tax payer money on the detention of immigrants, who if given access to legal counsel, might be able to prove their social credibility, exit or avoid detention, and contribute to the economy of their local communities. Thus, while private corporations increase their profits through increased detention, the nation funds the detention costs and loses the immigrant labor that might help build the economy.

Consequently, the increased detention/deportation periods of undocumented immigrants not only compromise the socio-economic wellbeing of their families, but they also affect the national economy through the state's costs and burden to provide care for the US citizen children of such families (Ackerman and Furman 259). In the long-run, such children exposed to parental separation/loss and institutional care are at a greater risk to be involved in the criminal justice system (Ackerman and Furman 259). Neither the current immigration system nor the community look to these long-term consequences that might one day affect them greatly. Unless challenged, the detention/deportation system will continue perpetuating its cycle of criminality and injustice, and the next generation will have to pay the price.

Undocumented immigration economics have played a dominant role in the community's understanding of the system. For instance, "many taxpayers feel that immigrants receive more benefits than they warrant and that the social costs of undocumented arrivals are enormous" (West 428). This perception ignores the various ways undocumented immigrants contribute to the economy, in terms of cheap labor, taxes, and comparatively less use of welfare services (Holmes 136). Instead, it strengthens the economic exploitation of undocumented immigrants, which affects their families as well and is also a clear violation of freedom and justice. Similarly, socializing the risks often misrepresents the actual social cost of detaining immigrants, causing taxpayers to accept the detention system's claim that it is a cost-effective means of immigration enforcement. The unexposed risks of detention, most of which are long-term social harm and costs, prevent the community from challenging the current system. Thus, socializing these risks validates an incomplete and inaccurate sense of social benefit and justice, and effectively camouflages the actual social harm and injustice that the system inflicts.

Social Exclusion and Alienation

The detention/deportation system excludes and alienates undocumented immigrants from the community by institutionalizing their illegality and criminality. Because of this, the community normalizes the system's exclusionary policies and treatment as just and characteristic of the fears of undocumented immigration. The system's use of the term "illegal alien" to refer to undocumented immigrants creates and reinforces the public's association of undocumented immigrants with illegal/criminal acts (Trujillo 11). And the term "'alien' removes all remnants of humanity" by conveying a dehumanizing view of undocumented immigrants (Trujillo 11). State laws that detain and deport undocumented immigrants who are not serious public threats do so partly because of this accepted "dehumanized" view of them. These systemic trends stereotype immigrant groups, especially the Latino population who make up 80% of the undocumented population (Dovidio et al. 63). Pointing to the implicit social bias that the term "illegal alien" creates, a study by Dovidio et al. observes that "people may be more likely to recommend the deportation of a Latino American than a Black American for committing a crime, even though both are American citizens and thus cannot be deported" (67,68). This prejudice indicates that the social exclusion of undocumented immigrants is both systemic and cultural (implicit bias), and it could potentially extend to minority immigrant groups as a whole.

The social exclusion of undocumented immigrants negatively affects the community's involvement in their lives. Toward making a positive community contribution, Michael Ramos⁸ and his organization mobilize community action against the "unjust detention and deportation

8. Michael Ramos is the Executive Director of The Church Council of Greater Seattle, a non-profit organization that works for various social causes, including immigration, homelessness, etc.

policies and practices” in the Seattle area (“Our Work”). He points out that “the sense of over-emphasis on security, fanning the flames of fear, can damage the thinking of right-minded people into making the people [immigrants] as the Other” (Ramos). As the community begins to view undocumented immigrants as the Other, it ethically detaches itself from undocumented immigrants’ lives and social causes. And thereby, this detachment diminishes the community’s potential to empathize with the injustices and exclusion that undocumented immigrants face. Such lack of empathy fails to raise social support and action to fight the injustices the detention/deportation system has created.

Socio-Systemic Oppression

Often, including the present US political climate, immigrants have been scapegoats of economic crisis because native-born people have feared the immigrants would decrease the availability and income of jobs (West 435). While this study doesn’t focus on those aspects in detail, it is important to note that the current political rhetoric of “criminal illegal aliens” has escalated the social scapegoating of immigrants to the point of demonizing them as “monsters... , who unlike the innocent and passive scapegoats... , are dangerous, malevolent and threatening” (Beck 92). For instance, the DHS was directed to create the office of Victims of Crimes Committed by Removable Aliens (VOICE) based on the President Trump’s executive order titled “Enhancing Public Safety in the Interior of the United States” (“Executive Order: Enhancing” 5). The executive order notes that “the office shall provide quarterly reports studying the effects of the victimization by criminal aliens present in the United States” (“Executive Order: Enhancing” 5,6). The injustice here is that by emphasizing the immigrant status as a significant identity of their criminality, the agency effectively criminalizes immigrants at the systemic level. This criminality/immigrant legality identification structurally violates basic

human social rights that immigrants deserve while they are in this country. Hence, institutionalization—justifying such identification at the systemic level/governmentally— of such oppression leads, instead, to systemic injustice.

Besides building structural/systemic injustice, the detention and deportation system facilitates social oppression by creating “marred identities” (Myers 169) of undocumented immigrants as threats, worthy of detention and deportation. Such marred and distorted identities validate the systemic oppression of undocumented immigrants (in terms of economic exploitation, family separations, and detention and deportation) in the public eye as the right thing to do or the only available option. When the community finds no impetus to challenge the current system of detention/deportation as oppressive, the community becomes co-perpetrators of oppression against vulnerable immigrants who are marginalized for their legal status.

This distorted vision of social justice thus disempowers the community from taking its rightful place in protecting the well-being of undocumented families, and their children (who are mostly US citizens). Since child well-being is challenged by a socio-political system, it is essential to identify a framework that can engage the community in systemic, policy, and social reform of the immigration enforcement system. I propose that the principles of universal child rights are an effective platform to engage the community in redefining social justice and in finding practical means to protect the rights of the children exposed to the system. Consequently, such efforts at the grassroots level empower the community to actively engage in the reform of the current immigration system and, thereby, improve the lives of undocumented/mixed status families and children.

Child-Rights Framework for the Role of the Community

The United Nations Convention on the Rights of the Child (CRC) is an international human rights treaty whose goal is to promote and protect children's rights, and it is currently ratified by all countries of the world, except the US (UNICEF 2). According to the UNICEF website, though the US has signed the treaty, the government needs to evaluate how the terms of the treaty comply with its national and state policies before ratifying the treaty ("Convention on the Rights"). In addition, the US considers only one treaty at a time and currently has prioritized the Convention on the Elimination of All Forms of Discrimination against Women ("Convention on the Rights"). The distinguishing fact about the CRC is that it "not only outlines universal standards for the care, treatment and protection" (UNICEF 1) of all children, but also "explicitly recognize[s] children as social actors and active holders of their own rights" (UNICEF 2). Thus, it offers a unique global framework by which to understand how children's wellbeing can be affirmed in relation to the various social, economic, and political systems that affect their lives.

Hence, the foundational principles and articles of the CRC can apply to understanding the rights of children exposed to the parental detention/deportation. The four-core principles of CRC are: "Non-Discrimination, or Universality (article 2), Best Interests of the Child (article 3), Right to Life, Survival, and Development (article 6), and Respect for the Views of the Child (article 12)" (UNICEF 6). Each of these principles also helps identify how the community can help fulfill child rights and influence the socio-political system to create a child-sensitive reform of the immigration enforcement system as well.

Key Principles of Child Rights for Social Justice and Community Action

The following table summarizes the key principles of Child Rights, the corresponding source articles of the CRC, and the principles of community action/engagement. In the following section, I will describe each of these principles in detail.

Table 1: Key Principles of Child Rights and Community Action for Protecting Children Exposed to Immigration Enforcement System.

CRC Core Principle	Child Ecological Context	Child Rights and relevant CRC Articles	Principles for Community Action
Best Interests of the Child	Parent-Child Separations	Right to family	Understanding through the “lens of family”
Non-Discrimination, or Universality	Social Discrimination	Right to protection from discrimination	Building interaction and inclusivity
Right to life, Survival, and Development	Economic Marginalization	Right to provision for survival and development	Volunteering for and/or supporting organizations serving undocumented immigrants, detainees, and children
Respect for the Views of the Child	Social and Systemic Fear	Right to participation	Engaging and advocating for policy and system reforms

Best Interests of the Child

One of the foundational principles of the UNCRC is that State Parties must ensure that they consider the “best interests of the child” in matters that affect children (UNICEF 8).

According to Article 3 of the UNCRC, “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration” (UNICEF 8).

But as discussed in the section “Impact of Parental Detention and Deportation on Child Development Outcomes,” parent-child separations raise several development risks for children of undocumented and mixed status families. Though not in a direct fashion, such immigration policies and systems are detrimental to a child’s wellbeing and, therefore, are not in the best interests of the child. The immigration enforcement system must honor the child’s right to family relations and parental guidance mentioned in articles 5, 8, 9, 10, 18, 21 and 25 of the CRC (UNICEF 16). When the State reassesses and reforms the current policies and systems in the light of its fulfillment of a child’s right to family, it can achieve this goal, especially in cases where the system affects immigrant families and children.

A child’s right to family and parental presence is a morally accepted social norm; however, the immigration enforcement system’s aggressive detention and deportation policies have normalized family separations. Browning points out that “the word ‘illegal’ and its association with individual criminality separates the individual’s action from their responsibilities to their families, which is often the motivation for unauthorized crossing” (245). In fact, the system of detention is built on the moral and social imagination of undocumented immigration as an act of individual choice. Browning argues that the “lens of the family” will help the community and system to reimagine justice for undocumented immigrants (244). When

the system and the community perceive the situation from the “lens of the family,” the children of such families and the impact on them becomes the premise for our understanding of this complex issue. Such an understanding paves a way for the community to realize its need to affirm such children’s right to family and parental presence. It defies the current perceptions of justice as detention/deportation and inspires the community towards systemic and policy reforms of the immigration system to assure a child’s right to family.

Non-Discrimination, or Universality

The global or universal nature of the CRC ensures that every child in every part of the world is entitled to the same child rights accepted by the international community. The Article 2 of the CRC captures this intention well in that:

States Parties ‘shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.’ (UNICEF 7)

This foundational principle of the CRC clarifies that there are no legal, social, or political determinants for Child Rights and that every child is eligible for his/her rights by virtue of being a child. It has useful implications when applied to the immigration enforcement system. The principle challenges the detention/deportation system’s ideological premise that uses the immigrant’s legal status to determine his/her exclusion or inclusion within the community. Additionally, by identifying various social factors that are the basis for discrimination, the principle notes that a child should be protected from discrimination caused by any social context. As studied in the section titled “Social Discrimination,” parental detention and deportation

potentially creates social contexts that expose children to discrimination. Elizabeth (not the actual name), an 18-year-old at the time of this study, shares her childhood experience of discrimination: “I crossed the border with my mom when I was eight. I felt that they labelled me in a lot of different ways, but I knew that it was not true” (Elizabeth). Her experience of being labelled and discriminated against attests to a social context influenced and supported by the presence of exclusionary systems such as detention and deportation. Therefore, individual US States, the immigration system, and the community must reform the current ideologies of the immigration enforcement system to affirm a child’s right to protection from discrimination caused by parental detention and deportation.

To protect children from experiencing social discrimination, it is essential to build a social environment of inclusivity that can actively challenge the social systems of exclusion (i.e., detention and deportation). Volf notes that “exclusion can entail cutting of the bonds that connect, taking oneself out of the pattern of interdependence and placing oneself in a position of sovereign independence” (67). Based on Volf’s description, challenging exclusion requires re-bonding between people/groups and re-affirming their interdependence—both of which are possible when the community interacts with, and integrates immigrants into their local communities and social circles.

Individual interactions begin when we acknowledge and interact with immigrants who are often part of our daily lives and activities—at the grocery store, work place, and our neighborhoods. At a community level, some practical ways to build an inclusive environment for immigrants are to attend community workshops on immigrant issues, organize community events and invite immigrant neighbors in the community, and participate in common platforms of cultural and social events. My first personal exposure and interaction with the system of

immigrant detention was a community workshop on immigrant detention organized by the Quest Church of Seattle in partnership with non-profit organizations—Northwest Immigrant Rights Project (NWIRP) and Puentes. When individuals and communities build such connections, our inter-dependencies become clearer. And the community learns to include all its members in an effort to more effectively challenge systems and policies that perpetuate social exclusion within the community.

Besides integration, one way to challenge the exclusionary policies of the current system is to reveal the social exclusion the “community” faces. Unlike the popular knowledge that one social group perpetrates social exclusion on another (a perpetrator- victim relationship), I argue that social exclusion is a two-way action by which both sides end up as the victims and are actually excluded from each other, too. For example, the vigils outside the NWDC has been a great platform for my husband and me to interact with the families of detainees. While many families have called out that our presence made them feel “welcome” and “not left out,” such volunteering also made us both feel included in the community that we *all* belong. In fact, in the past few months, several new church groups and individual groups have begun volunteering to organize or participate in the vigils outside the NWDC.

It is important to understand that a community is not just a group of people who have common identities, but the *attitude* of inclusion and acceptance of the Other even when they are different. As Melton points out, social justice problems are not only about discriminating against people who differ from us, but also our willingness to accept and welcome people who might be difficult to like because of their behavior or actions (452). Here, the stress is on “inclusiveness” of the larger community as the essential theme of social justice (Melton 452). This requires that the entire community stands for policies and systems that operate on principles of inclusivity and

not exclusivity. Social discrimination is multilayered and is experienced at individual/personal, societal and systemic levels. But it is challenged to reform by individuals and communities, who build interactions with immigrants (individual/personal), foster their integration into the community (societal), and stand for policies and systems that build “inclusivity” (systemic). Such intentional efforts by individuals and communities will greatly ensure that the community plays its due role in fulfilling a child’s right to protection from discrimination.

Right to Life, Survival, and Development

Article 6 of the UNCRC calls out that every child is entitled to live, survive, and develop. The second part of the article quotes that “States Parties shall ensure to the maximum extent possible the survival and development of the child” (UNICEF 75). Several other articles, including article 27⁹, imply that children are entitled to the resources required for their life, survival, and development. However, as studied in the section “Impact of Parental Detention and Deportation on Child Development Outcomes,” the immigration enforcement system is inherently at risk of violating child rights when it detains immigrant parents, guardians or caretakers who are responsible to provide for their children. This principle justifies one of the primary arguments of this thesis: because every child has the right of provision for survival and development, the US must reform the current system of immigrant detention and deportation characterized by ideologies that risk child development.

In addition, the principle also points out the responsibility of the State and its systems, and stresses the importance of systemic reform and accountability towards fulfilling child rights. Since a flawed system perpetrates the harm, it is difficult to assign accountability to one

9. The article 27 of the CRC points out that “States Parties recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development” (UNICEF 78).

particular individual or group. This is characteristic of structural violence in that “the violence is built into the structure and shows up as unequal power and consequently unequal life chances” (Moe-Lobeda 73). The structural nature of the impact of immigrant detention and deportation makes it complex and beyond easy access to social accountability. But when observed through the lens of a child’s right to provision of development, the State, its systems, and people are identified as accountable agents for fulfilling this right. In fact, this is the reason I argue for the role of the community in reforming the system and protecting the rights of children affected by parental detention/deportation.

Besides helping define the role of the community and the State in affirming child rights, the right to provision for survival and development highlights the important need for organizations/agencies that support and provide services for immigrant families and children. Eva notes that the social service agencies were greatly helpful in enabling her to provide for her children after she was released from the NWDC (Eva). Therefore, States and communities should strengthen and support policies and organizations that provide such services. In addition, volunteering and/or supporting organizations that serve undocumented immigrants, detainees, and their families and children is a practical way to help ensure the rights of children for survival and development. I volunteer at one such organization, SeaMar, which provides community healthcare services for vulnerable members of the community, including undocumented women and their children. Last year, I volunteered with AIDNW, a non-profit that helps detainees who are released from the NWDC with food, clothing, and help with transportation as required by the detainee. AIDNW also provides overnight housing and brief periods of housing for detainees who are released from the NWDC but have no place to stay. Thus, partnering with non-profits

and community organizations that serve undocumented families, detainees, and their children is one of the direct ways communities can help protect the children.

Respect for the Views of the Child

Article 12 of the CRC holds that “States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child” (UNICEF 76). By entitling a child to be heard and respected for his/her views, this foundational principle has empowered children to participate in policies, systems, and processes that affect them. But as studied in the section “Social and Systemic Fear,” the detention/deportation system challenges the participation of immigrant families and children in the community. In addition, Zayas and Bradlee point out that “[even citizen] children have no say in determining their fate when their [undocumented] parents are put in removal proceedings, as they may not use their citizenship status to protect family unity” (168). Such lack of participation increases the invisibility and vulnerability of such children to the system’s impact on their lives. It is also important to note that the right to participation is not just a political ideal, but a social necessity that is important for one’s wellbeing. Because, as Amartya Sen notes— “human well-being is best understood not by what people consume (economics), but by what people are and do ... [it is not only] having enough to eat, living in adequate housing, breathing clean air, and drinking clean water, [but also] higher-value ideals such as possessing self-respect, having enhanced dignity, participating in community life, and feeling safe” (Myers 29). Therefore, the right to participation for children is critical to ensuring their wellbeing as humans, and the immigration system needs to affirm it as well.

One of the practical ways for community members to affirm child rights to participation is by participating in the immigration reform themselves—by engaging and supporting the policy reform and advocacy efforts of organizations that work for immigrant rights. For example, non-profits like AIDNW and World Relief Seattle offer visitation programs that connect community volunteers with detainees at the NWDC. Such programs “challenge the isolation, disconnection, and invisibility created by the detention system” (Snyder et al. 170). And thus, enhance the role of the community in challenging the system’s harmful impacts on detainees, and consequently on their families and children. In fact, several faith-based organizations and non-profits that serve detainees/undocumented immigrants act as a platform to build community awareness and engagement with the detention/deportation system. Volunteers who visit detainees claim that it has “transformed their outlook and stimulated their passion for advocacy work” (Snyder et al. 168). Thus, community participation and engagement is critical to strengthen the advocacy efforts that are essential to bring systemic and policy reforms of the detention/deportation system.

Conclusion

With due respect and adherence to the rule of law, I have argued that the current system and its underlying ideologies increasingly marginalize undocumented and mixed status immigrant families based primarily on their legality. Granted, this fact may raise an obvious question, “Isn’t ‘being undocumented’ against the law of the land?” This is a sensitive question, and as a researcher, I acknowledge the community perspective that raises such a legitimate question. Additionally, having researched, interviewed, and interacted with many undocumented/mixed status families over the past fifteen months, I still do not have a perfect solution or an easy answer. But I am convinced, as argued in the study so far, that the path to

solving this issue lies in the community's informed understanding of the detention/deportation system and a willingness to actively engage in its reform. The primary reason the community should take this path, despite the act of undocumented migration (being right or wrong), is to ensure child protection and wellbeing. Children are the future of this country, and the community plays a great role in ensuring that every child in this country enjoys his/her equal rights, including children who belong to undocumented/mixed status families. That is why this great nation must never turn its back on even one of its children.

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