



Beyond the Border: Family Separation in the Trump Era

In the spring of 2018, America witnessed the implementation of what many observers denounced as an immoral and inhumane *de facto* family separation policy.* The policy resulted in nearly 3,000 children being forcibly separated from parents on the southern border.¹

Despite a court order requiring the reunification of these families, as of August 2018, more than 500 children had not been reunited with their parents. Court records revealed that a significant number of parents were deported without their child after being misled by immigration authorities.² The Trump administration’s so-called “zero-tolerance” policy has rightfully caused national outrage and mobilized hundreds of thousands of Americans to protest across the nation.

Few people realize, however, that the border family separation crisis is only the tip of an immense iceberg.

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Millions of U.S.-citizen children are at risk of being separated from their parents every day because of the policies put in place and enacted by the Trump administration. By some estimates, between 4.1 million and 5.7 million U.S.-citizen children live with an undocumented resident, and about 475,000 U.S.-citizen children could be impacted if their parents lose legal protections under the DACA and TPS programs. UnidosUS President and CEO Janet Murguía articulated the nature and severity of the threats these children face in the current environment in her keynote address at the 2018 UnidosUS Annual Conference:

From day one, [President Trump] has lied to the American people. Rather than target criminals, this president has militarized immigration enforcement that hurts our children and rips our families apart. [In June], I and hundreds of others demonstrated outside a tent city in Tornillo, Texas. I saw firsthand the impact of our nation's policies on those families. And I will tell you this, separating children from their parents is barbaric. It is an ungodly act disguised in the rhetoric of our national interest. As a country, we've been down this road before. At the core of nearly every stain on American history is the ethnic segregation of people and the separation of families: slavery, the Chinese Exclusion Act, the forced assimilation of American Indian children, the internment of Japanese Americans during World War II—they too were justified as in our national interest. They too shame our national conscience.

But, what is happening at the border to families seeking refuge is just the tip of the iceberg of what is happening to Latino families all across the country. Nearly six million American children live with an undocumented parent. Six million. Both the president's zero-tolerance, and mass deportation policies put every one of those children at risk. Imagine the trauma of living every single minute, of every hour, of every day in fear that your parents will be taken from you—that the next letter in the mail will demand that your mom appear at a deportation hearing—that the next phone call will be from your dad, who instead of coming home from work is calling to say goodbye because the plant where he works just got raided. I have seen the faces of children whose parents were taken—right in front of them. I have heard them cry for a parent uncertain whether they will ever see them again. It is not something you can un-see. These are not criminals. They are not gang members. They are just little girls and boys.

With every stroke of the president's pen, more children are put at risk: One-quarter of the 700,000 DREAMers are parents who have U.S.-citizen children. When the president chooses to end DACA, he is separating families from their children. TPS holders from El Salvador, Honduras and Haiti—many of them in this country for almost two decades—now have nearly 300,000 U.S. children. When the president decides to end TPS, he is separating families from their children.

His assault is on us. In the politics of demonization, Donald Trump is Joe McCarthy, George Wallace, and Pete Wilson all rolled into one. Now, the president may not mind such a comparison because he fancies himself a strong leader. But how strong is it to hurt and traumatize children?

As Murguía's comments illustrate, over time the Trump administration's immigration policies have become progressively more severe. With each new border or interior enforcement policy announcement, it becomes more difficult to avoid the conclusion that the measures are driven by a desire to disrupt the lives

of immigrants of color.³ Furthermore, through its administrative policies, the Trump administration is also upending a time-honored and popular rationale used by conservative thought leaders and lawmakers in the president's own party that carefully distinguishes illegal immigration from legal immigration, and is frequently

referenced as the “preferred” way that immigrants should enter the United States.⁴ The administration has quietly set forth policies and procedures to restrict and reimagine the nation’s legal immigration systems.⁵ If realized, those measures could keep millions of families—including mixed immigration status families living in the United States—separated, while substantially impeding the ability of immigrants from Latin America, Asia, and Africa to apply for lawful permanent residence. President Trump’s immigration policies and rhetoric have also emboldened some state legislatures to pass laws that would require state and local law enforcement agencies to cooperate with federal immigration authorities in implementing the Trump administration’s indiscriminate immigration enforcement policies, which are targeting longtime members of communities that pose no threat to national security or public safety. To date, Texas, Tennessee, and Iowa have enacted state laws that impose new duties and obligations on state and local law enforcement agencies in this respect.

It is not just immigrant communities that are being harmed by these policies, but the broader Latino community as a whole. A recent survey conducted by the Pew Research Center finds that nearly half of Latinos (native and foreign-born individuals) say their situation in America has worsened since 2017, up from 32% in the weeks after Donald Trump won the 2016 presidential election and the highest level since the Great Recession.⁶ These findings are telling: While it is true that there are many immigrants of Latino heritage, the vast majority of Latinos are born in the United States and their connection to their family’s immigration histories vary generationally. Today, over 50% of Latinos report worrying about deportations and increasingly perceive that the way the world views their race or ethnicity is associated with how often they experience discrimination.⁷

This heightened risk of deportation and family separations increases the likelihood that U.S.-citizen children will bear the brunt

of the direct long-term costs of the Trump administration’s immigration policies, though the full impact of those policies could well be felt by all of us. Building upon Murguía’s characterization of the Trump administration’s intensification of anti-immigration policies as a fundamental moral and civic failure, this report aims to document the size and composition of the “rest of the iceberg”—that is, American children at risk of family separation due to the gamut of the Trump administration’s immigration policies—and elaborate upon the attendant risks and harms these policies are poised to generate based on historical precedent.

In examining the direct and indirect harms to American children at risk of being torn from their parents, the report’s first section examines the scope and composition of the “rest of the iceberg.” The next section takes an in-depth historical look at immigration enforcement practices and their implications for the present day. Then, the report analyzes in detail the harms to U.S.-citizen children in terms of economic prosperity, health and nutrition, educational attainment, and safety. The report concludes with a discussion of the implications for the whole of American society.

Up to Six Million American Children at Risk

As UnidosUS has previously argued, Latino children and youth “are the nation’s future workers, voters, parents, and taxpayers, and are critical to the health and well-being of our nation.”⁸ In 2017, Latino children accounted for one-fourth (25%) of U.S. children under age 18,⁹ and by 2050, they are projected to make up nearly one-third (32%) of the child population.¹⁰ With a 47% increase between 2000 and 2015, Latino children represent one of the fastest-growing segments of the U.S. population. Today, there are approximately 18.2 million Latino children under 18 living in the United States, and notably 95% of them are U.S.-born citizens.¹¹

Millions of these U.S.-citizen children live in mixed immigration status households. The Migration Policy Institute (MPI) estimates that approximately 4.1 million U.S.-citizen children under the age of 18 lived in a household with at least one undocumented parent between 2009 and 2013.¹² Using a broader definition, the Center for Migration Studies (CMS) has estimated that over 5.1 million U.S.-born children were living with an undocumented parent in 2013,¹³ with a subsequent CMS report estimating that 5.7 million U.S.-citizen children (under age 18) lived in households with undocumented residents (mostly parents) in 2014.¹⁴ Moreover, hundreds of thousands of U.S.-citizen children also live with *documented* immigrant parents who the U.S. government has authorized to reside lawfully in the country under the Deferred Action for Childhood Arrivals (DACA) policy or Temporary Protected Status (TPS) program. A report by the CMS found that TPS holders from El Salvador, Honduras, and Haiti—comprising about 94% of all TPS holders¹⁵—had an estimated 273,000 U.S.-citizen children,¹⁶ while a study commissioned by the Center for American Progress found that approximately 26% of DACA recipients were a parent of a U.S. citizen,¹⁷ which, as the authors of the study note, equates to at least 200,000 U.S.-citizen children.¹⁸ Adding together the highest estimates of U.S.-citizen children living in households with at least one undocumented adult to those living in households with at least one DACA or TPS recipient parent, the total number of U.S.-citizen children in households at risk of being separated from an income-earning or caregiving adult could be as high as six million.*

Latino children (most of whom are citizens) are already bearing a disproportionate share of the Trump administration's aggressive immigration policies and will likely see the harsh effects of those policies intensify as they age. By some estimates, there were 3.3 million American households that contained U.S.-citizen children in 2014.¹⁹ These families confront serious risks when a family member faces deportation, not least of which may be the grim choice between family separation or leaving the United States together.²⁰ From the perspective of a U.S.-citizen child, this could mean choosing between growing up without a parent or siblings or leaving the only country he or she has ever known. Either outcome inflicts adverse consequences on children of deported parents, and for many of those children the mere possibility of such an outcome generates substantial fear.

Yet that is the terrifying reality for hundreds of thousands of U.S.-citizen children with parents who have already been deported or ordered removed. Between 2003 and 2013, the U.S. government formally removed 3.7 million individuals, and an estimated 740,000–925,000 of whom were parents of an American child.²¹ More recently, ICE data show that between January 2011 and the end of December 2017, the agency sought no less than 284,616 deportation orders, obtained at least 142,543 deportation orders, and conducted no fewer than 221,010 deportations of individuals who indicated that they had at least one U.S.-citizen child.²² The actual figures are likely higher, as they exclude similar 2014 government data (publicly unavailable), and do not include deportations of parents who for whatever reason (e.g., language barriers, fear) fail to tell immigration officers that they have U.S.-citizen children.

* See Footnotes 14, 16-17. The 6 million U.S.-citizen child estimate is arrived at by adding the 5.7 million U.S.-citizen children from the 2014 CMS estimate, and the 473,000 U.S.-citizen children living with a DACA or TPS recipient parent. There is undoubtedly some overlap between these populations, however, given the likelihood of growth in the number of U.S.-citizen children since the dates of these reports, it is reasonable to suggest that as many as 6 million U.S.-citizen children could be at risk of losing an income-earning or caregiving adult from their household.



People rally outside of the U.S. Supreme Court before the start of oral arguments in *U.S. v. Texas*, on April 18, 2016.

Deported Parents of U.S.-Citizen Children

(by Calendar Year)	2011	2012	2013	2014	2015	2016	2017	Totals
Deportation Orders Sought	66,785	84,676	61,218	Unavailable	29,611	23,085	19,241	284,616
Deportation Orders Obtained	41,918	39,843	28,414	Unavailable	11,282	9,966	11,120	142,543
Deportations Carried Out	31,918	29,843	71,898	Unavailable	31,411	28,860	27,080	221,010

Source: U.S. Immigration and Customs Enforcement, "Deportation of Aliens Claiming U.S.-Born Children []," (Multiple Reports). <https://www.dhs.gov/publication/2017-dhs-congressional-appropriations-reports> (accessed October 2018).

Moreover, for the first time in U.S. history, policymakers have made concerted efforts to effectively and sizably increase the number of the undocumented population, and thus have thrust about 475,000 U.S.-citizen children into a similar predicament. In the span of less than eight months, the Trump administration made a series of policy decisions to end legal protections for over one million DACA and TPS holders, the overwhelming majority of whom have resided in the United States for well over a decade (nearly two decades in the case of the longest tenured TPS holders). On September 5, 2017, the Trump administration announced the end of the DACA policy,²³ and in doing so thrust nearly 800,000 predominantly Latino immigrant youths and their families into a state of legal limbo.

Similarly, in September 2017, the Trump administration began to rescind protections for nearly all individuals in the country registered under TPS²⁴—a humanitarian program authorized under our laws that generally is designed to protect individuals from countries experiencing natural disaster, civil strife, or other extraordinary circumstances. It is estimated that over 325,000 individuals have TPS today, but that number will decrease as the terminations announced by the Trump administration roll into effect beginning in November 2018. While a handful of court decisions have temporarily halted the full implementation of the majority of these policy decisions, the 115th U.S. Congress failed to pass the legislative relief needed to bring stability to these affected populations.

Why Don't They Just Apply to Get Legal?

Some might instinctively question why undocumented parents of U.S.-citizen children do not simply apply to regularize their immigration status. There are common misconceptions about how immigrants can obtain legal status. One idea is that undocumented immigrants should “just apply for citizenship,” and that not having done so shows a reluctance to accepting the American way of life. Another is that immigrants choose to birth children in the United States to “anchor” themselves in the country. These concepts ignore the complexities of our immigration laws and the barriers it imposed on families—the mere fact that a child is born in the United States, for example, does not alter the parents’ immigration status, and usually does not have any impact on the parents’ immigration options.²⁵ There is generally no formal pathway for someone who is undocumented to independently apply for legal permanent residence and ultimately citizenship.

Indeed, sometimes the barriers to legalization are self-imposed. Under our immigration laws, immediate relatives of U.S. citizens—a spouse, child, or parent—may be able to sponsor an undocumented family member residing in the United States; however, for the Latino community, this disproportionately entails a process of departing the United States to seek lawful admission at a U.S. consulate abroad after applying to cure a prior illegal reentry (known as the 3/10 year bars).²⁶ Notwithstanding regulatory changes to ameliorate community concerns,²⁷ the risks and uncertainty associated with departing the United States—even if largely perception in the mind of the applicant—are enough to dissuade otherwise eligible individuals from legalizing. As a result, many Latino families tend to remain in mixed status, or families where not all the members share the same immigration or citizenship status.

The Sources of Risk to American Children

Family separation has been a tragic feature of the U.S. immigration system for decades. Administrations from both political parties have presided over periods of heightened immigration enforcement, including during the Democratic administration of Barack Obama, when deportations from the interior of the country reached record highs between 2009 and 2013.²⁸ In 2014, this fact prompted UnidosUS President and CEO Janet Murguía to remark that, “for the president, I think his legacy is at stake . . . We consider him the deportation president, or the deporter-in-chief.”²⁹ This type of public condemnation by organizations like UnidosUS contributed to the federal government reexamining how it conducts immigration enforcement.

In November 2014, the Obama administration implemented a series of

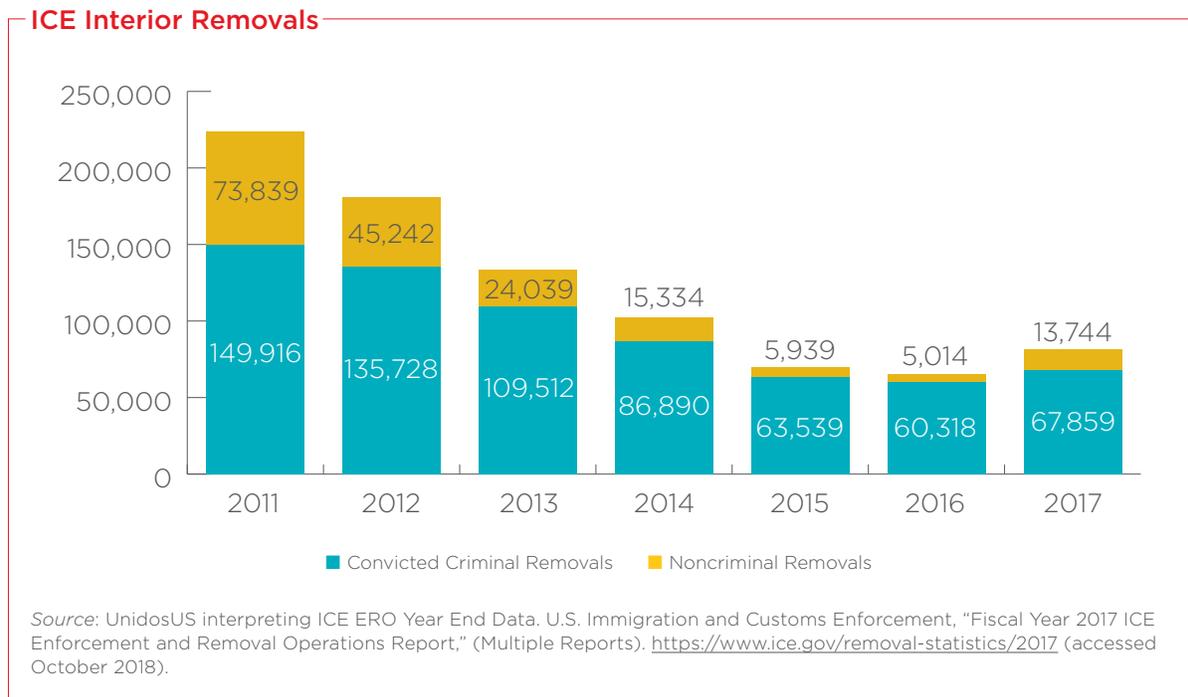
policy directives that, among other things, sought to sharpen the focus and direct the use of frequently limited immigration detention and removal resources.³⁰ To achieve this, the Obama administration issued enumerated risk-based enforcement priorities that focused on the removal of convicted criminals, national security and public safety threats, and recent border entrants.³¹ The Obama-era DACA and Deferred Action for Parents of U.S. Citizens and Lawful Permanent Residents (DAPA) policies were intended to provide guidelines for the exercise of prosecutorial discretion consistent with this enforcement prioritization structure.³² While some critics took umbrage with the new enforcement priorities as, in their view, incorporating non-national security and public safety elements, the enforcement framework was generally recognized as an important deviation from the seemingly indiscriminate immigration enforcement apparatus, which prompted some people to apply the “deporter-in-chief” moniker to President Obama.

In fiscal year (FY) 2016, the last full year the Obama-era enforcement priorities were in place, year-end ICE data demonstrate that the agency's enforcement operations were, in fact, consistent with this policy direction. As ICE noted in its FY 2016 report, "ICE has continued to focus on identifying, arresting, and removing convicted criminals in prisons and jails, and through at-large arrests in the interior, as demonstrated by its removal statistics. In FY 2016, ICE sustained the *quality* [emphasis added] of its removals from previous years by continuing to focus on serious public safety and national security threats."³³ Consistent with this guidance, ICE reported in FY 2016 that over 98% of all ICE interior removals met one of U.S. Department of Homeland Security's (DHS) civil enforcement priorities and 92% of all removals-involved individuals with criminal convictions.³⁴ These policies, while still resulting in deportations, sought to cement an enforcement culture within DHS that centered on qualitative, risk-based enforcement over quantity of deportations.

On January 25, 2017, President Trump issued two executive³⁵ orders³⁶ that effectively established the foundation for his administration's immigration enforcement doctrine: any undocumented individual living in the United States, regardless of circumstances, contributions, or merit, is a "priority" for deportation. DHS began implementing executive orders shortly after President Trump's inauguration to satisfy their vision of a decentralized interior enforcement scheme that provide ICE deportation officers broad discretion and decision-making authority over enforcement actions.³⁷ The former Director of U.S. Immigration and Customs Enforcement (ICE), John Sandweg, has described these policies as "intentionally going backwards" and observes that "[the Trump] administration tries to characterize all undocumented immigrants with the same brush—that if you're an undocumented immigrant, you're somehow a public safety threat. [The] data

demonstrates that's not true."³⁸ Today, DHS and ICE frequently state as their rationale for the shift that, "the Department has directed that classes or categories of removable aliens are no longer exempted from potential enforcement," referring to the Obama-era policies of prioritization of limited enforcement resources.³⁹ The Trump administration's reference to "exempt" classes or categories of removable individuals is a dismissal of Obama-era immigration policies.

Early data from the Trump administration appear to confirm this paradigm shift, which is primarily driven by a significant increase in ICE arrests. In FY 2017, ICE arrests increased by 23.3% over FY 2016, and between January 20, 2017—the date of President Trump's inauguration—and the end of FY 2017, ICE made 42% more arrests than over the same period the year before.⁴⁰ Yet contrary to frequent assertions by the Trump administration that it is targeting criminals, ICE data also show that, as ICE arrests have increased, a greater share of those arrested had no criminal convictions. Between FY 2016 and FY 2017, ICE removals from the U.S. interior of people without criminal convictions nearly tripled from 5,014 to 13,744, respectively. While FY 2018 ICE year-end data are not yet available, recent ICE responses to several Freedom of Information Act (FOIA) requests suggest that the same trend is continuing.⁴¹ For example, a FOIA response received by NBC News reveals that ICE arrests of immigrants without criminal convictions rose 203%—to 58,010 from 19,128—during the first 14 months of the Trump administration when compared to the last 14 months of the Obama administration; notably, during the same period, ICE arrests of those with criminal conviction records grew just 18%.⁴² Further belying the Trump administration's public safety rationale for its immigration policies is the fact that in FY 2017, ICE recorded about 5.9% *fewer removals* than it did in FY 2016.



In addition, the Trump administration's shift away from enforcement prioritization is occurring at a time when ICE is removing fewer people apprehended on the southern border. Until recently, the majority of ICE removals each year were of individuals that U.S. Customs and Border Protection (CBP) apprehended attempting to enter the United States illegally. Meanwhile, the comparatively more resource-intensive removals from the interior of the country accounted for the rest. Except for a small uptick between FY 2015 and FY 2016, ICE's removals supporting CBP apprehensions have decreased every year since FY 2012 (228,879) and reached a low point in FY 2017 (144,516).⁴³ While this shift is consistent with the historic decreases in CBP border apprehensions the United States has experienced during the last 15 years, it also means that the share of removals from the interior of the country are on the rise.⁴⁴ In fact, ICE has acknowledged this might already be happening in its recent year-end report, where it states, "while overall ICE initial book-ins declined in FY 2017, the proportion of those book-ins resulting from ICE's interior enforcement efforts increased in FY 2017."⁴⁵

This shift matters because it arguably provides a built-in boost for ICE's interior enforcement operations without the need for additional funding from Congress. It should also cast each Trump administration budget request containing new and unprecedented levels of funding for ICE, and its aforementioned indiscriminate enforcement practices, in a new light.⁴⁶ A continued decline in ICE removals supporting CBP apprehension could result in ICE deploying existing resources to arrest, detain, and remove a greater share of individuals who were once deemed low-level priorities for removal, even without increased funding. These include longtime residents, such as DACA or TPS holders who now find themselves in legal limbo, or, more likely in the short-term, individuals on ICE's "non-detained" docket who check in with ICE periodically as required. As of May 2016, there were 939,056 individuals on ICE's "non-detained docket," many of whom remain under ICE supervision on the condition that they comply with immigration court hearing dates, have frequent check-ins with their local ICE office, and meet other reporting obligations.⁴⁷

As the Trump administration's underlying immigration policies have taken shape, the way they are being operationalized has become progressively more aggressive. As previously noted, the Trump administration has made additional policy decisions to terminate protections for over one million DACA and TPS recipients—arguably the most vetted group of individuals living in the United States.⁴⁸ When it comes to making these decisions operational, the Trump administration has pursued a forceful strategy that enlists state and local law enforcement participation and reactivates the use of large-scale worksite enforcement actions. The Trump administration is also taking steps to reduce the number of individuals applying for lawful permanent residence by enacting policies that disrupt family unity. Each of these strategies is discussed below.

A. The Revival of Worksite Enforcement Actions

One of the tools that ICE has revived under the Trump administration is enforcement at worksites. Worksite enforcement operations were common under the George W. Bush administration between 2003 and 2008. This type of enforcement tool was designed to target unscrupulous employers who skirt basic labor and employment laws by hiring undocumented workers, but critics of the Bush-era use of worksite enforcement note that they did little to curb illegal hiring practices and labor abuses, as employers routinely hired other groups of undocumented workers

to replace those taken into immigration custody. For example, a Congressional Research Service (CRS) report found that ICE investigators made 1,103 criminal arrests in FY 2008 with most of the charges being brought against workers, as opposed to employers for knowingly recruiting or hiring unauthorized workers, while in FY 2014, following a period of increased sanctions against employers, CRS found that the number of employers receiving “final orders” for civil money penalties remained “very low” relative

to the number of U.S. employers (less than 0.02%).⁴⁹ An MPI report is more direct: “employer sanctions have been largely ineffective as a tool in controlling illegal immigration. Certain employers do not comply because they see little risk in noncompliance and competitive advantages in hiring a cheaper and more compliant labor force.”⁵⁰ Given the dubious track record worksite enforcement actions have in achieving ICE's stated goal of curbing illegal hiring practices, some advocates contend that their primary objective, in fact, appears to be to sow fear in immigrant communities through a highly visible show of force.⁵¹

Perhaps the most infamous ICE worksite enforcement action in recent history occurred on May 12, 2008, in the small northeast Iowa town of Postville.⁵² The operation led to the arrest and deportation of nearly 400 workers. Residents acknowledged that the operation significantly harmed the community in Postville and the surrounding region, which, to date, have not fully recovered. One local business owner recently stated, “we had so many houses foreclosed on. People abandoned their houses. Businesses picked up and moved away.” The year before the ICE operation, the local school district had 648 students, but that number had dropped to 564 students by 2011—the district's lowest point in 17 years.⁵³

In the first extensive report documenting the impact of worksite enforcement operations, UnidosUS found that Latino children paid the highest price for operations like the one in Postville.⁵⁴ According to anecdotal reports, “community members reported that the experience was particularly horrific for the children who were in school during the raid. Helicopters circled overhead, and ‘big, dark vans’ were positioned at every road intersection.”⁵⁵ In the weeks and months that followed, school personnel reported an increase in behavioral problems, with more students “acting out [...] aggressive type behaviors that [one would] have to

attribute to the fact that kids are missing their parents, or know that the family's split up now."⁵⁶ The numbers of children who needed mental health care services at schools increased, and the local high school lost several students, many of them U.S. citizens, who were obligated to seek employment due to lost family income.⁵⁷ One study found that infants born to Latina mothers in Iowa had a 24% higher risk of low birthweight—a measure strongly associated with mortality risk and developmental problems⁵⁸—in the period following the Postville raid, whereas infants born to White mothers in the state saw no change in risk of low birthweight.⁵⁹ In response to mounting evidence about the cost and ineffectiveness⁶⁰ of these tactics, and public outcry following cases like Postville, there was a move away from worksite operations as an enforcement tactic during the Obama administration.⁶¹ Under Obama, ICE purportedly shifted the focus of its workforce enforcement program to “primarily focus on cases that involve critical infrastructure facilities and

cases involving employers who commit ‘egregious’ violations of criminal statutes and engage in worker exploitation.”⁶²

However, the Trump administration has reversed course. Between October 1, 2017, and May 4, 2018, ICE boasts that it has conducted 60% more employer Form I-9 audits investigations—as the official name of the process to initiate a possible worksite enforcement action is called—over the same period than the year before, leading to the arrests of 1,143 largely undocumented workers.⁶³ Moreover, it appears that those enforcement operations are meant to be highly visible—during the three-month period between April and June 2018, for example, ICE conducted very large worksite enforcement actions in small rural towns, primarily in the country’s “rustbelt.” In at least four of those operations, ICE arrests neared or exceeded 100 individuals—Massillon, Ohio (146 arrests),⁶⁴ Castalia, Ohio (114 arrests),⁶⁵ Morristown, Tennessee (97 arrests),⁶⁶ and Sumner, Texas (150 arrests).⁶⁷

Righteousness Deep in the Heart of Trump Country

Like many of the towns where large-scale worksite enforcement operations have occurred recently, Morristown is a small rural town with a population just north of 29,000. Hamblen County has voted Republican in each of the past 10 presidential cycles, and President Trump carried the county by 77 percentage points.⁶⁸ Even in this reliably conservative stronghold, the ICE worksite operation was jarring and galvanized support for the workers and their families.⁶⁹ One example: In the two weeks following the ICE arrests at the Southeastern Provision meatpacking plant, the people of Morristown came together to raise \$60,000 to help families with relatives in detention.

B. Pursuit of a Forceful Strategy to Compel State and Local Jurisdictions to Engage in Federal Immigration Enforcement

The Trump administration has forcefully targeted local jurisdictions that limit their cooperation with ICE, many of which are home to sizeable Latino and immigrant communities. These localities are sometimes referred to as “sanctuary cities,” a term not legally defined under U.S. law, but that generally connotes that a jurisdiction has enacted local laws or policies that narrowly

tailor or outright proscribe engagement with federal immigration authorities in certain circumstances.⁷⁰ A jurisdiction may cooperate with ICE in several ways, including through memoranda of understanding known as 287(g) agreements,⁷¹ sharing of biometric identification data through the Secure Communities program, and as required or authorized under state laws. Upon receiving information from a state or local law enforcement agency through one of these means, ICE will typically request that the law enforcement agency “hold” an individual of interest until transfer to ICE can

be completed. These holds are commonly referred to as immigration “detainer requests” or “immigration holds,” and generally should not exceed an additional 48 hours (excluding weekends and holidays) after the person’s scheduled release from state or local law enforcement custody.

Over the years, the use of immigration detainers has become a political hot-button issue at local levels, but it has also raised many legal questions.⁷² A growing number of federal court decisions⁷³ have held that detention by state and local law enforcement agencies pursuant to a detainer request violates the Fourth Amendment because it is tantamount to imprisoning individuals in the absence of an arrest warrant supported by probable cause, or holding them in law enforcement custody beyond a reasonable period after they have been cleared for release by a law enforcement agency. Some local jurisdictions have been sued and ordered to pay money damages where federal courts have found that continued detention pursuant to the use of an immigration detainer was unconstitutional,⁷⁴ while others that have cooperated with ICE in the past have experienced a reluctance by segments of their Latino and immigrant communities to report crime, thus undermining their public safety function. For these reasons, governors, mayors, and state and local law enforcement officials around the country are increasingly limiting their cooperation with ICE,⁷⁵ in some cases through the issuance of executive orders or signed laws prohibiting such cooperation.⁷⁶

To ostensibly address the issues surrounding the use of immigration detainers, the Obama administration replaced the Secure Communities program with the Priority Enforcement Program (PEP) in 2015 and limited the use of immigration detainers to cases involving the most serious public safety threats. Under PEP, ICE officers were generally required to provide local law enforcement with the reason why agency officials believed the individual of interest was removable and fell within at least one

of the DHS’s then-existing enforcement priorities. Finally, it offered state and local law enforcement agencies an alternative to using the immigration detainer in the form of a request that those agencies merely notify ICE of an impending release. Some critics believed that PEP did not go far enough to address the constitutional concerns about Secure Communities, such as the fact that, despite limitations on the use of detainer requests, in substance they still ran afoul of warrant requirements; however, several localities were enticed to engage ICE under PEP where they had not been under Secure Communities. According to ICE, the shift to PEP resulted in 21 of the top 25 jurisdictions with the largest number of previously declined detainers moving toward greater cooperation with ICE.⁷⁷

The Trump administration ended PEP in 2017 and since then has taken a forceful, if not antagonistic, posture with localities. Specifically, the Trump administration has targeted certain federal assistance programs available to state and local governments to compel them to cooperate with immigration enforcement, and today is in litigation with a number of states and localities over this issue.⁷⁸ Outside of the immigration context, federal and local law enforcement agencies interact in very important ways, including through federal grants, technical capacitation and database-sharing, and cooperation on criminal investigations. The Trump administration has frequently threatened to block some federal grants to U.S. cities if, in its view, a jurisdiction does not cooperate with ICE to enforce federal immigration laws,⁷⁹ even if in doing so said jurisdictions would be in violation of the Fourth Amendment.

However, the federal government faces significant legal challenges in implementing such a strategy, as the U.S. Supreme Court has limited the federal government’s ability to impose coercive⁸⁰ conditions⁸¹ on federal funding to state and local jurisdictions. Existing legal precedent would also make it difficult for the Trump administration to, in the furtherance of its immigration

policies, withhold federal dollars for items unrelated to those policies, such as federal grants for education, health care, or infrastructure. Put differently, threatening to withhold money from localities unsupportive of the Trump immigration agenda means threatening to withhold billions of dollars for programs that support local law enforcement, like Community Oriented Policing Services and Office of Justice Programs. This is likely an untenable position in the long-run for an administration purportedly championing the cause of law enforcement.

The first year and a half of the Trump administration has also produced a resurgence of state legislatures passing or attempting to pass anti-immigrant state laws, which in the past have caused hefty damage to Latino families. Observers like UnidosUS might recall Arizona's SB 1070, which is widely considered the forebearer of subsequent state laws that sought to increase a state's power to engage in immigration-related enforcement activities. In the final analysis, the Supreme Court of the United States struck down the most problematic aspects of Arizona's SB 1070 (and by extension its progeny,⁸² like Alabama's H.R. 56⁸³)—including provisions that would have authorized local law enforcement officers to arrest and charge individuals for newly created misdemeanor

offenses related to immigration status—but it was not without costs to the Latino community. A Pew Research Center survey conducted around the time of Arizona's SB 1070 found that “one-in-ten Hispanics say that they have been asked by police or other authorities about their immigration status,”⁸⁴ and a LatinoMetrics study found that one in five Latinos would decrease social lifestyle activities if laws similar to Arizona's Law S.B. 1070 were passed.⁸⁵

While Latinos have acute racial profiling concerns about these measures, states like Texas seem focused on helping the Trump administration break its impasse with localities that it considers hostile to its immigration policies, such as the City of Austin. But, many of these state laws are also designed to reinforce federal initiatives like the Secure Communities program and the use of 287(g) agreements, which the Trump administration is using to carry out an aggressive interior enforcement agenda that has accelerated the separation of Latino immigrant families. Texas is not the only state to pass these laws. Since President Trump was elected, Iowa and Tennessee have also enacted laws that expand the state's authority to require cooperation with federal immigration authorities. Similar efforts in other states like Wisconsin⁸⁶ and Virginia⁸⁷ have stalled for the time being.

What the States Have Been Up to Since President Trump’s Election

State and Bill Number	Key Provisions	Status
<p>Texas SB 4⁸⁸</p>	<ul style="list-style-type: none"> • Provides that a local entity or campus police department may not adopt, enforce, or endorse policies that prohibit or materially limit the enforcement of immigration laws. • During a lawful stop or arrest, local officers may choose to inquire about immigration status. The officer cannot stop someone solely to ask about immigration status. • If a local officer learns that someone is undocumented, he or she cannot arrest or continue to hold the person on that basis; however, the officer can choose to provide information to ICE. • Requires law enforcement agencies that have custody of a person subject to ICE detainer request to comply with it. 	<ul style="list-style-type: none"> • On May 7, 2017, SB 4 is signed into law; it is set to take effect September 1, 2017. • On May 8 and June 1, legal challenges are mounted against the laws. • On August 30, federal district court judge blocks SB 4 from going into effect in substantial part. Texas appeals to the 5th Circuit Court of Appeals. • SB 4 largely remains in effect, after 5th Circuit ruling on March 13, 2018.
<p>Iowa SF 481⁸⁹</p>	<ul style="list-style-type: none"> • Requires law enforcement agency with custody of person subject to ICE detainer request to fully comply with the instructions in such request. • Prohibits local entities from adopting or enforcing a policy or taking any other action that prohibits or discourages the enforcement of immigration laws. • Prohibits local laws that prevent law enforcement from asking about immigration status or from sharing information with USCIS or ICE. 	<ul style="list-style-type: none"> • Went into effect July 1, 2018.
<p>Tennessee HB 2315⁹⁰</p>	<ul style="list-style-type: none"> • Prohibits a state or local government, entity or official from enacting policies that impeded sharing of immigration information with DHS or inquiring about citizenship status. • Provides that no locality may enact policies to limit compliance with ICE detainer requests, or that require probable cause/warrant before complying with detainers. • Withholds money from a state or local government entity that adopts such policies. • Requires law enforcement agencies to seek to negotiate memorandum of agreement with ICE (e.g., 287(g) agreements). 	<ul style="list-style-type: none"> • Signed into law May 21, 2018. • Went into effect on January 1, 2019.



Protesters marched in Washington, DC, June 30, 2018 as part of hundreds of demonstrations across the United States to protest new immigration policies.

C. How the Trump Administration Is Altering the U.S. Legal Immigration System to Complement Its Immigration Enforcement Objectives

The Trump administration is also pursuing immigration policies designed to restrict access to the U.S. legal immigration system by making it harder for presently eligible applicants to obtain lawful permanent residence.⁹¹ As of the writing of this report, the Trump administration is planning to promulgate a regulation that would significantly change the public charge grounds of inadmissibility and deportability.⁹² Under the nation's immigration laws, a "public charge" refers to an individual whom the federal government deems to be primarily dependent on the government for subsistence, as demonstrated by either receipt of public cash assistance for income maintenance or institutionalization for long-term care at government expense. On October 10, 2018 the Trump administration published

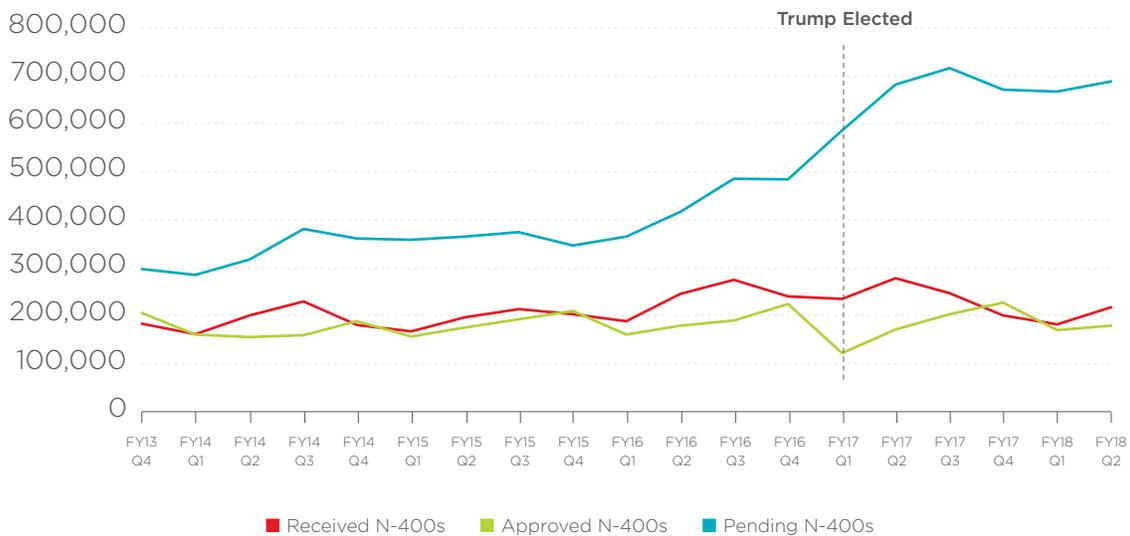
a Notice of Proposed Rulemaking—the first formal step in formalizing a proposed regulation—that would authorize government caseworkers to, for the first time, consider health, nutrition, and other non-cash federal assistance program participation when making public charge determinations.⁹³ *The New England Journal of Medicine* recently observed that, "unauthorized immigrants are not the primary target of the draft rule, since they are already ineligible for most federally funded public assistance."⁹⁴ Instead, lawfully present immigrants would bear the brunt of this change, as well as persons living in "mixed-status" families (meaning those in which some family members are citizens and others are not) and persons living abroad who wish to immigrate to the United States. By one estimate, approximately 10.4 million U.S.-citizen children with at least one noncitizen parent could be prevented from accessing critical nutrition and health care assistance program for fear and confusion around the proposed rule changes.⁹⁵

The proposed public charge rule change is only one way that the Trump administration has been attempting to slow the adjudication of green card applications. The U.S. Citizenship and Immigration Services (USCIS), the agency in charge of administering immigration and citizenship benefits, has also been quietly implementing policies that increase administrative burdens, fees, and costs for immigrants applying for its various services. The media has observed that USCIS appears to be making it “more difficult and expensive” for foreign students, skilled temporary workers, and those seeking

humanitarian protections under our laws to enter the United States legally.⁹⁶ USCIS caseworkers have been ordered to “more closely” scrutinize applications made by U.S. citizens and green card holders on behalf of their family members⁹⁷ under the pretense of curbing “fraud and abuse,” and in August 2017, USCIS announced plans to phase in new interview requirements for individuals applying for green cards.⁹⁸ Reuters reports that these subtle shifts in policy have resulted in FY 2017 being the year with the fewest approvals of extended family visa petitions since 2000.⁹⁹

As USCIS Issues New Restrictive Policies, Naturalization Backlogs Outpace Adjudications

Naturalization Receipts, Acceptances, and Pending Applications



Source: UnidosUS interpreting USCIS data. U.S. Citizenship and Immigration Services, “Data Set: Form N-400 Application for Naturalization.” <https://www.uscis.gov/tools/reports-studies/immigration-forms-data/data-set-form-n-400-application-naturalization> (accessed October 2018).

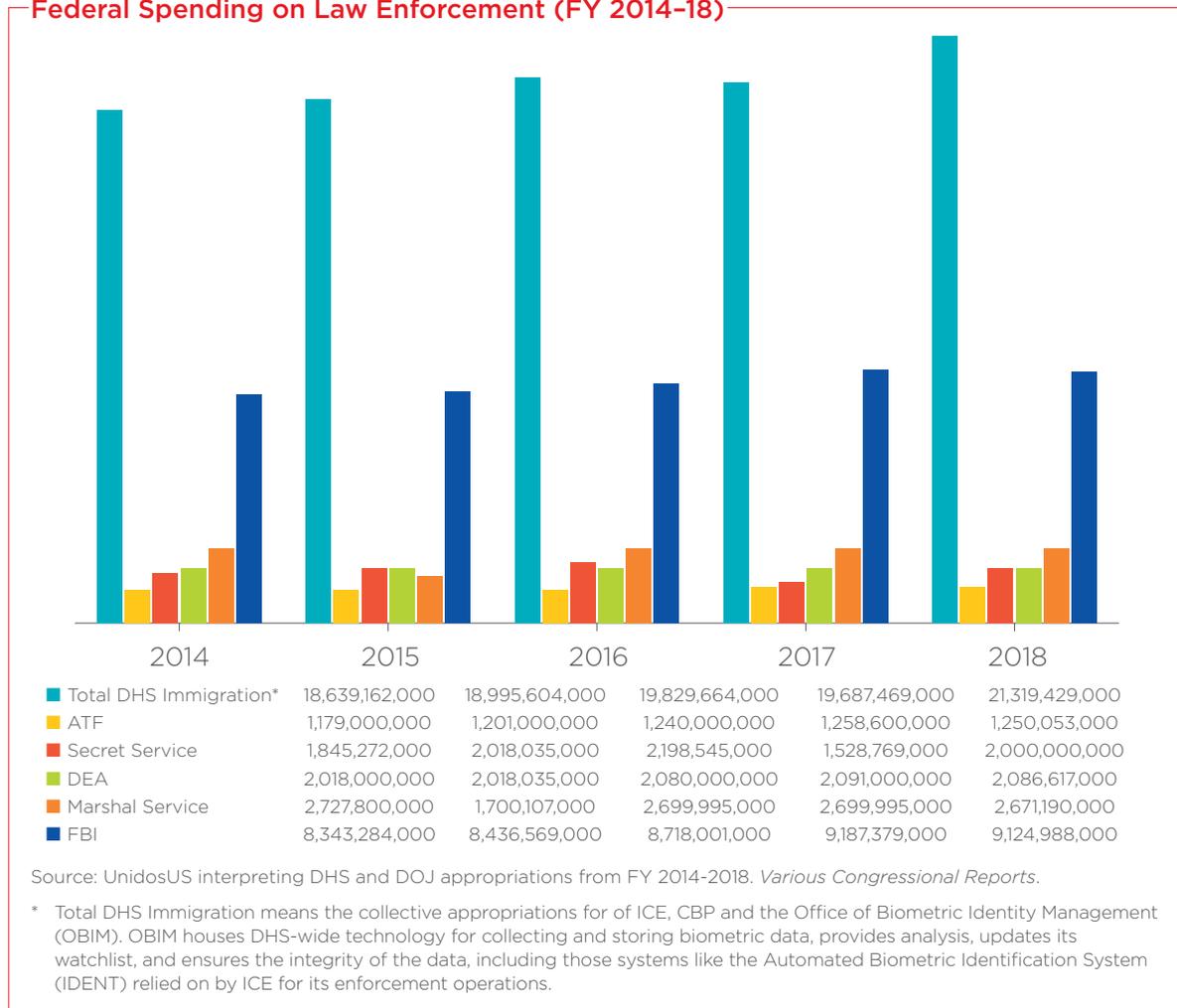
USCIS also seems to be seeking closer alignment with the Trump administration’s immigration enforcement policies. The agency recently issued guidance that would allow it to initiate deportation proceedings for individuals whose naturalization, green card, or other immigration benefit application has been denied,¹⁰⁰ and announced plans to hire dozens of new lawyers and immigration officers to staff a recently announced

denaturalization taskforce.¹⁰¹ And, in March 2018, reports surfaced that USCIS was planning to establish an internal affairs division,¹⁰¹ which some observers believe might be designed to oversee agency caseworkers deemed “too lenient.”¹⁰³ This apparent shift is at odds with the agency’s core mission, which since its inception has been to administer the nation’s legal immigration system by effectively and efficiently adjudicating immigration

and citizenship benefit applications. Further complicating matters, USCIS has historically been funded primarily by the fees (about 95% of its annual budget)¹⁰⁴ applicants pay the agency to process their applications, though today, it may be reasonably presumed that a greater share of those fees could be quietly going

to support the Trump administration's enforcement objectives. This, even though immigration enforcement components of DHS (ICE and CBP) already receive more funding than every other federal law enforcement agency in the nation,¹⁰⁵ and it appears that USCIS dollars may soon be added to that sum.

Federal Spending on Law Enforcement (FY 2014-18)



These policy measures, seemingly designed to limit legal immigration, could significantly impact an individual's eligibility for lawful permanent residence; even those eligible under existing rules could be affected. For example, the proposed new public charge rule could discourage millions of undocumented individuals in mixed-status Latino households with a current path to legalization from pursuing it for lack of income, or fear and confusion

about the implications a U.S.-citizen child's receipt of federal nutrition or health care assistance on their applications for lawful permanent residence.¹⁰⁶ In fact, anecdotal evidence suggests it already has. As with increased interior enforcement, changing the rules associated with legal immigration is another tool the Trump administration seems intent on deploying to decrease the overall number of immigrants in the United States.

The Specific Harms to American Children

The Trump administration's immigration policies, along with the suite of tools it has deployed to operationalize them, generate numerous challenges to Latino children in the areas of economic security, education, health care and nutrition, and public safety. Combined, they threaten to isolate millions of children, the vast majority of whom are U.S. citizens, and prevent them from fully participating in American society. This section examines recent periods with anti-immigrant policies and heightened interior enforcement, their impact on Latino children, and their implications for Latino children in the Trump era.

A. Economic Deprivation

Fewer groups appear to be more integral to the long-term health of the U.S. economy than Latinos. Latinos enjoy high levels of workforce participation, possess significant consumer purchasing power, and make major contributions to sustaining the nation's safety net programs. In 2015, Latinos contributed \$2.13 trillion to the nation's gross domestic product (GDP), which taken alone would have amounted to the seventh-largest global economy behind France and ahead of India.¹⁰⁷ By 2020, Latino contributions to U.S. GDP are projected to be over 24% of the U.S. total, illustrating the importance of Latinos to the country's economic growth.¹⁰⁸

1. *Snapshot of Latino Workforce Participation and Economic Contributions*

Latinos have one of the highest levels of workforce participation of any group in the country.¹⁰⁹ In 2015, Latinos held millions of essential jobs; one of every three agriculture workers, more than one in four construction workers, and more than one of every seven U.S. entrepreneurs

are Hispanic.¹¹⁰ Stability in immigration status has improved the quality of jobs for many Latinos. Latino DACA and TPS recipients, for example, have had higher levels of upward employment mobility since obtaining work authorization under those programs. And thanks to the stability and certainty that comes with that, they have had more opportunities to invest in their education, pursue higher-skilled employment opportunities, and establish roots in their communities through homeownership. DACA recipients have seen their average hourly wages increase 45%,¹¹¹ while having TPS has been shown to lead to higher earnings for men and higher employment for women.¹¹²

When it comes to workforce participation, there is a popular misconception that the foreign-born segment of the workforce depresses the wages of native workers. Decades of economic research have provided little support for this notion, and actually find, on average, that foreign-born workers have no effect on the native worker wages.¹¹³ Among the reasons is specialization: foreign-born and native workers tend to have different skills and characteristics that do not put them in direct competition for certain jobs; another explanation is that, earning lower wages generally, unskilled foreign-born workers reduce labor costs for companies within certain segments of their businesses, which in turn spurs job creation in other segments that are accessible to native workers.¹¹⁴ Indeed, policies aimed at reducing illegal immigration may actually be counterproductive, as they may reduce job-creation by businesses, increase unemployment of unskilled native workers, and stifle wages of native workers.¹¹⁵ The opposite also appears to be true: policies like legalization that reduce the number of undocumented workers in the workforce improve job creation and decrease native unemployment.

TPS Designations Terminated Since the Trump Administration

Country	Estimated Population*	Original Designation	Decision Date	Termination Effective Date†
Sudan	1,040	November 4, 1997	October 11, 2017	November 2, 2018
Honduras	57,000	January 5, 1999	May 4, 2018	January 5, 2020
Nicaragua	2,550	January 5, 1999	November 6, 2017	January 5, 2019
Haiti	46,000	January 21, 2010	November 20, 2017	July 22, 2019
El Salvador	195,000	March 9, 2001	January 8, 2018	September 9, 2019
Nepal	8,950	June 24, 2015	April 26, 2018	June 24, 2019

Source: Congressional Research Service, "Temporary Protected Status: Overview and Current Issues," October 10, 2018. <https://fas.org/sqp/crs/homesec/RS20844.pdf> (accessed October 2018).

Latino households also account for a substantial share of U.S. purchasing power and are vital contributors to the nation's social safety net programs. In 2015, Latinos had estimated after-tax income of more than \$687.8 billion or the equivalent of almost one out of every 10 dollars of disposable income held in the United States.¹¹⁶ Foreign-born Latino households are estimated to have collective purchasing power of more than \$322 billion.¹¹⁷ Additionally, Latino contributions to programs like Medicare and Social Security should not be understated. In 2015, Latino households contributed \$101.8 billion to Social Security and \$25.3 billion to Medicare's core trust fund, with foreign-born Latinos contributing a significant \$46.2 billion and \$11.4 billion to Social Security and Medicare, respectively.¹¹⁸ The latter is noteworthy, as numerous studies have found that eligible immigrants take far less from these programs, especially Medicare, than they contribute to them annually.¹¹⁹

However, Latino households continue to face considerable challenges in accessing economic opportunities. Their wages and household incomes still lag well behind those

of their White counterparts, and Latinos face greater housing insecurity and financial isolation. This backdrop is important for understanding the impact that heightened immigration enforcement can have on the economic outlook of Latino households and the children that live within them, as well as the broader implications for the U.S. economy. Many Latino households are still recovering from the devastating impacts of the Great Recession of 2008 and find themselves living on the margins of poverty. The following section explores the intersection of those issues, and how the Trump administration's immigration enforcement is likely to exacerbate many of those concerns.

2. Indiscriminate Immigration Enforcement Increases the Likelihood of Latino Children Living in Poverty

As UnidosUS has previously reported, not all groups have rebounded equally from the Great Recession of 2008.¹²⁰ In fact, Latino household incomes have stagnated over the last decade, which has led to a widening of the wealth gap between Latinos

* Population figures represent population of expected TPS re-registrants; CRS report also contains a higher figure from USCIS which represents all individuals who ever had TPS, but either departed the United States, died, changed immigration status, or otherwise failed to maintain TPS.

† Critically, a number of these terminations have been *temporarily* halted pursuant to a court order. On October 3, 2018 in the case *Ramos v. Nielsen*, Case No. 18-cv-01554-EMC (N.D. Cal. Aug. 6, 2018), the U.S. District Court for the Northern District of California enjoined DHS from implementing or enforcing its determinations to terminate TPS for Sudan, Nicaragua, Haiti, and El Salvador. This means that DHS may not terminate TPS for these countries while the order remains in effect pending further hearings on the case. Notably however, as of the date of this report, the decision to end TPS for Honduras (second-largest TPS population) is not included in the court's preliminary injunction.

and other groups.¹²¹ In 2011, Pew Research Center found that, following the financial crisis, the “wealth disparities between White households and Black and Hispanic households [were] greater than they [had] been in the past 25 years.”¹²² Furthermore, the crippling impact of the 2008 financial crisis on industries like construction and manufacturing,¹²³ which traditionally employ a high percentage of Latinos relative to other racial and ethnic groups, pushed unemployment rates for Latinos up higher than for most other demographic groups and contributed to a decrease in Latino median household incomes starting in 2008.¹²⁴ National poverty and income data from 2016 demonstrate improvements in these areas generally, including among Latino households; however, the median income of Latino households continues to trail that of most other racial and ethnic groups.¹²⁵ In 2016, for example, the median income for a Latino household was \$47,675, which is considerably lower than the national average of \$59,039.¹²⁶

Latino households tend to be already more vulnerable than other groups to sudden financial emergencies, especially those associated with immigration detention or deportation.¹²⁷ A 2014 survey conducted by UnidosUS and other civil rights organizations found that statistically Latino households had one of the lowest savings levels of any racial and ethnic group,¹²⁸ and that among unemployed and full-time employed Latino respondents, 41% and 31%, respectively, had experienced a financial emergency within the previous year.¹²⁹ Forty-two percent of respondents said that in the event of a sudden financial hardship, “they didn’t know how they would raise the money to cover [such an] emergency and [that they] were completely vulnerable to the decimating toll such a crisis could take.”

Immigration enforcement compounds the challenges faced by the many Latino families who are still recovering from the Great Recession. A CMS analysis found that removing undocumented residents from mixed-status households would slash their

median income from \$41,300 to \$22,000—that is, a striking 47%.¹³⁰ Families impacted by immigration enforcement often lack sufficient resources to replace the loss of a detained or deported primary breadwinner’s income, and non-primary breadwinning parents frequently struggle to find suitable child care while looking for employment to make up for the lost income.¹³¹ Many stated that in situations like these, they turned to community and religious groups, food banks, and friends and family to help them pay for essential needs like housing and food.¹³² The detention and removal of an income earner places a significant financial strain on those households already living on the margins of poverty and threatens the financial security of an estimated 3.3 million mostly Latino mixed-status households in the country.¹³³

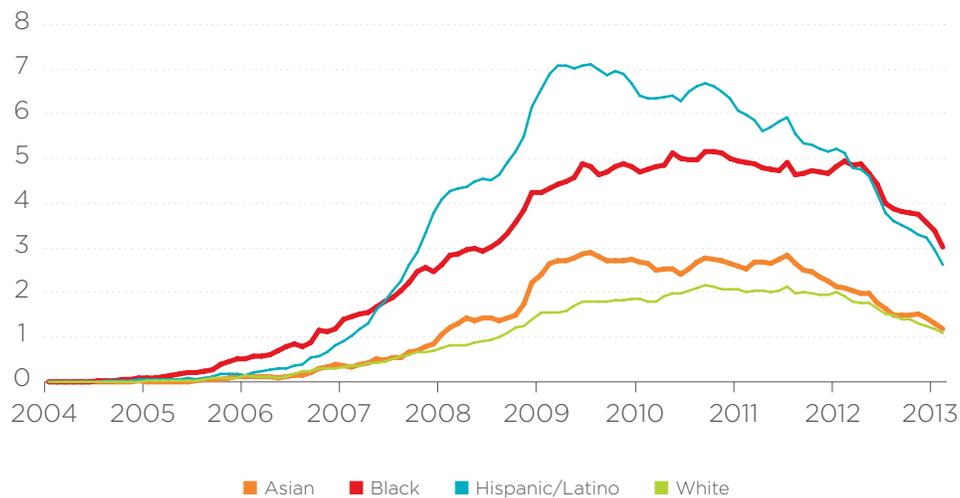
Those already financially constrained households often must set aside resources to prepare for the possible removal of a family member, not to mention costly immigration legal service fees¹³⁴ and ICE immigration bonds.¹³⁵ It is common for immigrants who are at risk of deportation to close bank and retirement accounts as preemptive measures. Additionally, due to a lack of savings or other liquid assets, insufficient access to mainstream banking instruments,¹³⁶ and the loss of an income earner (e.g., because of immigration detention or deportation), Latino mixed-status households with low levels of financial security are likely to turn to “alternative financial services” (such as payday lenders), which tend to have extortive short-term and small-dollar credit options.¹³⁷ In fact, the prevalence of these services has grown over the past decade;¹³⁸ as has their use by Latinos and other communities of color, who are targets of both storefront and online payday lenders.¹³⁹ Preparing for the disastrous consequences of immigration enforcement depletes the finances of many families facing the deportation of a family member and/or expose them to potentially unscrupulous lenders.¹⁴⁰ It can also exacerbate the hardships associated with income losses and jeopardize any assets Latino families have managed to accumulate.

For DACA and TPS recipients who are also heads of households—and typically better educated and more highly paid than many immigrants—the economic impact promises to be particularly harsh should their present, but precarious, formal protections end. Studies show that there is a 15% wage gap between undocumented immigrants and those who are work-authorized.¹⁴¹ With a work permit, and the stability it provides, DACA and TPS recipients have attained higher-paying jobs, higher rates of home ownership, and greater access to lines of credit, such as credit cards, personal loans, and auto loans. Compared to the 66% labor force participation of the overall foreign-born population, TPS-holder labor force participation ranges from 81% to 88%,¹⁴² while a recent survey of DACA recipients found that 91% of them are employed.¹⁴³ The revocation of DACA and TPS protection would reverse these gains. It would strip those immigrants—the most vetted in our system—of work authorization and the ability to participate in the formal economy and put them at risk of deportation.

3. *Downward Pressure on Latino Incomes That's Exacerbated by Immigration Enforcement can also Lead to Housing Insecurity among Latino Households*

The Great Recession of 2008 was also particularly damaging to Latino homeowners, who collectively saw more than 65% of their accumulated wealth (most tied to home values) evaporate in a short period of time. In fact, between 2005 and 2009, the median home-equity level held by Latino homeowners fell from \$99,983 to \$49,145, respectively.¹⁴⁴ During this period, Latinos were also aggressively targeted by financial institutions for subprime mortgages, the volatile mortgage instruments that sparked the financial crisis a decade ago;¹⁴⁵ indeed, by 2006 Latinos held 47% of all subprime mortgages according to the Economic Policy Institute.¹⁴⁶ The combination of job and income losses described in the previous section, risky mortgages, and declining home values, contributed to Latinos having the highest foreclosure rate (7%) of any racial or ethnic group in 2009.¹⁴⁷

Foreclosure Rate by Race and Ethnicity



Source: Federal Reserve Bank of St. Louis, Carlos Garriga, Lowell R. Ricketts, and Don Schlagenhauf. "The Homeownership Experience of Minorities During the Great Recession." Review 99, no. 1 (2017): 139–67. <https://doi.org/10.20955/r.2017.139-67> (accessed October 2018).

Housing instability can have profound negative effects on youths, including the millions of Latino children who live with at least one undocumented parent at risk of removal. Families that experience a loss of income because a breadwinner is detained or deported may be forced to move out of their homes and find a more affordable option. Those unable to find one may move in with another family, or become homeless and have to live in a shelter.¹⁴⁸ Children uprooted from their homes or subjected to frequent housing disruptions often have behavioral and developmental issues as a result.¹⁴⁹ Exposure to inadequate housing conditions, such as poor-quality structures, overcrowding, and frequent moves, has been widely shown to have harmful health and psychological impacts on children over time.¹⁵⁰

Few people realize, however, that for many Latino families, the negative effects of

the financial crisis were compounded by a spike in interior enforcement activity around the same period. While the Great Recession uprooted many Latino families from their homes, a recent study by researchers at Brigham Young and Cornell Universities shows that an uptick in deportations between 2006 and 2008 prompted higher rates of foreclosures among Latino households.¹⁵¹ It notes that the proliferation of 287(g) agreements—which effectively deputized local law officers to help ICE enforce federal immigration laws—and associated increases in the deportation of wage-earning adults contributed to elevated levels of Latino foreclosure rates from 2008 to 2011.¹⁵² In fact, in 42 counties that had entered into 287(g) agreements with ICE, foreclosure rates among Latino households were nearly 70% higher than in otherwise similar counties, the researchers found.¹⁵³

Impact of Immigration on Select Home Values

Counties Where Immigration Had Largest Impact on Housing Values (2000–2010)	Value Added by Immigration to Average Home Price (2000–2010)	Median Home Value (Dec. 2010)
Harris County, TX	\$26,700	\$104,000
Riverside County, CA	\$20,600	\$211,000
Clark County, NV	\$19,700	\$119,000
Maricopa County, AZ	\$18,000	\$142,000
Broward County, FL	\$14,500	\$129,000
Miami-Dade County, FL	\$11,700	\$152,000
Gwinnett County, GA	\$11,400	\$140,000

Sources: Americas Society/Council of The Americas, “Immigration and the Revival of American Cities: From Preserving Manufacturing Jobs to Strengthening the Housing Market,” September 2013. <http://www.as-coa.org/sites/default/files/ImmigrationUSRevivalReport.pdf> (accessed October 2018); Median Home Value: [Zillow.com](http://www.zillow.com).

According to CMS estimates, 1.2 million households secured by mortgages had at least one undocumented individual residing in it in 2014.¹⁵⁴ Many of those mixed-immigration status households received financial contributions (including for mortgage or rent payments) from undocumented family members or others residing in the household;¹⁵⁵ in fact, most deported immigrants said they had

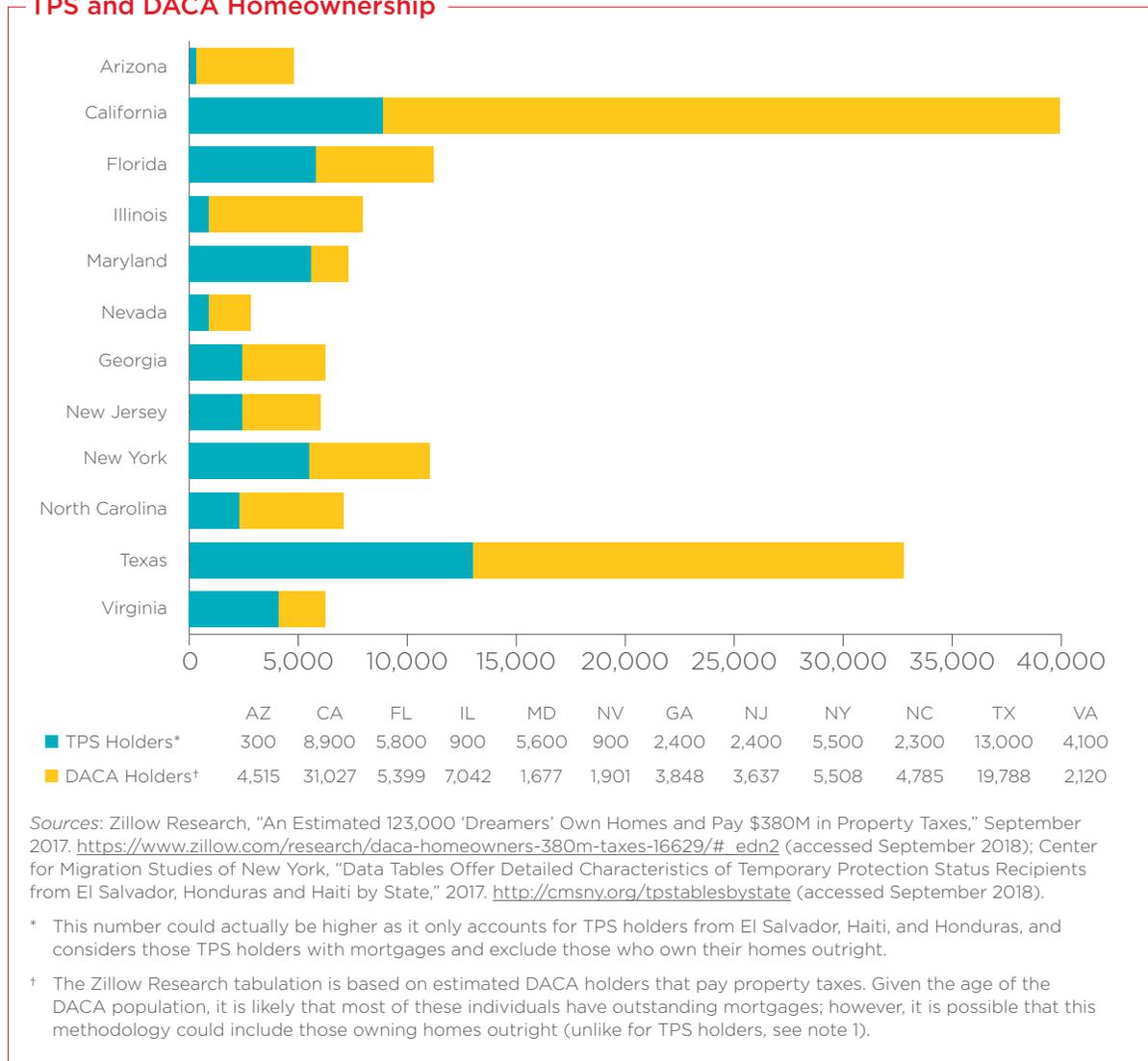
previously contributed to household mortgage payments, despite not being listed on the mortgage.¹⁵⁶ The removal of those wage earners, in effect, pushed those households that were already living on the brink of housing instability, over the edge.

Those research findings may be even more relevant today, because the number of local law enforcement agencies participating in the 287(g) program¹⁵⁷ has more than

doubled since the start of the Trump administration,¹⁵⁸ and states like Tennessee have passed legislation effectively requiring all localities in the state to enter into a 287(g) agreement with ICE. They might also contain a warning: aggressive interior enforcement actions can have unforeseen consequences. By imperiling thousands of households headed by TPS and DACA recipients, the Trump administration could

inadvertently undercut the American housing market: since it is estimated that about 94% of all TPS recipients live in 206,000 households and that about 30% of those are secured by mortgages,¹⁵⁹ while a survey of DACA recipients found that 15% of those aged 25 and older owned homes (with presumably a large number being secured by mortgages).¹⁶⁰

TPS and DACA Homeownership



The findings are also instructive today because while nearly a decade has passed since the height of the foreclosure crisis, fundamental challenges to Latino homeownership persist today. For example, recent research reveals that Latinos are 78% more likely to be given a high-cost mortgage than their White counterparts

when all other variables outside of race and ethnicity (e.g., credit scores, loan-to-value ratios, debt-to-income ratios) are held equal.¹⁶¹ This could help explain why, in part, Latinos continue to be channeled to certain types of loan products over others. The Center for Investigative Reporting recently published data showing that between

2015 and 2016 Latinos were “significantly more likely” than non-Hispanic Whites to be denied conventional mortgage loans—those that typically come at a lower cost to borrowers but require more out-of-pocket money upfront.¹⁶² This comes at a time when some housing experts are cautioning about a return to pre-foreclosure crisis levels of independent mortgage bankers (or “nonbanks”) lending to minority groups, those with low income, and those with lower credit scores—as a general matter “nonbanks” tend to be more sensitive to liquidity pressures if the housing market takes a turn for the worse due to lower levels of cash reserves than traditional banks.¹⁶³ In 2016, “nonbanks” originated 64% of all mortgages made to Latinos and Blacks (compared to 53% of all mortgages), while offering 52% of all Federal Housing Administration and Veteran Affairs loan program mortgages (loans with fewer upfront costs as compared to conventional loans) to Latino and Black borrowers (compared to 30% of all mortgages of these types).¹⁶⁴

B. Educational Disruption

The Trump administration’s immigration policies likewise threaten to impact the educational attainment of Latino youths. A number of studies, for example, have found that children of undocumented parents—the vast majority of whom are Latino¹⁶⁵—are less likely than their peers to be enrolled in public preschool programs or in extracurricular activities that promote positive development out of a fear that a family member might be reported to immigration enforcement.¹⁶⁶ Hundreds of thousands of U.S.-citizen children also live in households in which at least one parent is lawfully present in the United States under DACA or TPS, but who, starting in November 2018, could lose their immigration status.

U.S.-citizen children of undocumented parents are more likely to lack access to educational opportunities during the most critical years of their mental development than children of citizens or legal permanent

residents.¹⁶⁷ For Latino children with an undocumented family member, the threat of deportation and living in hostile communities are major contributing factors in this educational disparity, studies show.¹⁶⁸ According to the American Academy of Pediatrics, it is also a major stressor—putting children of detained or deported parents at higher risk of depression and anxiety, emotional problems, negative self-esteem, attention disorders, speech delay, and low school performance.

This section examines how the Trump administration’s harsh immigration policies hurt Latinos’ educational attainment by driving down their school attendance and academic performance, generating toxic stress in Latino school-aged children, and decreasing their participation in positive developmental activities.

1. *Aggressive Immigration Enforcement Directly Impacts Student Attendance and Achievement*

One of the most widespread and devastating effects of heightened immigration enforcement is the dramatic drop in school attendance that comes with it. Students worried about their parents being deported often miss school out of fear that they will come home to find a family member gone, while those students in danger of being deported may be kept home by their parents. Either way, students’ poor attendance and anxiety can have a negative toll on their academic performance, especially if they are chronically absent (defined as missing 10% or more days of school).¹⁶⁹ Indeed, researchers have found that students with 10 or more absences are three times more likely to drop out of high school, even when a pupil has made it successfully to the 10th grade,¹⁷⁰ due in large part to the strong association between attendance and falling behind academically.¹⁷¹ A February 2018 survey of more than 3,500 educators conducted by the University of California Los Angeles (UCLA) sheds light on the ways in which the Trump administration’s immigration enforcement policies¹⁷²

impact children's education: 68% of the respondents reported that absenteeism among "immigrant students"—which refers to students who are immigrants or the U.S.-born children of immigrants—is a

pressing and growing problem.¹⁷³ They also noted that immigrant student academic performance has declined, and that immigrant parents are less involved at their schools.

Parent Involvement Matters

Declining parent involvement in their child's schools, whether borne by fears of immigration enforcement or otherwise, are concerning. A growing body of research finds that parent involvement is a critical factor in a child's academic success.¹⁷⁴ Students whose parents stay connected to their children and schools are likely to have higher school engagement and better academic performance. Students with two parents operating in supportive roles have been found to be 52% more likely to enjoy school and get "straight A's" than students whose parents are disengaged with what's going on at school.¹⁷⁵ Additional findings show that the relationship between parental involvement and academic achievement was consistent across different grade levels and ethnic groups.¹⁷⁶

Poor attendance may not only prompt a decline in academic performance, it can also hurt a student's long-term economic prospects in adulthood. According to the Bureau of Labor Statistics, Latinos who dropped out of high school had a median income of \$466 per week—or \$129 less, on average, than the median weekly earnings of a Latino high school graduate.¹⁷⁷ In addition, recent data show that the unemployment rate among Latinos without a diploma is a full 2% higher than that of those who graduated high school.¹⁷⁸ Aggressive immigration enforcement and the difficult life decisions it thrusts upon U.S.-citizen children can significantly affect their education and employment outcomes.

As noted in the previous section, the Trump administration has revived the use of worksite enforcement actions, and those actions already appear to be having

an adverse effect on Latino children. ICE conducts enforcement operations across the country every day, but what makes worksite raids particularly harmful to communities is that they tend to occur in small rural towns where their impact may be outsized. Postville is a case in point, but there are more recent examples.¹⁷⁹ The day after ICE raided the Southeastern Provision meatpacking plant in Morristown, Tennessee—the largest worksite enforcement action by ICE since Postville—550 children missed school.¹⁸⁰ The Hamblen County School Superintendent (who oversees Morristown's schools) said that approximately 20% of the county's Hispanic student population did not attend school, and that students reported feeling a combination of fear, anxiety, and confusion following ICE's arrests at the meatpacking plant.

The Dark Side of 'Growing Up Before Eyes'

Consider the case of 16-year-old Raul Romulo: Every adult in his life was arrested during ICE's worksite enforcement in Morristown, including his mother, uncle, and aunt. The teenager described the anguish of having to face his two-year-old sister, knowing that their mother was gone and not knowing when, if ever, she would return.¹⁸¹

Moreover, aggressive cooperation between local jurisdictions and ICE in the enforcement of immigration laws has been shown to

decrease Latino student enrollment in communities across the United States. A recent study from Stanford University looking

at the impact of 287(g) Agreements—those setting the terms of local law enforcement cooperation with ICE—finds that local cooperation with ICE reduced the number of Latino students nearly 10% within two years of a partnership being formalized.¹⁸² The study estimates that local partnerships with ICE enacted before 2012 displaced over 300,000 Latino students (with many families fleeing those communities), with the greatest displacement effects being concentrated among elementary school students.¹⁸³ Because, as noted above, a significant share of Latino children in the country are U.S. citizens, these findings are particularly concerning for their broader implications in the future—the use of 287(g) Agreements has increased significantly under the Trump administration—but also their specific education-related impacts described in this section.

Worksite enforcement and ICE’s reliance on local partnerships alike can shift a student’s priorities away from focusing on school attendance and academic performance. Nearly 70% of the school officials surveyed in the UCLA study observed an academic decline among immigrant students, with some reporting that students seemed to give up on school because “they no longer saw a future for themselves.”¹⁸⁴ Moreover, an overwhelming 90% of administrators surveyed in that study also said they had observed emotional and behavioral problems among their immigrant students since the start of the current politically, racially, and ethnically charged environment. Educators and social workers familiar with the impacted community, like Lisseth Rojas-Flores, associate professor at Fuller Theological Seminary in California, observed that under the heightened threat of family separation, “anxiety escalates to a point that can be very paralyzing for some of these kids, who don’t want to go to school, or who go to school and sit in there and still worry about their families.”¹⁸⁵ Tania Romero, a social worker at Flushing International High School in Queens, New York, notes that, “more and more students

[are] dropping out [of school, and that] young people are choosing to leave schools to work and save money in case they’re deported anytime soon.”¹⁸⁶

2. How Perceptions and Realities About Immigration Fuel Toxic Stress

The current immigration environment is exposing many U.S.-citizen children to what medical professionals refer to as “toxic stress.”¹⁸⁷ In a study by Harvard’s Center on the Developing Child, researchers refer to toxic stress as “strong, frequent, and/or prolonged adversity—such as physical or emotional abuse, chronic neglect, caregiver substance abuse or mental illness, exposure to violence, and/or the accumulated burdens of family economic hardship—without adequate adult support.” Importantly, toxic stress differs from a normal stress response in that the former involves a lack of caregiver support, reassurance, or emotional attachment (e.g., feelings, caring, concern, affection). Just as a child living in extreme poverty, an insecure neighborhood, or with a physically or emotionally abusive parent might experience periods of toxic stress, researchers are finding that children living in constant fear of a parent being detained or deported by federal immigration authorities can also experience it.

Proximity to immigration enforcement may trigger toxic stress for a child if a close family member or the child themselves is at actual or perceived risk of being deported. Per one recent study, more than half of the school-aged undocumented students surveyed indicated that they personally know a person who has been deported—often a parent or a sibling.¹⁸⁸ Toxic stress can also be brought on by a traumatic event—such as when two U.S.- citizen children witnessed and recorded ICE agents arresting their father as he dropped them off at school¹⁸⁹—or even by persistent or prolonged exposure to fears and anxieties about increasingly aggressive and punitive immigration policies.¹⁹⁰



Senator Chuck Schumer joined a press conference in March 2017 where Fatima and Yuleni Avelica shared the story of their father Romulo Avelica being arrested by ICE. While dropping Fatima off at school, Romulo was arrested by ICE agents for being undocumented, and Fatima recorded it all on her phone. The video went viral. Senators Kamala Harris and Bob Menendez also attended the press conference.

The UCLA study sheds light on how toxic stress impacts the day-to-day lives of school-aged students living in fear of family separation. Respondents reported that their immigrant students were terrified that family members and friends, and occasionally they themselves, would be picked up by ICE. Respondents also noted that among the students' worst fears were being "left alone," or "left to care for their younger siblings," and "not knowing how they would survive." Eighty-four percent of the educators reported that immigrant students had expressed concerns about immigration enforcement while at school, such as fear of parents being taken away by authorities.

Toxic stress can have immediate and long-term physical and mental consequences. It may impede a child's brain development and harm vital organs, and it may put them at greater risk of developing a stress-related disease and/or cognitive impairment well into adulthood.¹⁹¹ Researchers have also found that "over time, the 'wear and tear' of the excessive stress response associated with toxic stress, and the chemicals it releases, can lead to academic problems [for children], difficulties in social adjustment, mental illness (e.g., depression,

anxiety disorders, alcoholism, drug abuse), and chronic physical disease (e.g., heart problems, diabetes, stroke)."¹⁹² In fact, adults who experienced toxic stress as children had higher instances of heart disease, diabetes, and obesity.

Heightened fears around immigration policies are arguably disrupting school ecosystems around the country. Indeed, classroom peers, school faculty, and other staff also expressed concern about children's well-being because of the indiscriminate crackdown. Two-thirds of educators said all of their students, even those not directly affected by the risk of deportation, were *indirectly* affected by the push. As a result, the overall learning environment was adversely affected, too, in part because of concerns for those classmates and families who could be potential targets for immigration enforcement. These occurrences were not confined to areas traditionally associated with high Latino and/or immigrant populations. In schools in the southern United States, 70% of educators registered such concerns, with 15% judging them to be "widespread and impacting student learning."¹⁹³

3. *Extracurricular Activities: The Hidden Casualty of Immigration Enforcement*

A growing number of students from immigrant households are foregoing extracurricular and enrichment opportunities, too, according to the UCLA study. In this climate of intense fear, it is easy to understand why they would opt to stay home and keep a low profile or use that time to plan for the worst—one fourth-grade teacher surveyed recalled that a student had told her that “her mom is teaching her how to make food and feed her baby sister in case her mom is taken away”—but it has educators worried nonetheless.¹⁹⁴ And rightly so.

A raft of research suggests that participation in extracurricular activities is as essential to children’s social, emotional, and cognitive development as attending and performing well in school; in fact, it is linked to higher grades, greater self-confidence, and better relationships.¹⁹⁵ According to a study published in the *International Journal of School & Educational Psychology*, the benefits of after-school enrichment activities are particularly profound for Latino youths, who “are at an increased risk for school failure and are less likely to have access to social capital in the home and community settings.”¹⁹⁶ Moreover, the benefits extend well beyond test scores. Several studies show that when compared to peers who did not engage in extracurricular activities, students in school-sponsored activities not only had higher math achievement test scores¹⁹⁷ and were three times more likely to have a grade point average of at least a 3.0, but they were more motivated and had higher college and career aspirations, too.¹⁹⁸

The Trump administration’s harsh anti-immigration policies and stepped-up worksite enforcement actions are clearly doing untold harm to students generally, and to Latino and immigrant students in particular. In response, several local governments have issued declarations of support, provided know-your-rights resources, and in some cases even passed

school board resolutions intended to show that their schools are safe zones. Those policies have generally been well-received in communities with sizeable Latino and immigrant populations, yet as one high school principal in Prince Georges County, Maryland—a suburb of Washington, D.C.—observes, “the fear of deportation raids is making many immigrant students scared to come to school, despite assurances from government officials that there are no raids happening at schools.”¹⁹⁹

C. **Reduced Access to the Safety Net: Nutrition and Health**

Nutrition assistance programs like the Supplemental Nutrition Assistance Program (SNAP), and health programs like Medicaid, the Children’s Health Insurance Program (CHIP), and the Affordable Care Act (ACA) play a critical role in the lives of Latino children.²⁰⁰ These federal health and nutrition assistance programs are designed to support and stabilize families experiencing temporary financial and other hardships, such as the loss of employment, and have been successful in keeping millions of U.S.-citizen children out of poverty. In 2015, SNAP, Medicaid, and housing assistance helped lift an estimated 6.3 million Latinos above the poverty line, including three million Latino children.²⁰¹ Today, nearly 10 million Latino children access health coverage through Medicaid and CHIP,²⁰² and over 1.1 million households with an individual eligible for and enrolled in SNAP contain a Latino child.²⁰³

Unfortunately, successful government anti-poverty programs like SNAP and CHIP are often subverted or undermined by hostile immigration policies that, among other things, generate concerns about the use of personal information for immigration enforcement purposes. The activation of the Secure Communities program in 2008 is instructive in this regard, and may help explain current and future behavioral changes during the Trump administration. One of the most prominent features of the Secure Communities program is the facilitation of data sharing between

state and local law enforcement and ICE databases. The years after its activation, ICE arrests, detentions, and removals increased significantly. But it is not just a matter of ICE arrest; researchers have found that the activation of Secure Communities in 2008²⁰⁴ also chilled participation in programs like CHIP and SNAP by those eligible as evidenced by “substantial declines in safety net participation among Hispanic citizen households.”²⁰⁵ There is a strong correlation between the atmosphere of heightened enforcement, Secure Communities’ information-sharing facilitation, and fewer eligible individuals signing up for federal assistance programs (despite the fact millions of taxpaying noncitizens contribute to these programs).²⁰⁶

As with the activation of Secure Communities, the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) may provide a window into the potential health and nutritional impacts of the Trump administration’s proposed public charge regulation. PRWORA was hailed by many as a significant reform to the nation’s welfare systems, which largely sought to restrict immigrant use of means-tested programs and otherwise change legal immigrants’ access to public health insurance and nutrition programs.²⁰⁷ However, it also contributed to many *eligible* individuals disenrolling from federal nutrition and health care assistance programs like SNAP, Medicaid, and CHIP largely on fears that the new law would authorize the use of their personal information for purposes of immigration enforcement. In fact, within three years of its passage, an estimated 25% of noncitizen adults, noncitizen children, and U.S.-citizen children disenrolled from Medicaid and CHIP,²⁰⁸ while SNAP enrollment among those populations declined by 28% over the same period.²⁰⁹ The message to immigrant communities then (and reverberating today) is summed up crisply by one observer who noted at the time, “from the immigrant point of view, the passage of PRWORA and the anti-immigrant debates

leading up to its enactment signaled a formalized complaint against immigrants. This exclusion—government sponsored—hastened a climate of confusion and fear within immigrant communities that had sweeping effects on immigrant behavior, including the use of benefits as well as migration and naturalization.”²¹⁰

It would be incorrect to assume that the health impact of these policies are confined to the immigrants. In fact, mounting research examining anti-immigrant policies at the state level finds a strong association between such policies and Latinos perceiving discrimination when attempting to access health care services in those states.²¹¹ Notably, some of the strongest perception of discrimination in health access existed among third-generation Latinos, suggesting that anti-immigrant policies have negative ripple effects beyond immigrants and documentation status, and could help explain certain health patterns among Latinos such as the infrequency of doctor visits.²¹²

Government agencies know full well that when their policies are perceived by certain communities as discriminatory, enrollment in public assistance programs can plummet. It is no coincidence that many states go to great lengths to assure applicants with close connections to our nation’s immigration system that their information will not be shared with ICE.²¹³ At the federal level, agencies like the U.S. Department of Agriculture (USDA) publish community materials stating that, it is “important for noncitizens to know they will not be deported, denied entry to the country, or denied permanent status because they apply for or receive SNAP benefits.”²¹⁴ Even the decades-old public charge guidelines in force as of the publication of this report (as opposed to the Trump administration’s proposed changes discussed above) were designed to be inclusive, stating its objective of “reduc[ing] the negative public health consequences generated by [then] existing confusion [following the enactment of PWRORA] around the meaning of public charge,” and ensuring eligible applicants

were not deterred from accessing non-cash public assistance programs.²¹⁵

But the Trump administration appears to have different priorities. It is making immigrants' worst fears come true by turning every program and policy tool available to them—including previously benign ones—into a potential weapon against them. Variants of each of the preceding examples of heightened enforcement policies—post-2008 activation of Secure Communities, post-1996 enactment of PWRORA, and the rise of anti-immigrant state measures in the mid-2000s—are all being used concurrently by the Trump administration and are expected (and seem designed) to hurt the health and wellness of Latino families and children more so than in the past.

1. Why Immigration Enforcement Puts Latino Children at Heightened Risk of Going Hungry

SNAP is a case in point. As previously noted, this critical federal assistance program has helped millions of families combat hunger. In FY 2016, over 43 million Americans participated in SNAP according to the USDA, and approximately 17.2% of participants that year were Latinos who have met the income, lawful presence,²¹⁶ and other eligibility requirements to participate in the program.²¹⁷ The USDA also estimates that there are 1.8 million households in which U.S.-citizen children live with noncitizen adults who participate in the program.²¹⁸ While SNAP provides recipients with a modest average benefit of \$1.40 a meal per person in a household, this assistance helps fill critical meal gaps and ensures that recipients have adequate and consistent food access when they would otherwise go hungry.²¹⁹ SNAP has helped lift millions of Americans out of poverty, including at least 1.2 million Latinos.²²⁰

The collateral benefits of SNAP are manifold. For example, participation in nutrition assistance programs like SNAP has been linked to improved cognitive development in children when compared to nonparticipants.²²¹ SNAP enrollment has also been shown to improve reading and mathematics skills among elementary children, and to increase the likelihood that children will earn high school diplomas.²²² Participation in SNAP also serves as a gateway for other federal nutrition programs designed to aid children specifically, such as school breakfast and lunch programs.²²³ Additionally, adults who had access to SNAP as young children report lower rates of metabolic abnormalities—such as increased blood pressure, high blood sugar, excess body fat, and abnormal cholesterol or triglyceride levels—which are associated with obesity, diabetes, and heart disease.²²⁴

SNAP is particularly important for Latino children, as a high proportion of them live in poverty. In 2016, there were an estimated 5.2 million Latino children below the poverty line, representing 36% of all children in poverty that year. What's more, most of them are U.S. citizens. According to the libertarian Cato Institute, an estimated 25% of citizen children with noncitizen parents receive SNAP benefits.²²⁵ Despite what the Trump administration might have the public believe, Latino citizens have lower participation rates than Blacks and Whites across a range of federal nutrition and health care assistance programs; and, in recent years the gap between Latinos and other groups has widened.²²⁶ From 2005 to 2013 the overall share of Latinos enrolling in SNAP slowed relative to other groups, while accounting for the generally lower participation rate among Latinos to begin with.²²⁷

Downstream Impacts of Proposed Public Charge Changes

The Trump administration's proposed public charge rule could result in fewer individuals taking up SNAP, and merely shift food insecurity relief on to food pantry programs. According to one Ohio Food Pantry operator, "if fewer people receive SNAP and more people turn to food pantries, it will only tax [our work]." Recent research by Mathematica finds that SNAP participation for six months was associated with an eight percentage-point reduction in pantry use among households with children, from 21% to 13% (a 35% reduction).²²⁸

That may sound like good news at first; however, research finds that increased immigration enforcement, rather than reduced hunger, helps explain this decline. Before the activation of the Secure Communities Program in 2008, Latino-headed households had a SNAP enrollment rate of 22%; shortly thereafter, Latino-headed households' participation in SNAP fell 2.3 percentage points, to 10%.²²⁹ Deportation fear during this period appears to be a far more likely explanation for decreased participation than a lack of program information or stigma for using federal assistance.²³⁰ There are also indications of a "spillover effect" among Latino citizens, who though not necessarily at risk of deportation themselves, might be wary during periods of heightened immigration enforcement.²³¹ This research could help inform Latinos' future enrollment in nutrition assistance programs in the wake of the Trump administration's stated "restoration" of the Secure Program and other policies, like 287(g) agreements, which increased cooperation between ICE and state and local law enforcement.²³²

The aftermath of PRWORA's enactment may also provide insight into how the Trump administration's policies geared toward restricting legal immigration could negatively impact the nutritional health and well-being of U.S.-citizen children. As noted above, SNAP enrollment among eligible noncitizen adults, noncitizen children, and U.S.-citizen children declined by an estimated 28% after the enactment of PRWORA.²³³ Government agencies reacting to fearful, distrustful, and confused communities were compelled to issue clarifying policies and memoranda regarding applicability of PWRORA in the years that followed its passage. Many of

these same issues are surfacing today in connection with the Trump administration's proposed public charge regulation, including concerns that such a rule would discourage the use of public assistance programs by U.S.-citizen children. In examining the PRWORA experience, *The New England Journal of Medicine* projects that the Trump administration's public charge regulation (as presently understood) could mean that "more than one million people would lose food assistance and become food insecure."²³⁴

2. Latino Child Health Is also in Jeopardy During Periods of Anti-Immigrant Policies

CHIP, Medicaid, and access to the ACA—which provide millions of Latino children with their only access to affordable health care—are a second case in point. From 1997 to 2016, the rate of uninsured Latino children fell nearly three-quarters, to 7.5% from 28.6%, thanks largely to those programs.²³⁵ In 2016, an estimated 37% of all children covered by Medicaid or CHIP were Latino,²³⁶ while an estimated 5.8 million U.S.-citizen children living with a noncitizen parent received Medicaid or CHIP.²³⁷ The ACA has also resulted in more Latinos receiving health care; in fact, the uninsured rate for Latino adults decreased from over 43% in 2010 to just under 25% in 2016.²³⁸ Notably, parents who are insured are more likely to have their children covered, and to take their children to doctor's appointments and use preventive care.²³⁹

As with SNAP, participation in these health care programs provides several collateral benefits to participants. A growing body of research finds that children covered by CHIP

and Medicaid experience long-term health benefits, are more likely to excel in school than eligible but non-participating peers, and tend to have greater economic opportunities as adults.²⁴⁰ Much of the success of federally assisted health care programs is because of the quality services offered. For example, most states' CHIP offerings include Early and Periodic Screening Diagnostic and Treatment (EPSDT), which provides preventative screening and treatment, and often leads to early intervention for children with developmental delays, obesity, asthma, vision, dental disease, and hearing problems. Benefits like EPSDT are particularly important for low-income children, who are statistically more likely to be affected by many of the aforementioned health conditions and are otherwise at risk of having those conditions go undetected.²⁴¹

And, in much the same way that Latinos' nutritional access declined as a result of aggressive immigration policies, fewer Latinos accessed CHIP and health coverage under the ACA after Secure Communities was activated.²⁴² Every 10% increase in immigration detainers was associated with a 2% reduction in ACA insurance enrollment by Latinos.²⁴³ These findings also suggest that among the fallout from deportation fears includes higher health care premiums that extend beyond immigrant and Latino communities to other non-Latino marketplace users.²⁴⁴ At least one study finds that in the absence of a Secure Communities program, ACA sign-ups among eligible Latinos could have been 22% higher.²⁴⁵ Moreover, the threat of immigration enforcement creates distrust in health service agencies, despite the confidentiality protections built into programs like CHIP and Medicaid, which are designed to safeguard the information of undocumented parents applying for benefits for eligible children.²⁴⁶ In turn, otherwise eligible children are less likely to receive health services.

The PRWORA precedent for the Trump administration's proposed changes to the nation's legal immigration system also loom

large in the health care context. Following the enactment of PRWORA, for example, 25% of eligible noncitizen adults, noncitizen children, and U.S.-citizen children disenrolled from Medicaid & CHIP.²⁴⁷ The Kaiser Family Foundation estimates that an analogous decline stemming from the implementation of the Trump administration's proposed public charge regulation could result in between 875,000 and two million U.S.-citizen children of noncitizen parents losing CHIP and Medicaid health coverage, with 75% of those children subsequently becoming uninsured.²⁴⁸ The *New England Journal of Medicine* observes that disenrollment from subsidized ACA insurance by those impacted could also increase the U.S. uninsured population beyond current levels, and that lower rates of coverage would impact children by disrupting important preventive care visits, and critical prenatal and postnatal care for pregnant mothers.²⁴⁹

D. Threats to Public Safety

An early Trump administration policy objective has been to expand the role of local law enforcement agencies in the administration of federal immigration laws. As previously noted, willing state legislatures like those in Texas, Iowa, and Tennessee have enacted laws that require localities within those states to proactively engage with DHS for this purpose through, among other things, participation in 287(g) agreements, which have increased under the Trump administration.²⁵⁰ With other local jurisdictions, however, the Trump administration has found itself in protracted legal and political battles with local jurisdictions. In either case, a consequence of this mode of engagement is declining trust in state and local law enforcement by members of Latino households, immigrant and citizen alike.

Indeed, despite the resistance of many U.S. cities across the country, the Trump administration's immigration policies are disrupting the safety of communities across the nation with significant Latino and immigrant populations.²⁵¹ Data from three major cities—Dallas, Denver, and

Philadelphia—lend support for the notion that immigrants, and Latinos more generally, are reporting fewer crimes since Trump took office.²⁵² In Los Angeles, immigrant communities reported 25% fewer incidences of sexual assault and domestic violence in 2017 amid concerns that interacting with police or testifying in court could subject them or someone in their family to ICE enforcement.²⁵³ Law enforcement officials in Houston and Miami have issued similar reports.²⁵⁴ In fact, a survey conducted by University of California at San Diego researchers supports those claims: when asked about their willingness to report a crime if local law enforcement officials were working with ICE, 60.8% of the respondents said they were “less likely to report a crime they witnessed,” while 42.9% said they were “less likely to report being a victim of a crime.”²⁵⁵

State and local law enforcement officials across the country have expressed skepticism and alarm about being involved in federal immigration enforcement. In Texas, several sheriffs shared serious concerns that Texas SB 4—a state law requiring greater local engagement with ICE—would compel local law enforcement to dedicate already scarce resources (such as jail space, on-duty officers, and local tax dollars) toward immigration enforcement.²⁵⁶ Those reservations have historical precedent. Local law enforcement officials in Arizona—like then Tucson Chief of Police, Roberto Villasenor—observed back in 2010 that a similar Arizona law, “drives a wedge between us and the community, where we have to get our information.”²⁵⁷ In 2006, Houston Police Chief Harold Hurtt stated that local involvement in immigration enforcement “undermines the trust and cooperation with immigrant communities that are essential elements of community oriented policing.”²⁵⁸ And a county sheriff in Illinois provides a salient example of the harm this may do, “You’ll have a (domestic violence) victim who refuses to press charges because they’re worried about the husband being deported, even though she’s got a black eye.”²⁵⁹

Confusion and misunderstanding about the respective roles of local police and immigration authorities also contribute to the mistrust of local police in Latino communities. For example, amid the devastation of Hurricane Harvey, many of Houston’s undocumented families were afraid to call for help, with one observer noting that “as soon they saw some of the rescuers wearing border patrol uniforms, they didn’t want to come out.”²⁶⁰ A recent Kaiser Family Foundation survey found that “among those who are likely to be undocumented immigrants, nearly four in ten say there was a time since Hurricane Harvey when they thought they needed help, but avoided seeking help or accessing services because they were afraid of drawing attention to their own or a family member’s immigration status.”²⁶¹ The Trump administration did not ease fears when it issued confusing statements²⁶² and modifications to past DHS practices on immigration enforcement during natural disasters.²⁶³ This and other high profile incidents involving less-than-forthright officer identification²⁶⁴ has prompted support for banning ICE officials from identifying themselves as “police,” which proponents argue amounts to deception that might further undermine public trust in local police.²⁶⁵

Such policies and their unintended side effects—i.e., Latinos and immigrants avoiding interaction with police, being reluctant to report crime, and feeling isolated—only serve to make immigrant and mixed-status families more vulnerable. In fact, Latinos are increasingly *the targets* of crimes. And not just hate crimes, either. Latinos are 9.2% less likely to own a checking or savings account than the population at large, according to Federal Deposit Insurance Corporation estimates, and thus are more likely to have cash on hand.²⁶⁶ As a result, they’re often victims of robberies and other serious crimes.²⁶⁷ A University of Virginia report noted that crime drops (and property values rise) when Latinos have access to bank accounts: “In areas where financial institutions cater to Latino customers, the

incidence of robberies [drops] substantially in large part due to fewer Latinos engaging in cash-based transactions (and thus, being targets for robbers).²⁶⁸ For example, a year after a credit union geared toward North Carolina's growing Latino population opened in Charlotte, local police saw a 22.6% drop in armed robberies against area Latinos; similarly, when the credit union opened a branch in Durham, North Carolina 163 fewer annual robberies were reported in each of the two years following its opening.²⁶⁹

Thus, the Trump administration's anti-immigrant rhetoric and suite of aggressive immigration enforcement policies—including the efforts to conscript state and local law enforcement resources—appear to conflict with the numerous reputable findings that show that immigrants are less likely to commit crimes than U.S. citizens.²⁷⁰ For example, a recent publication of the journal *Criminology* observes that:

Given the tremendous economic, social, and legal barriers undocumented immigrants face, this is a stringent test of the marginalization-disorganization perspectives. That is, if certain aspects of contemporary immigration increase crime by destabilizing communities through economic hardship, we should observe this relationship when examining undocumented immigrants. Our results, however, cast doubt on traditional social disorganization's proposed process in which immigrant concentration undermines community organization. Rather, our results align more with the immigrant revitalization thesis, whereby the influx of low crime-prone undocumented immigrants combined with their supporting immigrant networks provide social and economic benefits to communities, thus, reducing the prevalence of violence.²⁷¹

The researchers conclude that between 1990 and 2014, undocumented immigration and a concentration of undocumented immigrants were each, in actuality, associated with statistically significant *decreases* in violent crime.²⁷² In fact, the Center for American Progress finds that, on average, there are

35.5% fewer crimes committed per 10,000 people in “sanctuary counties” (jurisdictions that limit their cooperation with ICE) as compared to those counties that are not.²⁷³ That analysis also helps explain why immigration policies and programs, like Secure Communities and 287(g) agreements, which are putatively designed to remove so-called “criminal aliens” have been demonstratively shown to *not* significantly reduce crime.²⁷⁴ One can reasonably assume that the same goes for anti-immigrant state and local laws that purport to crack down on crime by undocumented immigrants.

Conclusion and Recommendations

Most Americans were rightfully horrified when the Trump administration started separating families seeking asylum at the border. Unfortunately, these series of decisions are but a small tip of a very large iceberg. *Millions* of American families are being torn apart by the Trump administration's progressively hostile immigration policies, which include indiscriminate ICE arrests, increased use of highly visible worksite enforcement operations, terminations of DACA and TPS protections for over one million *documented* immigrants, and using the nation's legal immigration system to bar thousands of immigrants here legally from staying in the United States. Latino children (the vast majority of whom are citizens) are bearing the brunt of the Trump administration's aggressive immigration policies. Indeed, about six million U.S.-citizen children are still at risk of being separated from an undocumented family member.

History suggests that those children will carry that trauma for years to come. This report examined previous periods of heightened immigration enforcement to better understand the many challenges—in areas ranging from economic security and education to health care, nutrition, and public safety—that today's Latino children are facing. We now know, for example,

that aggressive immigration enforcement has compounded the already calamitous effects of the Great Recession of 2008 on Latino households, and hindered Latinos' full recovery from the housing crisis. Similarly, highly visible but largely ineffective enforcement actions—like the 2008 worksite operation in Postville, Iowa—have created stress and anxiety and shifted students' focus away from benign worries about doing well in school to frightening dread about never seeing their parents again, much to the detriment of students' attendance, academic performance, and their mental and physical health. Meanwhile, we also know that the aftermath of PRWORA and the activation of the Secure Communities program, in 1997 and 2008, respectively, have resulted in fewer eligible Latino children being enrolled in critical nutrition and health programs, such as SNAP and CHIP, at the long-term expense of their health. And Latino and immigrant families are also less likely to report crimes to local police when federal immigration authorities meddle in local law enforcement matters.

Unfortunately, the nation is now being exposed to similar policies under the Trump administration, but, this time, they are being imposed all at once. Notwithstanding the rhetoric from Trump officials, ICE arrests are far more indiscriminate today than in the two years prior to Donald Trump's inauguration. Some state legislatures have followed suit, enacting anti-immigrant legislation that muddles critical distinctions between local law enforcement and federal immigration enforcement, while DHS reinstates tools like worksite enforcement actions (up 60% since the Trump administration) and deploys new regulatory proposals designed to change the rules of the nation's legal immigration system without having to obtain legislative approval. The aggressiveness of this immigration agenda is being felt by individuals across the United States—and none more so than the millions of Latino children who, like the asylum-seeking child torn from his or her parent at the border, is living under constant fear of permanent family separation.

The nation is long overdue for comprehensive immigration reforms that modernize our immigration systems, while simultaneously adhering to critical American principles like justice, basic fairness, and family unity. Smart and effective immigration enforcement should be a part of any reform effort, but must be built on a respect for due process to function properly. Similarly, managing flows of individuals attempting to enter the United States without authorization need not be at odds with having an earned and accountable pathway for undocumented individuals who have lived in the United States for many years—including DACA and TPS holders who in many instances have lived here legally for decades.

In the absence of comprehensive reforms, Americans of conscience who care about the well-being of U.S.-citizen children should decry the growing threats to those who are trapped within the rest of the proverbial iceberg—by challenging the merits of congressional appropriations increases²⁷⁵ for this administration's indiscriminate deportation policies, demanding that Congress exercise its constitutional obligation to conduct meaningful oversight of DHS enforcement operations, and supporting local laws and ordinances that seek to mitigate indiscriminate ICE arrests under the current administration.

Meanwhile, those charged with upholding immigration laws ought to be reminded that they have a responsibility and the authority to exercise discretion on how those laws are enforced. Adherence to longstanding American values, such as compassion for innocent children, should shape enforcement priorities, as should the need to decide how the United States can best use its limited government resources. And maximizing the long-term benefits and minimizing harm to society at-large should always factor into any law enforcement strategy; proper handling of our immigration laws is no exception. When our government fails to consider these foundational American principles, the outcomes can be disastrous for the most vulnerable members of our society—our children.



UnidosUS, previously known as NCLR (National Council of La Raza), is the nation's largest Hispanic civil rights and advocacy organization. Through its unique combination of expert research, advocacy, programs, and an Affiliate Network of nearly 300 community-based organizations across the United States and Puerto Rico, UnidosUS simultaneously challenges the social, economic, and political barriers that affect Latinos at the national and local levels.

For 50 years, UnidosUS has united communities and different groups seeking common ground through collaboration, and that share a desire to make our country stronger.

The UnidosUS Policy and Advocacy component is a leading think tank focusing on issues relevant to the Latino community. Through research, policy analysis, advocacy efforts, civic engagement, and campaigns, it defines a rigorous policy agenda that includes stances on immigration, education, health, employment and the economy, and housing. The component aligns federal work with state-level advocacy and provides support and expertise to state and local leaders in implementing Latino-focused policy.

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