



Talking Points on Family Unity and Enforcement *Women's Refugee Commission, March 2013*

We all believe in keeping families together. In fact, family unity is a core American value and has long been central to our immigration system. But every year misguided and inadequate immigration policies tear thousands of families apart. Whether they result in a woman fighting to ensure her children are cared for while she is detained, fighting to maintain custody of her children after being deported, working to raise a family when a partner is detained or deported, or enduring decades of separation from family members, the harm these policies cause to families is real.

- 5.1 million children in the United States live in mixed-legal status families. 4 million of these children are U.S. citizens.¹ The growth of mixed status families – combined with a lack of sufficient legal channels for migration – means that more families than ever are at risk of being separated for years or even permanently. In fact, between July 2010 and September 2012, the United States issued deportations for nearly 205,000 parents of U.S. citizen children.²
- Family separation burdens local governments. When parents are detained or deported, children are at risk of ending up in the child welfare system. The Applied Research Center in November 2011 conservatively estimated that 5,100 children in foster care had parents who had been detained or deported.³ That number is expected to grow to 15,000 over the next five years. We must alleviate the unnecessary burden on states by permitting parents to care for their children, or to make care arrangements of their choosing.
- Family separation is counterproductive. The lack of legal opportunities for families to be together incentivizes unlawful migration and encourages deported parents to return to reunite with their children. A smart immigration system values and prioritizes family unity and the potential of children.
- Parents should have a say in their children's future. When parents get involved with the immigration enforcement system, they often lose their say in how their children

¹ Jeffrey Passel and Paul Taylor. *Unauthorized Immigrants and Their U.S.-Born Children*. Washington, DC: Pew Hispanic Center (August 2010). Available at <http://www.pewhispanic.org/2010/08/11/unauthorized-immigrants-and-their-us-born-children/>. Accessed March 13, 2013.

² Wessler SR. Primary Data: Deportations of Parents of U.S. Citizen Kids. Colorlines. December 17, 2012. Available at http://colorlines.com/archives/2012/12/deportations_of_parents_of_us-born_citizens_122012.html. Accessed on February 4, 2013.

³ Wessler SR. Primary Data: Deportations of Parents of U.S. Citizen Kids. Colorlines. December 17, 2012. Available at http://colorlines.com/archives/2012/12/deportations_of_parents_of_us-born_citizens_122012.html. Accessed on February 4, 2013.

are cared for. Detained parents are held far from their children. They may be unable to participate in the reunification plans necessary to regain custody of children who end up in foster care, and they are often denied meaningful access to child custody hearings. A humane and cost effective immigration system would protect parents' constitutionally-protected rights to determine the care and custody of their children.

- The best interest of the child should come first. Putting children first means recognizing that children are better off with their parents. Being undocumented does not make someone an unfit parent. Parental rights should only be terminated in cases of verified abuse and neglect, and after proper child welfare procedures have been followed.
- Judges need discretion to keep families together. Heavy-handed immigration laws have tied the hands of immigration judges. Judges should be able to exercise discretion to minimize hardship to U.S. citizen children.