

Toward a Family and Child Centric US Immigration Policy

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On August 31st, 2016 in Phoenix, then presidential candidate Donald Trump proposed an expensive, extensive wall along the southern border of the US as a solution to end immigration through the southern United States border. He erroneously states that Mexico will fund the building of the wall (Trump 287-288). However, Mexican president Nieto claims that Mexico does not believe in walls and vehemently refuses to fund Trump's wall (Nieto 78). Despite Nieto's refusal, Trump expects that the wall will be built, and will completely end immigration that occurs through the southern United States border. He asserts that once immigration has fully ended in the United States, only then can the nation begin to consider the fate of the immigrants who remain (Trump 290).

Trump's immigration policy and plans are both unrealistic and unfair. Michael Garcia Bochenek, senior counsel to the Children's Rights Division of Human Rights Watch whose focus is refugee and migrant children, explains that such policies show complete disregard for unaccompanied children, and children who were born Americans to non-citizen parents (20). Every year, thousands of unaccompanied children attempting to immigrate to the United States are forced to navigate the American immigration system without assistance. Additionally, children of immigrants are frequently at risk of losing their parents to deportation. Not only are these approaches ineffective, but they are legally and psychologically detrimental to the unaccompanied children who are likely already fleeing danger or poverty, and to the children

who were born citizens to non-citizen parents. The United States should reform its immigration policy to be child and family centric instead of spending money and resources building a wall between the US and Mexico. Psycho-social support and legal services should be provided in all immigration cases to prevent the breakup of the family unit, and to protect unaccompanied children.

Why do so many Americans fear and oppose immigration? One possible explanation is that some Americans fear negative economic consequences and that immigrants are taking jobs away from American citizens, claim Victoria M. Esses et al. from the University of Western Ontario at the Centre for Research on Migration and Ethnic Relations (136). Another widespread concern as suggested by Vincenzo Bove and Tobias Böhmelt, subject matter experts in international studies and relations at the University of Essex and the ETH in Zurich, respectively, is that immigration will bring with it the risk of increased terrorism throughout the nation. However, their study concludes that “immigrants are an important vehicle for the diffusion of terrorism from one country to another” (584) and that “... more migration generally ... into a country is associated with a lower level of terrorist attacks” (584).

Additionally, as explicated by Lawrence M. Mead, Professor of Politics and Public Policy at New York University, there is concern that the United States will become a Latin American and Asian country if immigration continues at its current rate, diffusing American culture (116). He believes that the abolishment of bilingual education would be an improvement to the American education system as to not impede “immigrant children coming to terms with English and the wider culture” (122). He additionally suggests that English as a second language programs should be expanded to promote assimilation and that immigration should be cut by

50%, and that immigrants should be held to the expectations of gaining a more individualist, western life to prevent America from losing its world leading energy (122).

Mead's point of view and proposals seem to be rooted in a fear of the invasive other. Michael Ignatieff, President and Rector of Central European University and former Canadian politician, discusses what it would take to avoid an "us versus them" mentality and create a political climate of generosity in a climate of fear of what it means to be "other" (228). He points out that the Paris and Brussels terrorist attacks were committed by citizens born in Europe, and not by refugees. He also indicates that the Orlando shooting was committed by a single native-born United States citizen. These facts, however, have done little to appease frightened populations about refugees as "others." Ignatieff proposes a "moral universalism," a "politics that assumes there is no "other"" (225) and that "there is only ""us" ... entitled to respect and equal treatment" (225).

According to Julie M. Linton et al., MD's in the Department of Pediatrics at Wake Forrest School of Medicine, there has been an increase of immigrant children starting in 2014, with most (more than 95%) entering the United States from Guatemala, Honduras, and El Salvador, with smaller numbers coming from Mexico and other countries. They are often escaping "unprecedented violence, abject poverty and lack of state protection" (1).

"Unaccompanied immigrant children are placed in shelters or other facilities operated by the US Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR)" (2). The majority are later released to the responsibility of an adult sponsor in the community somewhere in the United States while their immigration cases unfold. In some cases, the child might not know this sponsor very well (5).

Annie Chen and Jennifer Gill, the associate program director and senior program associate, respectively, for the unaccompanied Children Program at Vera Institute of Justice's Center on Immigration and Justice, explain that "some nonprofit organizations, law firms, and private bar attorneys provide free or low-cost legal services to detained and released unaccompanied children" (119). However, often they are left on their own to gain status as legal citizens without legal representation. With the legal systems involved being as complicated and confounded as they are, self-representation is a daunting task for an unaccompanied child (116). As described by Columbia University PhD candidate Ivón Padilla-Rodríguez, "children are treated as functional adults" (15) who must arrange their own legal resources and "participate in interviews that use questionable interrogation tactics" (15).

One recent survey in immigration court of unaccompanied children found that they were only legally represented 32% of the time (Chen and Gill, 122), while estimates by Linton et al. show a lack of attorney representation in deportation proceedings for almost 45% of unaccompanied children (7). These statistics are particularly discouraging, as "immigrants with legal representation are more than 10 times more likely than their unrepresented counterparts to win their cases" (Bochenek 24). Bochenek cites a judge who claims to have taught immigration law to 3 and 4-year-olds; while admitting that it isn't particularly the most efficient approach, the judge claims that even children of this age could appropriately represent themselves in the courtroom (21). Attitudes like this, coupled with the statistics that those with legally represented immigration cases win more than 10 times as often as those that are not legally represented, paint an unfair and unjust portrait of what being an unaccompanied child in the courtroom entails.

Charles D. R. Baily et al., from the Department of Counseling and Clinical Psychology, Teachers College, Columbia University, describe "Edwin" and his unaccompanied migration

from El Salvador to New York City. At the time of his interview, he was 16 years old and living with his mother in New York for 6 months. Both Edwin and his mother describe his rough childhood in El Salvador. His father died of lung cancer when he was 2, and when he was 7, his mother left for the United States undocumented so that she could work and send money back home to cover his needs. During this time, he was raised by many different adults with different parenting styles and changed homes regularly. At times, he was disciplined with unnecessary harshness. Edwin spoke of the gang violence that plagued his community and even his school. Gang members would regularly attempt to recruit students and harassed those who did not join. Other students bullied him at school for being gay and burned one of his notebooks. While the other students responsible were suspended for the incident, they began bullying him again as soon as they returned. In February 2014, Edwin was assaulted while he was leaving school, and he and two of his cousins (aged 17 and 12) began to plan a departure together (768).

Edwin had mixed feelings about leaving El Salvador. Not knowing if he would ever see his grandparents again was very difficult for him, but he was excited and relieved about coming to the United States. All but one night, he and his cousins slept on the street. They followed other unaccompanied children and begged for both money and food. They boarded a freight train that they could ride, but on several occasions the local police demanded bribes from him and his cousins for them to be able to continue their journey. Fortunately, Edwin and his cousins did not encounter any gang members demanding “rent” on the train, which is a common concern. Edwin and his cousins were lucky, as strangers expressed generosity, and they were helped by a Mexican organization to help migrants and by the Catholic network of shelters. At the border, Edwin and his cousins were detected by authorities and they were placed in facilities. Edwin was only there for one week, while his cousins were there for two weeks. In his new setting in New

York City, Edwin experienced depression and ended up seeing the school counselor, where he downplayed the importance of a suicide note that he had written (Baily et al. 769-770).

Unaccompanied children feel the effects of the trauma that caused them to leave home as well as trauma from the actual journey. Though the quality of ORR facilities is typically adequate, these children feel high levels of anxiety with detention. Separation from loved ones also causes a significant amount of stress (Chen and Gill 123). “Qualitative reports about detained unaccompanied immigrant children in the United States found high rates of posttraumatic stress disorder, anxiety, depression, suicidal ideation, and other behavioral problems” (Linton et al. 6). Bochenek discusses the adverse effects of detention in Australia’s Manus Island and Nauru. For over three years, refugees and asylum seekers have been held at these locations, where post-traumatic stress disorder and depression have become epidemics. He describes a 15-year-old girl who claims she is tired of her life and who has tried to commit suicide twice since her detention began (19-20). He also describes a 9-year-old boy who was separated from his father in detention. The boy said he wanted to burn himself, questioned why he should be alive, and said that he wants and misses his daddy (20). Unfortunately, suicidal ideation and depression are not uncommon among detained children seeking a healthier and safer life in the United States. Even worse, the facilities themselves are not equipped with sufficient mental health resources to help these children cope with their conditions.

For many children, these problems continue even after detention has ended and after they gain United States citizenship. Children, both unaccompanied and in family units, seeking safety in the United States “often experience traumatic events in their countries of origin, during the journeys to the United States, and throughout the difficult process of resettlement” (Linton et al. 2). It is an unfortunate fact that many unaccompanied children “fall prey to labor and/or sex

trafficking schemes during or after their journey to the United States” (Chen and Gill 121). There is a general lack of resources for these children to utilize to cope with what they have encountered in their home countries, on their journeys, and as they resettle in the United States.

The threat of deportation of the parents of an American child born to non-citizen parents is very stressful on the child. Lauren E. Gulbas et al., cultural and medical anthropologists and Assistant Professors at the School of Social Work at The University of Texas at Austin, describe “Erika” and her difficulties living in the United States with two undocumented parents. Once Erika learned of her parents’ status, she lived in constant fear that one or both of them would be detained. This fear was particularly intensified when she was not directly in their presence. At the age of 13, her intense fears became a reality when her father was deported suddenly. She learned on her 14th birthday that she and her mother would go to Mexico to reunite with her father. She was scared, but also happy that she would be reunited with her father. However, soon after arriving, she realized how different Mexico is from the United States, and she was frightened to leave the house because she felt Mexico was ‘violent.’ She also felt lonely for her older siblings who has remained in the United States. Her experiences in school in Mexico made her yearn for the supportive United States school system with which she was so familiar and comfortable (225).

Gulbas et al. also describe “Adriana” and her experiences living in the United States with a citizen mother and undocumented father. Her father ended up in jail, and a legal battle of almost two years ensued to keep him in the United States. With so much occurring with her father’s legal issues, she felt like nobody cared about her. She lived in constant fear that her father would be deported, which was exacerbated by the fact that the courts kept postponing the case. She attempted suicide and was hospitalized. Shortly after her release from the hospital, the

courts decided to deport her father to Mexico. After her father was deported, Adriana “developed a desire to engage in high-risk behaviors” (226). Her mother’s status as a United States citizen facilitated visits to Mexico to see her father, but these visits did very little to help Adriana’s depressed state. Her father’s deportation destabilized the relationship between Adriana and her parents, as she missed being able to wake up in the morning and see her father (226-227).

Unfortunately, there is a general lack of support available to American children with undocumented, non-citizen parents, and suicidal ideation and high-risk behaviors often result for these children who are constantly in fear of losing one or both parents to deportation.

To help alleviate the problems encountered by unaccompanied child immigrants and by American children with one or more undocumented parent, the United States should adapt a family and child-centric approach to immigration. Such an approach will also better prepare and equip the United States to deal with child immigrants (Chen and Gill 127; Padilla-Rodríguez 15). Increasing access to legal counsel is essential, but is only part of the solution. As Chen and Gill suggest, this would involve a “best interests of the child” (127) approach for all child immigration hearings. Through such an approach, judges and immigration adjudicators would necessarily consider “whether it is in the best interests of the child to remain in the United States or to be deported to potentially unsafe conditions” (127). While there has been some growth in funding, few unaccompanied children except the most vulnerable cases have access to a child advocate who can work with the legal counsel. All children should be granted access to such an advocate. Additionally, children should have access to social services, including mental health professionals and counselors who work collectively with the child advocate and legal counsel (128). Finally, no child, unaccompanied or not, “should ever legally represent himself or

herself in court. After release into the community, all previously detained immigrant children should have access to legal services at no cost to the child or his or her sponsor” (Linton 9).

Research by Johanna Unterhitzberger et al., experts in clinical, child and adolescent psychology from Catholic University Eichstätt-Ingolstadt in Germany, suggests trauma-focused cognitive behavioral therapy, or TF-CBT, for unaccompanied children who have fled danger and present with posttraumatic stress symptoms. They assert that unaccompanied children are particularly vulnerable to PTSD, and are frequently undersupplied with mental health services. TF-CBT involves sessions with the child, the caregiver, and conjoint sessions. The aims of this type of therapy include reducing sleeping disorders, self-injurious behavior, states of panic, and enhancing a feeling of safety (5). While their sample size was relatively small, the treatment aims were reached for all the patients. There were, however, five cases without permanent asylum status so “uncertainty about asylum proceedings remained a factor still impairing the feeling of safety in Germany” (4). The promising results that TF-CBT is both feasible and applicable for unaccompanied children with severe posttraumatic stress symptoms implores further consideration and research (7). Since TF-CBT involves sessions with the child’s post-journey caregiver, it is particularly consistent with the family and child-centric approach proposed by this paper.

Fred Bemak and Rita Chi-Ying Chung, Professors at the Counseling and Development Program at George Mason University, discuss the importance of culturally responsive counseling for refugees that have experienced trauma. They introduce “the Multiphase Model (MPM) of Psychotherapy, Counseling, Social Justice, and Human Rights, a culturally responsive model of intervention specifically designed to address the unique circumstances and mental health needs of refugees, including trauma” (299). The proposed MPM involves therapists that are skilled in

working with individuals who are different from their own ethnocultural group (302), as being unaware of the sociopolitical and ecological context of immigrants and refugee clients can “lead to misdiagnoses, premature termination by refugee clients, and even harmful treatment” (302). The MPM is particularly suitable for child immigrants, unaccompanied or not, as they are uprooted from their native culture and planted in completely different cultural surroundings rather abruptly. TF-CBT, the MPM, or both are suitable clinical approaches to treating child immigrants or refugees and their families.

One might question whether these solutions are affordable, and whether they would produce an unprecedented increase in illegal immigration. Mead suggests that amnesty would “only produce further illegal immigration” (122), as was the case with the amnesty of 1986. But Mead also states that immigration’s effects on the labor market and on government budgets are minor (117). Alan Gomez, an immigration reporter for USA Today, states that President Trump’s anti-immigration policies “have produced a windfall for immigrant advocacy groups: more donations, more volunteers and more efforts to work in unison.” The Illinois Coalition for Immigrant and Refugee rights claims to have received over 400 calls from potential volunteers within one week of Trump’s election. The organization, which usually sees \$10,000 in donations annually has received \$100,000 since Trump’s election. The ACLU has seen online donations increase by a factor of 20 from \$4 million to \$80 million since the election. Some local and state governments have also followed suit. California set aside \$15 million for a defense fund for immigrants who may be facing deportation, and \$10 million was spent by New York to create the Liberty Defense Project. Smaller funds have been set aside by local governments like Washington, D.C., Baltimore and Seattle. Private funds have also been emerging. Cuban

immigrant Mike Fernandez started Impac, a new legal defense fund for immigrants, with a \$1 million kickstart donation (Gomez).

Esses points out that western nations like the United States are increasingly in need of immigrants for labor, and that a restriction on immigration would likely do more harm than good. Some state and local governments have responded to perceived economic threats of immigration with such legal restrictions, which “have produced dire economic consequences at a time when the U.S. economy is already fragile” (136). As an example, Arizona’s controversial anti-illegal immigration Senate Bill 1070 is estimated to have resulted in a loss of \$250 million of convention business because of boycotts (135). Affordable immigrant labor has helped to keep prices competitive and affordable in the national economy.

Darrell M. West, vice president of governance studies and director of the Center for Technology Innovation at the Brookings Institute, suggests that some immigration brings with it scientific talent and entrepreneurship that has shaped our culture. In 2008, immigrants were twice as likely to start new businesses, which have had a net-positive effect on the economy (438). West also points out that new immigrants tend to come to the United States “during their young working period, when they are paying taxes and not drawing extensively on public pensions” (433). A common misconception about illegal immigrants is that they do not pay taxes. However, “many pay taxes even when they are ineligible to collect social service benefits” (435). They also pay property taxes directly or indirectly, depending whether they own or rent housing. And approximately “one-half to three-quarters of undocumented immigrants pay federal and state income taxes” (435). A 2007 study by the White House Council of Economic Advisors claims the American GDP is an extra \$37 billion per year because of immigrants (435), which is a significant contribution. West also indicates that high-tech development and biotech

industries benefit substantially from the efforts of skilled immigrants. One study showed that 25.3% of technology and engineering businesses started in the United States between 1995 and 2005 had foreign-born founders. 52.4% of new technology startups in Silicon Valley also had foreign-born owners. In 2005, 450,000 workers were employed and \$52 billion in sales were generated by immigrant-founded companies (437).

The United States should reform its immigration policy to be child and family centric. Instead of spending money and resources building a wall, the United States should fund legal services and psycho-social support services for unaccompanied child immigrants fleeing danger and for American children who risk losing one or both undocumented parents to deportation. These services should be provided at no cost to the child or to the child's sponsor. Immigrant children face trauma in their home countries as well as along their journeys to the United States, and TF-CBT and the MPM should be utilized to help these children cope with what they have experienced and to help them acclimate to new cultural surroundings. Reshaping the United States immigration policy around welcoming immigrants would not only be advantageous to the immigrants themselves, but to the American economy and its high-tech industries as well.

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