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## Understanding Secondary Immigration Enforcement: Immigrant Youth and Family Separation in a Border County

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**Understanding Secondary Immigration Enforcement:  
Immigrant Youth and Family Separation in a Border County**

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**ABSTRACT:** Young people in immigrant families are often characterized as a separate population in debates over immigration reform, with distinctive claims and interests as compared to their parents. Bifurcating the undocumented population between children and parents over-simplifies how immigration enforcement impacts families. This article challenges the dichotomy between children and parents by studying how young people who are not direct enforcement targets are nevertheless impacted by immigration enforcement policies, regardless of their own immigration status. These impacts, which I call “secondary immigration enforcement,” often manifest as family separations. To render secondary immigration enforcement visible, I studied 38 young people in Arizona who are living on their own – without either biological parent – at least in part because of immigration enforcement policies. Drawing on in-depth interviews and self-assessments of psycho-social functioning, I describe what secondary immigration enforcement looks like and how it operates. I illustrate that deportation statistics alone fail to capture the extent of immigration enforcement because they do not encompass the complex impacts of secondary enforcement. In addition to the acute disruptions caused by deportations of family members, the young people in the study also experienced family separation as a result of immigration enforcement’s interaction with three other key factors: family dysfunction, extreme poverty, and educational aspirations.

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## I. INTRODUCTION

Jose,<sup>1</sup> an eighteen-year-old U.S. citizen, is currently the only member of his nuclear family in the United States. Jose's mother, ten-year-old sister, and two older brothers in their twenties all live in Mexico. Jose has been living with his 21-year-old cousin in Tucson for the past two years. During his early childhood, his family lived primarily in the U.S., but then his mother was deported, and they all moved to Mexico. At sixteen, Jose tired of crossing the border each day to attend school in the U.S. So Jose moved in with his cousin in Tucson, who was nineteen at the time and undocumented.<sup>2</sup> Growing up, Jose had planned to go to college and be a police officer. Now, a few weeks shy of his high school graduation, his plan is to work full-time at the grocery store where he is currently employed. His goal is to bring his ten-year-old U.S. citizen sister to live with him. "I want to be stable for her. I already have her bed and everything."<sup>3</sup> He also plans to sponsor his mother for a visa as soon as he turned 21.

Young people are at the heart of our country's intense debate over immigration policy. Yet the profiles of youth that dominate the public debate are not those of young people like Jose, whose story is inextricably linked to the other members of his family. Instead, the interests and equities of immigrant youth are most commonly addressed in law, policy, and the media as separate and importantly distinguishable from that of their parents.<sup>4</sup> Perhaps the most notable current example of this is the debate

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<sup>1</sup> All names of study participants are pseudonyms.

<sup>2</sup> I use the term "undocumented" or "undocumented immigrants" to refer to people living in the country without legal authorization. Other terms used are "unauthorized" and "illegal." For further discussion of the significance of various terms, see Hiroshi Motomura, *The Rights of Others: Legal Claims and Immigration Outside the Law*, 59 DUKE L.J. 1723, 1786 note 2 (2010).

<sup>3</sup> Interview with Jose, Tucson, Arizona (April 22, 2015).

<sup>4</sup> See, e.g., Erica Werner, *Trump's New Tone on Immigrant Kids Divides GOP*, AP ALERTS (December 8, 2016); Lisa Mascaro, *American Dreams on Hold: Young Immigrants Hope Trump Remembers Them*, L.A. TIMES (December 16, 2016); see also *Plyler v. Doe*, 457 U.S. 202 (1982) (describing children as "special members" of the population of

over young people, often referred to as “DREAMers,” whose parents brought them to this country as small children, and who have received all or most of their education in the United States.<sup>5</sup> Although Congress repeatedly has been unable to pass legislation to address their plight, in 2012 President Obama created Deferred Action for Childhood Arrivals, “DACA,” which provides limited temporary relief from deportation for undocumented immigrant youth.<sup>6</sup> The policy and related litigation have generated caselaw, media accounts, and policy proposals that address this population as distinct from that of their parents.<sup>7</sup>

In addition to DACA, another factor contributing to the common bifurcation between children and parents in immigrant families is the reliance on deportation as the primary measure of the impact and extent of immigration enforcement policies. People on both sides of the immigration debate often frame their policy critiques and proposals in terms of deportation figures.<sup>8</sup> But this focus on individual deportations fails on two fronts to capture the full impact of enforcement. First, the numbers do not

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undocumented immigrants who should not be punished for their parents’ decision to illegally migrate).

<sup>5</sup> For an overview of the Dreamer political movement, see MARJORIE ZATZ AND NANCY RODRIGUEZ, *DREAMS AND NIGHTMARES: IMMIGRATION POLICY, YOUTH, AND FAMILIES* (2015).

<sup>6</sup> See U.S. Department of Homeland Security, *Exercising Prosecutorial Discretion with Respect to Individuals who Came to the United States as Children* (June 15, 2012).

<sup>7</sup> See, e.g., *United States v. Texas*, 136 S. Ct. 2271 (2016) (upholding the lower court’s rejection of the Deferred Action for Parents of Americans program (“DAPA”), an executive action similar to DACA but geared at undocumented parents of U.S. citizen and legal permanent resident youth); Elise Foley, *Dick Durbin, Lindsey Graham Unveil Bill To Stop Donald Trump From Ending Protections For Dreamers*, HUFFINGTON POST (December 9, 2016).

<sup>8</sup> See, e.g., Mark Hugo Lopez & Ana Gonzalez-Barrera, *High Rate of Deportations Continue Under Obama Despite Latino Disapproval*, PEW RESEARCH CENTER (Sept. 19, 2013); Serena Marshall, *Obama Has Deported More People Than Any Other President*, ABC NEWS (August 29, 2016); Amy B. Wang, *Donald Trump Plans to Immediately Deport 2 Million to 3 Million Undocumented Immigrants*, WASH. POST (November 14, 2016).

capture the many people in addition to deportees whose lives are fundamentally disrupted by harsh enforcement policies. Importantly, these people are not limited to non-citizens, but include many U.S. citizens and legal permanent residents like Jose, whose family members are subjects of immigration enforcement. Whether family members are left behind or accompany the deported, their lives are irrevocably altered by deportation, yet these impacts are not accounted for in the statistics.

Second, the number of deportations fails to capture the ways in which a harsh enforcement landscape exacerbates other socio-legal conditions – including poverty, crime, cultural and linguistic contexts, family dynamics, and educational aspirations – that shape family decisions about where to live and how to spread risk amongst family members. Enforcement intertwines with these factors to result in family separations and traumatic relocations even when no deportation occurs.

These cascading impacts of immigration enforcement – which I propose calling “secondary immigration enforcement” – are born heavily by children in immigrant families, many of whom are U.S. citizens and legal permanent residents. This article seeks to render secondary immigration enforcement visible, both in terms of its impacts and how it operates. It is an important moment to consider the full scope of immigration enforcement’s impacts, given the plans for significantly increased enforcement policies in the Trump Administration. Even as President Obama implemented DACA, a program specifically aimed to benefit immigrant youth, countless young people’s lives were devastated by the secondary effects of his Administration’s enforcement policies.<sup>9</sup> Such

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<sup>9</sup> While not often in the headlines, researchers consistently documented the impact of enforcement policies on children and families throughout the Obama Administration years. For examples, *see* LUIS ZAYAS, FORGOTTEN CITIZENS: DEPORTATION, CHILDREN, AND THE MAKING OF AMERICAN EXILES AND ORPHANS (2015); JOANNA DREBY, CENTER FOR AMERICAN PROGRESS, HOW TODAY’S IMMIGRATION ENFORCEMENT POLICIES IMPACT CHILDREN, FAMILIES AND COMMUNITIES: A VIEW FROM THE GROUND (2012), *available at* <https://www.americanprogress.org/issues/immigration/report/2012/08/20/27082/how-todays-immigration-enforcement-policies-impact-children-families-and-communities/>; AJAY CHAUDRY ET AL., URBAN INSTITUTE, FACING OUR FUTURE: CHILDREN IN THE AFTERMATH OF IMMIGRATION ENFORCEMENT (2010), *available at* <http://www.urban.org/research/publication/facing-our-future>; JAMES D. KREMER ET AL., SEVERING A LIFELINE: THE NEGLECT OF CITIZEN CHILDREN IN AMERICA'S IMMIGRATION ENFORCEMENT POLICY, A REPORT BY DORSEY

harms are sure to be even more far-reaching if President Trump implements the policies he has outlined in his initial months.

Secondary immigration enforcement is also a timely contribution to the socio-legal literature on how law operates in immigrant communities. It can be understood as another manifestation of the concept of “legal liminality” that scholars have applied to different sectors of the immigrant community. Cecilia Menjivar originally applied the term in the immigration context to capture the pervasive sense of anxiety and uncertainty created by moving in and out of temporary forms of legal status for many Guatemalan and Salvadoran immigrants.<sup>10</sup> Since then, numerous other scholars have applied the concept of legal liminality to sub-populations who live at the margins of society, not fully integrated and highly vulnerable, due to immigration laws and policies acting in combination with other structural factors.<sup>11</sup> The young people in mixed status families who suffer secondary immigration enforcement are prime examples of how the experience of liminal legality extends its reach in immigrant communities without regard to formal legal status.<sup>12</sup>

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& WHITNEY LLP TO THE URBAN INSTITUTE (2009), *available at* [http://www.dorsey.com/files/upload/DorseyProBono\\_SeveringLifeline\\_ReportOnly\\_web.pdf](http://www.dorsey.com/files/upload/DorseyProBono_SeveringLifeline_ReportOnly_web.pdf).

<sup>10</sup> Cecilia Menjivar, *Liminal Legality: Salvadoran and Guatemalan Immigrants' Lives in the United States*, 111 AM. J. SOC. 999 (2006).

<sup>11</sup> *See, e.g.*, Jennifer M. Chacón, *Producing Liminal Legality*, 92 DENV. U. L. REV. 709 (2015); Leisy Abrego & Sarah M. Lakhani, *Incomplete Inclusion: Legal Violence and Immigrants in Liminal Legal Statuses*, 37 L. & POL'Y 265 (2015); Leisy J. Abrego & Cecilia Menjivar, *Immigrant Latina Mothers as Targets of Legal Violence*, 37 INT'L J. SOC. FAM. 9 (2011); Cecilia Menjivar & Susan Bibler Coutin, *Challenges of Recognition, Participation, and Representation for the Legally Liminal: A Comment*, in *MIGRATION, GENDER AND SOCIAL JUSTICE: PERSPECTIVES ON HUMAN INSECURITY* 325-29 (Thanh-Dam Truong et al. eds., 2014).

<sup>12</sup> Chacón, in particular, emphasizes this point. *See* Chacón, *id.* at 740 (“Increased border policing, interior workplace raids, and warrantless home entries by federal immigration officials and state and local police officers have not just affected unauthorized migrants, or even just their families, but entire communities where noncitizens live and work.”).

To document secondary immigration enforcement, over the course of nine months in 2014-2015, I interviewed 38 young people in Pima County, the most populated border county in Arizona, who were living on their own – without either biological parent – at least in part because of immigration enforcement policy. I identified participants in the study by partnering with a non-profit organization that serves homeless youth in the county. The organization had noted a rising number of young people in the program with deported parents, and agreed to partner in a research project to better understand the needs of this population. Many of the young people who agreed to be interviewed were U.S. citizens or legal permanent residents; others had no legal status or were DACA recipients. What they all shared, regardless of their own legal status, was that their families were fragmented at least in part due to immigration laws. In addition to interviews, I had the study participants fill out a behavioral self-assessment tool designed for use in evaluating adolescents for emotional and behavioral disorders.<sup>13</sup>

My findings counter the narrative regarding immigrant youth as a distinctive population, separable from their parents, and also the focus on deportation as a singular, individualized phenomenon. Instead, the young people I interviewed described immigration enforcement as one of numerous factors that intertwine and escalate to result in family separation. In some young people's experiences, immigration enforcement was a key, disruptive event that led suddenly and directly to family separation. For the majority of interviewees, however, enforcement combined with other factors to result in their family's fragmentation.

I identify three additional factors that most frequently combined with immigration enforcement to result in secondary enforcement for the young people interviewed: family dysfunction, extreme poverty, and educational aspirations. As Jose's story at the outset demonstrates, the factors are not separated by bright lines. Many of the young people described circumstances that involved immigration enforcement in combination with more than one of the additional factors, to varying degrees. I present the interviews according to the factor that had the most central role in the family's separation, noting that the factors often intersect and exacerbate one another.

The paper proceeds as follows. In Part II, I provide background on the legal context in which these families live, which forms the backdrop for

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<sup>13</sup> The tool is called the Behavioral Rating System for Children, Second Edition, Self-Report for Adolescents (BASC-2 SRP-A). It is a commonly used assessment of psychopathology and adaptive functioning for adolescents ages 12 to 21.

the events and decisions that led the young people I interviewed to live apart from their parents. After describing my research methodology in Part III, I analyze my findings in Part IV in two parts. First, I describe what secondary immigration enforcement looks like by highlighting commonalities shared by all or most of the young people interviewed. Despite their wide-ranging experiences and circumstances, nearly everyone expressed a yearning for their biological parents. The interviews and assessments also showed a striking mix of seemingly contradictory responses to their circumstances: resilience on the one hand and psychological harm on the other, sometimes even within the same individual's responses.

Next, I describe how secondary immigration enforcement operates by identifying the key factors that combined with immigration enforcement to result in severe consequences for the children of the direct targets of enforcement. First, I highlight the cases in which immigration enforcement was the central factor resulting in family separation. I then identify how three additional factors – family dysfunction, extreme poverty, and educational aspirations – interacted with immigration enforcement to result in family separations.

Part V provides concluding reflections. I discuss why the study's findings are widely applicable to the national immigration debate, despite the distinctive aspects of the geographic location of this study in the border region. While a detailed policy analysis is beyond the scope of this paper, I outline in broad strokes four different types of responsive reforms that would respond to the needs and circumstances described by the young people interviewed: discretion in the legal system, mental health services, legal advice and assistance, and career counseling. Finally, I briefly discuss how these specific reforms relate to the larger debate over immigration reform.

## II. LEGAL CONTEXT

In a chapter about how immigration law fails to promote family unity, Professor David Thronson writes, “Deportation and post-deportation consequences do not happen in a vacuum. The frameworks for lawful immigration create a pool of persons and families that will be subject to deportation through the allocation of lawful immigration status to some and the withholding of this from others.”<sup>14</sup> His words are directly applicable to

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<sup>14</sup> David Thronson, *Unhappy Families: the Failings of Immigration Law for Families that are Not All Alike*, in *THE NEW DEPORTATIONS DELIRIUM*:

the experiences of the youth in this study. Their family separations – whether due to deportation or other immigration-related considerations – certainly did not occur in a vacuum. There are several key aspects of the legal system that create the circumstances in which these families make complex decisions, struggling – and in the cases profiled, ultimately failing – to remain intact.

First and foremost, there is the harsh reality of modern-day U.S. immigration policy: very few immigrants who wish to enter the United States can do so lawfully. Particularly for Mexicans, for the past half-century, the number of visas available has been severely misaligned with both the number of immigrants who seek to enter and the market for their labor.<sup>15</sup> The key shift occurred in 1965, when an era of unregulated Mexican immigration ended, and amendments to the Immigration and Nationality Act established a 120,000 cap on total immigration from the Western Hemisphere countries.<sup>16</sup> This was followed by per-country caps in 1976. As a result, Mexico receives the same annual per country cap (20,000) that all other countries receive, despite its deep geographic, historic, and social ties to the United States.

The result is that for most Mexicans who believe their family’s future will be brighter in the United States, they have only one option: to enter unlawfully. And many choose this option. The narrowing of legal avenues for entry has not lessened the number of Mexican immigrants, but rather, converted them into undocumented immigrants. As Douglas Massey explains the shift after 1965, “Despite the curtailment of avenues for legal entry, ... the demand for Mexican workers did not change and Mexicans continued to flow to the jobs they had traditionally held. The inevitable

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INTERDISCIPLINARY RESPONSES 41 (Daniel Kanstroom & M. Brinton Lykes eds., 2015).

<sup>15</sup> For further discussion of this dynamic, see Nicholas De Genova, *Immigration “Reform” and the Production of Migrant “Illegality,”* in CONSTRUCTING IMMIGRANT ‘ILLEGALITY’: CRITIQUES, EXPERIENCES, AND RESPONSES 44-45 (Cecilia Menjivar & Daniel Kanstroom eds., 2013); see also Hiroshi Motomura, IMMIGRATION OUTSIDE THE LAW 42-43 (2014).

<sup>16</sup> *Id.* See also Douglas S. Massey, *Immigration Enforcement as a Race-Making Institution,* in IMMIGRATION, POVERTY, AND SOCIOECONOMIC INEQUALITY 259 (David Card & Steven Raphael eds., 2013) (hereinafter “Massey, *Race-Making*”).

result of curtailing opportunities for legal entry for Mexico was a sharp rise in undocumented migration.”<sup>17</sup>

For many years, despite the lack of legal visas, Mexican immigrants seeking to enter the United States could do so with relative ease. By overstaying temporary visas or crossing the border surreptitiously, chances of successful entry were high. However, the calculus of attempting unlawful entry shifted over the course of the 1990s and into the 21<sup>st</sup> century, as border militarization increased dramatically, raising the costs and risks of attempting unlawful entry.<sup>18</sup> Historically, Mexican migration to the U.S. has been “circular,” meaning migrants would come, work, and return to family and a home base in Mexico. Border militarization changed this circularity. While it has not had a major impact on the inflow of migrants, the ramping up of border enforcement has changed migration patterns to be unidirectional; once here, few migrants will return to Mexico and face the risks of reentry. This has been called the “caging effect.”<sup>19</sup> For immigrant parents considering entry into the United States, this means that they must bring their children with them if they want to see them regularly, and say goodbye – potentially forever – to any loved ones in Mexico.

In addition to border enforcement, interior immigration enforcement has also changed dramatically over the past twenty years in ways that have major consequences for immigrant families. In 1996, Congress passed the Immigration Reform and Immigrant Responsibility Act, which vastly expanded the grounds for deportation of both undocumented immigrants and legal permanent residents.<sup>20</sup> In the years since its passage, and particularly post-September 11, there has been an unprecedented increase in immigration enforcement in the interior of the country.<sup>21</sup> As a result, undocumented immigrants face the possibility of deportation for a wide

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<sup>17</sup> Massey, *Race-Making*, *supra* note 16, at 259.

<sup>18</sup> *Id.*; see also Douglas S. Massey, et. al., *Explaining Undocumented Migration to the U.S.*, 48 INT’L MIGRATION REV. 1028 (2014).

<sup>19</sup> *Id.*

<sup>20</sup> Pub. L. 104-208, 110 Stat. 3009-546 (codified as amended in scattered sections of 8, 18, and 28 U.S.C.).

<sup>21</sup> For a concise overview of this enforcement buildup, see Jacqueline Hagan, Brianna Castro, Nestor Rodriguez, *The Effects of U.S. Deportation Policies on Immigrant Families and Communities: Cross-Border Perspectives*, 88 N.C. L. REV. 1799, 1800-10 (2010).

range of crimes, including minor offenses such as shoplifting or simple drug possession.<sup>22</sup>

Of particular importance to this paper, at the same time that the 1996 law increased grounds for deportation, it also greatly reduced the grounds for the exercise of discretion to cancel deportations in individual circumstances. Thronson describes how current immigration law renders largely irrelevant the impact of a parent's deportation on his or her children. Although certain undocumented immigrants in removal proceedings can apply for "cancellation of removal," in which a judge can halt deportation based on individual circumstances, it requires a showing of "exceptional and extremely unusual hardship" that explicitly excludes the "normal" hardship that results when a parent is deported.<sup>23</sup> As a result, once an immigrant is placed in removal proceedings, the chance that she will be able to avoid deportation and remain with her children in the United States is low.

For immigrant families, another important dimension of the law is the system for family-based immigration admissions. Due to the long history of migration from Mexico, many Mexicans have family members in the United States. Others may establish family relationships through birthright citizenship; when immigrants have children on U.S. soil, those children will be U.S. citizens regardless of the immigration status of their parents.<sup>24</sup> In either case, immigration law allows certain family members to petition for visas for their relatives. There is no limit on the number of visas available to immediate relatives of U.S. citizens, which includes spouses, unmarried minor children, and parents of citizens who are at least 21 years

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<sup>22</sup> There is a large literature on the expansion of the immigration consequences of criminal convictions. For a sampling, see David Alan Sklansky, *Crime, Immigration, and Ad Hoc Instrumentalism*, 15 NEW CRIM. L. REV. 157 (2012); Ingrid V. Eagly, *Prosecuting Immigration*, 104 NW. U. L. REV. 1281 (2010); Jennifer M. Chacón, *Managing Migration Through Crime*, 109 COLUM. L. REV. SIDEBAR 135 (2009).

<sup>23</sup> Thronson, *supra* note 14, at 37.

<sup>24</sup> Birthright citizenship has been part of the Constitution since the Fourteenth Amendment declared that "[a]ll persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." There have been recurring movements to limit birthright citizenship by statute, based on the ambiguity in the phrase "subject to the jurisdiction thereof." See Bethany R. Berger, *Birthright Citizenship on Trial: Elk v. Wilkins and United States v. Wong Kim Ark*, 37 CARDOZO L. REV. 1185, 1188 (2016).

old.<sup>25</sup> These visas are available without regard to the aforementioned per country cap. However, “less favored” family relationships – such as between adult citizens and their siblings, or between legal permanent residents parents and children – face numerical limits that result in long backlogs.<sup>26</sup>

Again, Thronson emphasizes a key point for these purposes, which is the inability of U.S. citizen children to petition until they reach the age of 21. He explains, “Immigration law values families in which a family member has status, but not all such families. Those in which an adult holds status are privileged, and those in which children hold status are excluded.”<sup>27</sup>

Another aspect of the legal landscape that factors into immigrant families’ decision-making process is public education. In the 1982 case *Plyler v. Doe*, 457 U.S. 202 (1982), the U.S. Supreme Court ruled that all children have a right to free public education in U.S., without regard to immigration status. The ruling was in response to an effort by the State of Texas to charge tuition to undocumented children. The Supreme Court, in a 5-4 decision, struck down the state law, holding that it discriminated against immigrant children in violation of the Equal Protection Clause. As a result, primary and secondary schools are unlike most other realms of public life – particularly employment and public benefits – in which the law permits and in some cases even mandates lawful immigration status. In schools, no questions about immigration status may be asked.

Finally, in recent years, the legal landscape has changed significantly for immigrant youth whose parents brought them to this country when they were young and who have received all or most of their education in the United States. This population, often referred to as “DREAMers,” has been one of the key foci of debate over immigration

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<sup>25</sup> 8 U.S.C. 1151(b); Thronson, *supra* note 14, at 41.

<sup>26</sup> Thronson, *supra* note 14, at 42. For example, as of July 2016, the government reported that it was processing petitions for Mexican siblings of U.S. citizens that were filed 1997. A visa bulletin, that reports all processing times for family-based petitions, is posted monthly online. <https://travel.state.gov/content/visas/en/law-and-policy/bulletin/2016/visa-bulletin-for-july-2016.html>

<sup>27</sup> Thronson, *supra* note 14, at 44.

policy in recent years.<sup>28</sup> Although Congress repeatedly has been unable to pass legislation to address their plight, in 2012 President Obama created Deferred Action for Childhood Arrivals, “DACA,” which provides limited temporary relief from deportation for undocumented immigrant youth, with the opportunity to renew in two year-increments, so long as the program remains in effect.<sup>29</sup>

This overview captures in broad strokes the complex and often harsh trade-offs created by immigration law and policies for Mexican immigrant families. Few families have access to legal information to make well-informed decisions, but this legal infrastructure nevertheless shapes their lives and relationships in fundamental ways.

### III. METHODOLOGY

Locating immigrant youth living on their own, without either biological parent, is no small feat. These are not young people who seek to draw attention to their precarious living situations, so they are unlikely to self-identify. My ability to identify and recruit potential participants was thanks entirely to the program director of a non-profit organization that serves homeless youth in Pima County. The organization defines “homeless” broadly to encompass youth who are “unaccompanied through no fault/choice of their own,” “not in the physical custody of a parent or long-term legal guardian,” and “without a stable home.” The program director had noted the rising number of young people in the program with deported parents, and approached me to discuss about how we might better understand the needs of this population through research.

We developed a research plan in which staff of the organization contacted students in the program who had selected on their intake forms “immigration problems” as one of the causes of their homelessness. The staff member briefly described the study to them. If the students were interested in learning more, I met with them, in most cases in a private room in their school. After obtaining informed consent, I conducted a semi-

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<sup>28</sup> For an overview of the Dreamer political movement, *see* Zatz and Rodriguez, *supra* note 5.

<sup>29</sup> *See* U.S. Department of Homeland Security, *Exercising Prosecutorial Discretion with Respect to Individuals who Came to the United States as Children* (June 15, 2012).

structured interview that ran from 20 to 60 minutes. The students then spent another 30 to 60 minutes filling out the self-assessment tool.<sup>30</sup>

I conducted a simple content analysis of the interview transcripts, through which I identified the four most common recurring factors contributing to family separation.

Thirty-eight youth participated in the study. They came from sixteen different schools in Pima County, ten charter schools and six public middle and high schools.<sup>31</sup> Of the 38 participants, 13 were male and 25 were female. They ranged in age from 12 to 21, with the majority in the 15 to 18 -year-old range. All but one were Mexican and/or Mexican American (one was Filipino-American).

Responses to questions about language revealed a complex picture. Nearly all described themselves as bilingual. When asked for their native language, 29 responded Spanish.<sup>32</sup> However, when asked for their language of preference, 23 preferred English.<sup>33</sup> All participants were given the option of being interviewed in Spanish, and four opted to do so.

In terms of legal status, 23 were U.S. citizens, two were legal permanent residents, ten were undocumented, and three had received DACA. With regard to living arrangements, 28 were currently living with family members (nine with aunts/uncles; four with cousins, seven with grandparents, seven with siblings), and ten had other living arrangements (boyfriend/girlfriend, friend, on own, and in foster care). Of those living

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<sup>30</sup> This research was approved by the Institutional Review Board of the author's university. All participants received a \$20 gift card to amazon.com at the conclusion of their participation.

<sup>31</sup> One major school district in Tucson refused to participate in the research, which is why the study drew largely from charter schools.

<sup>32</sup> Of the remainder, five said English and four said both Spanish and English.

<sup>33</sup> Of the remainder, eight said they had no preference, and seven preferred Spanish.

with family, the caregivers were markedly more likely to be women (aunts, grandmothers, sisters) than men (uncles, grandfathers, brothers).<sup>34</sup>

All of the participants shared the fact that they were not living with either biological parent. However, not all had experienced parental deportation. Twenty-one of the 38 study participants (55%) reported that one or more of their parents had been deported (12 had fathers deported, six had mothers, three had both). Of the remainder, five had parents who had always lived in Mexico, three had both parents still living in the United States but not as an intact family, and eight had one or both parents return to Mexico voluntarily without any parental deportation.

#### **IV. ANALYSIS**

##### **A. What Secondary Immigration Enforcement Looks Like: Commonalities**

###### **1. Irreplaceable Parents**

By definition, all the youth who participated in the study were separated from their parents. One common recurring theme in interviews was the sense that there was no way to replace this loss. Even though many of these young people were in homes with extended family members who provided them with support and care, they frequently described the feeling that it wasn't like living with their parent. Even several of the youth from the "Dysfunction" group voiced these sentiments, despite losing parents with histories of abuse or neglect.

- Santiago, a 16-year-old U.S. citizen, described living with his aunt: "[W]e are close ...she treats me good, I treat her good ... like normal family. But at the same time ... I need to have my mom next to me, but it just can't happen. ...I see my ...little cousins with my aunt, and I see the love they give to each other and I'm like, why can't my mom be here right now...."<sup>35</sup>
- Olivia, an undocumented 18-year-old who has been living with her older sister since she was sixteen, said, "[S]taying with my sister, there

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<sup>34</sup> Specifically, 19 were living with aunts, grandmothers, or female cousins, six were living with grandparents or aunts and uncles, and three were living with brothers, grandfathers, or male cousins.

<sup>35</sup> All quotations are transcribed from audio-recordings of the interviews. Filler words such as "like" and "um" have been removed.

are different rules, it's different than the trust you have when you live with your parents... [At first] it was hard because she was very strict, and I was going through adolescence, and there were many things that I was feeling... [I]t has been difficult to live with her. Because it's not your house. It's your sister, but you can't say 'this is my house, my bed, my room,' because it's not yours."

- Isabel, an eighteen-year-old U.S. citizen, says of her mother, "I didn't have a dad – my mom was my dad and my mom. So then for [her] to disappear, I was just like, okay, who am I supposed to talk to? It's not the same talking over the phone. You just want someone to be there for you. Get out of school and be able to go with your mom, and tell her, 'I love you' or give her a hug before you go to school. She's really far away."
- Raul, an 18-year-old U.S. citizen, said of his mother, "[W]hen she left, I was like, I didn't know what I was going to do, because I used to rely upon her, and now it's all on myself. It's just different."
- Victoria, an undocumented 19-year-old, reflected on the difference that her mother's absence has made in her life: "I don't know... it's not that my grandma didn't give me those advices, but it's just that when it's your mom, you know...I feel my life would have been different. I don't know in what way, but I have always said that."

## 2. Resilience and Responsibility

The young people in this study are arguably the exceptional cases. The recruitment method – through a program for homeless youth that requires consistent school attendance and passing grades to stay in the program – selected for youth who are beating the odds. These students described childhoods filled with trauma and hardship, and yet they are on track to graduate from high school.

These youth showed remarkable resilience.<sup>36</sup> In the fields of developmental psychology and social work, resilience is a key concept that shapes efforts to achieve positive outcomes for at-risk youth.<sup>37</sup> Researchers

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<sup>36</sup> "Resilience is an individual's capacity for adapting to change and to stressful events in healthy and flexible ways." Richard F. Catalano et al., *Positive Youth Development in the United States: Research Findings on Evaluations of Positive Youth Development Programs*, 591 ANNALS AM. ACAD. POL. & SOC. SCI. 98 (2004).

<sup>37</sup> Tak Yan Lee et al., *Resilience as a Positive Youth Development Construct: A Conceptual Review*, SCIENTIFIC WORLD JOURNAL 390450 (2012).

have identified both internal and external protective factors that correlate with resilience, including optimism, perceptions of control, self-efficacy, and positive emotional support systems.<sup>38</sup>

To some extent, these protective factors were reflected in the psychosocial assessments the participants filled out. Of the 38, 12 (32%) had heightened levels of self-reliance that placed them outside the normal range. Fourteen (37%) also tested positively outside the normal range with regard to “relations to parents.” Thus, despite the fact that they were separated from their parents, they held them in high regard and appeared to maintain positive ties.

In addition, one striking theme shared by many students was a sense of responsibility for their parents and/or siblings. This responsibility gave them a sense of control and hope for the future, which could help explain their resilience.<sup>39</sup> Eight of the youth (21% of the study participants), seven of whom are U.S. citizens, described their plans to act as a sponsor for a relative. For example, Jose, profiled in the Preface, not only described his desire to host his little sister, who is a U.S. citizen. He also planned to sponsor his mother when he turns 21.

In addition to acting as a sponsor, other youth described a sense of responsibility to be a role model for others in their family. Paula, a 16-year-old U.S. citizen, explained,

[P]eople use their past as an excuse to not succeed. What I want to do is, I want to push those people that think they have no chance, to do their best. . . . I see it in my family a lot, like *tias* [aunts], *tios* [uncles], cousins. . . I’m the only one actually doing good in school. And I’m keeping it at that level so my siblings can follow.

Eighteen-year-old Jazmin is the only member of her family currently living in the United States. She had a border-crossing card to enter legally, but has no form of lawful residency status. She expressed anxiety about what this is going to mean for her ability to stay and study in the U.S. in the longer-term. Her younger siblings who still live in Mexico, are both U.S. citizens. When asked whether this creates difficult dynamics between her and her siblings, she responded,

I always tell them to focus on me. . . . Take advantage because you can; you have a lot of opportunities. There are

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<sup>38</sup> *Id.*

<sup>39</sup> Catalano et al., *supra* note 36, at 106-07.

... many here who have opportunities here and don't succeed in doing something. And [then] someone who actually wants to, can't. So I tell them watch me, move forward, study.

### 3. The Emotional Toll

At the same time that many of the students demonstrated exceptional resilience, they also appeared to be suffering serious mental health consequences as a result of their separation from their families. According to the self-assessment tool that the students filled out, 16 of the 38 participants (42%) had high levels of anxiety, eight had high levels of depression, and 16 had high levels of somatization (the unconscious process by which psychological distress is expressed as physical symptoms). This is consistent with other research on transnational families, which has documented heightened levels of anxiety and depression for youth separated from their parents – particularly mothers – for extended periods of time.<sup>40</sup>

It also came through in some of the interviews. On the whole, most of the youth were eager to present a positive account of their experiences. Very few spoke with bitterness about how immigration policies had impacted their lives. But some did share moments that revealed the emotional toll of their unsettled childhood. Abigail, an undocumented 21-year-old, recalled the worry she experienced as a child about her undocumented parents: “Both of them would tell us, if we don’t come back, it’s because we got deported. You know, you have to go to your sister’s house. . . . It was scary. Every night, I was worried about going to sleep.”

Isabel, an 18-year-old U.S. citizen, captured the more sudden onset of anxiety upon deportation, when her mother was deported when she was in seventh grade. “It sucked, because [before] we’d wake up and [my mother would] make us breakfast, or, we’d come home and she’d make us lunch or dinner. And we wouldn’t have to worry about what we had to pay... now I had to worry about all my own stuff, cause no one was going to do it for me.”

Raul, also an 18-year-old U.S. citizen, described the emotional impact when his mother decided to rejoin his deported father in Mexico, when he was 17. He explained that he and his siblings “knew that [their parents] were not here right in the first place. So in a way you would kind of expect for that to happen, ... you could say we were prepared for it, but I

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<sup>40</sup> See, e.g., Carola Suarez-Orozco et al., *I Felt Like My Heart Was Staying Behind: Psychological Implications of Family Separations & Reunifications for Immigrant Youth*, 26 J. OF ADOLESCENT RESEARCH 222 (2011); Zatz & Rodriguez, *supra* note 5, at 86 (summarizing the research).

think it was too early. By then I thought I would have had my own job or had my own place, but it came on too early. So it was an awakening for me.”

Others described anxiety from their current living arrangements. Marisa admitted, “I’m just trying to do what I need to because I’m already ...20. I don’t want to be 21 and still be in school. How will people look at me? I don’t think that’s cool...I don’t want to worry so much, because I always worry. Like, how is my sister doing in jail, how is my brother with the baby, how is my mom with my other sister.”

Julieta, an undocumented 17-year-old, provided a window into the constant, low-level worry created by living in someone else’s home, when she described her living arrangement in the trailer in which she lives with a friend and her friend’s two sisters:

It's three bedrooms. I'll be sharing with [my friend], which I don't mind. I usually just slept with her. I don't really sleep in my own room. I wouldn't mind, but I don't want for it to be crowded because I'm there. I've talked to them about it and they say, "No, it's fine." I don't bother them. I help them. I wash dishes. I wash laundry. They say, “It's fine.” I just feel sometimes like I am too much.

At other points in the interview, Julieta expressed a disturbing sense of shame associated with her circumstances.<sup>41</sup> Reflecting on the fact that she and her family are all undocumented, she said, “For me, I feel maybe we do deserve this. We don't deserve the way that they treat us; we can't get a job. But we lied. I feel like we lied, and maybe that's why everything is happening.”

## **B. How Secondary Immigration Enforcement Operates: Complex Factors**

The reasons these youth were living on their own varied widely. At first, each interview seemed to reveal a deeply personal, individual story that resisted easy categorization. On closer examination, however, the young people’s experiences of family separation as a result of secondary immigration enforcement involved recurring factors. First and foremost, of course, was the single act of parental deportation, which for several of the participants was the direct and immediate cause of their current living arrangements. More often, however, immigration enforcement combined

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<sup>41</sup> Luis Zayas discusses the fact that immigrant children may feel shame associated with their family’s circumstances, which can have potentially severe psychopathological effects. Zayas, *supra* note 9, at 96-98.

with three other factors – family dysfunction, extreme poverty, and educational aspirations – to result in the separation of the family.

In the next four sections, I describe how secondary immigration enforcement operates by sorting the families into four categories based on the key factor underlying their separations. In each category, I describe the unique themes and characteristics of the impacts that emerged in the interviews.

## **1. DIRECT GOVERNMENTAL DISRUPTION**

This category captures the stories that are the closest to the “worst-case scenario” from the standpoint of immigration enforcement policies. Nine young people from the group (24% of study participants) described immigration enforcement measures disrupting an otherwise stable childhood. They are what Luis Zayas has called “Deportation Orphans.”<sup>42</sup> Carlos, a sixteen-year-old who came to this country with his parents and six-year-old sister from Mexico when he was three years old, is an example of the acute manner in which immigration enforcement destabilized young people’s lives in this category. He described coming home from football practice when he was in eighth grade to find his mom crying. She explained that his dad was “picked up.” He recalls, “...from what they told me, they told me that my dad was working and on his way back home, that the police got him... but they weren't looking for him. They were looking for someone else that had his name. Then they find out that he was an immigrant.” As far as he knows, his dad had no criminal history. After a three year legal battle, his dad lost and was deported. As a result, when Carlos was fifteen, his mother returned to Mexico with his two younger siblings. Carlos and his older sister, who both have DACA, remained here in the United States. Carlos moved in with his aunt and uncle. Since he cannot travel with DACA, Carlos’s contact with his parents consists of weekly phone calls and sometimes FaceTime.

The experiences of Carlos and the other young people in this category capture the longer-term cascading effects of deportation, from the immediate shock of departure to the complex evolving decisions families make as children and spouses age. The immediate and then longer-term effects of deportation are described in the two sections that follow.

### **(a) Sudden Economic and Emotional Impacts**

The young people in this group described severe financial repercussions of deportation, very much in line with what other studies have

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<sup>42</sup> Zayas, *supra* note 9.

documented.<sup>43</sup> For example, Paula, a 16-year-old U.S. citizen whose father was deported seven years ago, explained, “Before [my dad’s deportation], everything was relaxed. We were okay, we had a house, and then right when they did that, everything started to fall behind. The bills, the water, the house; we got evicted. We had to live in this apartment, but we couldn’t put on the water, so we had to boil water to shower.”

Ana, another U.S. citizen whose dad was deported when she was six, recalled that they “lost the house” where they were living and had to move in with her grandmother. Her mom had to sell the car and find a job, and her father struggled to find work in Mexico so he could send them money. That Christmas, “we didn’t get presents or anything.”

The economic impacts go hand in hand with emotional ones. Six out of the nine youth in this category had elevated levels of anxiety. Carlos, profiled above, described how multiple family members – his mother, younger siblings, and older sister – all struggled with depression after his father’s deportation. Diego, a 17-year-old legal permanent resident, described the six months he remained with his brother to finish out the seventh grade when his mother was deported. He said he would try hard not to “think too much about it,” but “there were some times where I did cry, because I was kind of emotional... I wanted to leave the exact day that I knew my mom wasn’t there, but ... my mom told my brother to tell me to at least finish the year.”

The emotional and financial upheaval inevitably impacts youth in school. Another young man, Mark, described his academic struggles upon his mother’s return to Mexico. His story demonstrates how the disruptive effect of immigration enforcement does not always take the form of deportation. Mark had lived in the U.S. with his mother and two younger brothers since birth. For years, his mother had a visa and they would go nearly every weekend to visit his “nana” (the Spanish word for grandmother) in Nogales. But when Mark was about fifteen, his *nana* got sick, and while his mother was in Mexico, her visa neared its expiration date. She had to decide whether to return to the U.S. or stay with her dying mother.

The family decided Mark’s two younger brothers would stay with his mother in Mexico, and Mark would return to continue high school in the U.S. Since that time, Mark has struggled to find stable housing and support himself. He has lived in more houses than he can count – he estimates five places in the past two years – with aunts, cousins, and friends. He remembers that he was doing well in school until his mom’s departure; his GPA went from a 3.8 to a 3.4 the year she left. The next year, his junior year, “was the ugliest of all. I couldn’t keep up with things, it was just

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<sup>43</sup> See, e.g., CHAUDRY ET AL., *supra* note 9.

really stressful for me to find out where I was going to be. I wasn't comfortable. It's not like I could just lock myself in my room and do my homework." He reflects, "All my life I've known that to be successful I have to stay in school, do good in school. But it all seemed so real when she had to leave."

### **(b) Evolving Family Choices: Gender, Status, and the Varying Porosity of the Border**

When a parent is deported, the family as a unit has to make difficult choices about where the rest of the family lives. Their decisions depend in large part on the ages and various forms of legal status of the family members. For some young people, family life suddenly consists of regular trips across the border after a deportation. One high school senior, Ana, whose entire family is U.S. citizens except her undocumented father, described an evolving pattern of border crossings after her father's deportation when she was six. At first, her U.S. citizen mother moved the children in with their maternal grandparents, so that her mother could spend most of her time with her husband in Mexico, still making frequent trips back and forth between her husband and her children. Right after the deportation, Ana remembers visiting her father in Nogales every weekend. Then the whole family moved to Nogales, Arizona, for four years, where Ana's mother got a job in a restaurant and they continued the weekly visits. Once Ana's older brother was ready to start high school, the children moved back in with their grandparents in Tucson so they could attend a charter school there. Ana's mother spends most of her time with their father in Mexico, and the children go to visit him roughly once a month.

In contrast, several youths had two undocumented parents, and when their father was deported, their mother faced the choice of living apart from her children or her spouse. Carlos, profiled at the outset of this section, describes a common pattern in many of the youth interviewed, in which the mother and at least some younger siblings join a deported father, while older siblings either stay or return to the United States. In fact, five of the nine young people in the "disruption" group shared a similar fact pattern in which their fathers were deported and their mother, usually with the younger children, rejoined him in Mexico.

The implications for the children in the family of the mother's move vary depending on the age and legal status of the children. Several young people described that they went with their mother to Mexico, and then later returned on their own to the United States to attend secondary school. This was true of Joshua, a twelve-year-old U.S. citizen, whose father was deported when he was four. The entire family – his mother, himself, and his three U.S. citizen siblings – all returned to Mexico when his father was deported. After almost seven years, he and his 13-year-old sister returned

to the U.S. to live with their grandparents and enroll in public school. Although Josh, unlike Carlos, is a U.S. citizen, and could legally return to Mexico for visits, he described only doing so occasionally because of the time and expense involved.

David, a 19 -year-old U.S. citizen, described a similar pattern. When his father was deported, about 7 years ago, his mother waited a year, and then took her four U.S. citizen sons to join him in Mexico. As David describes it, she did it “for us, ’cause we felt like we needed to be over there. I felt like I needed my dad. I told my mom, I wanted to move over there.” But after about three years in Mexico, David returned to the United States on his own and moved in with his grandparents. He says it was a decision that he and his parents made together, and it was because of the educational opportunities. David was not sure his parents would make the same decision with his younger siblings. He explains that his parents “feel that they isolated from me too much, and that they didn’t take care of me how they were supposed to take care of me.” So for now, the rest of the family remains in Nogales, and David goes to see them every several weeks.

Raul, an 18 -year-old U.S. citizen, described another variation on this pattern. His dad was deported several times during his childhood. For years, Raul’s mother had a visa and traveled back and forth across the border between her husband and her children. But when her visa expired four years ago, she stayed on the U.S. side. Raul described it as “the big shocker” for the family when their mom decided to join their dad in Mexico last year. “I just got home from school one day and she was packing her stuff and she was like, ‘I’m leaving.’...She just said she didn’t want to be here no more, she wasn’t comfortable anymore...” Raul’s younger sister returned to Mexico with his mother. Raul and his mother decided that it was better for him to finish up school first. He currently lives with his 21 -year-old brother.

## **2. FAMILY DYSFUNCTION**

For the greatest number of youth interviewed – 17 of the 38 or 45% of the study participants – family dysfunction was the primary factor interacting with immigration enforcement to lead to family separation. These students described complex life histories, often far too complicated and intimate to describe in detail to a stranger in a one-off interview. As discussed below, they varied in their capacity and willingness to recount their experiences. Yet even a surface account of their life trajectories revealed the striking ways that immigration status exacerbated their precarious circumstances.

In the following two sections, I first summarize the mental health impacts of their traumatic experiences, and then describe the pragmatic

realities of their situations, leading them to assume adult responsibilities – to grow up fast – in a variety of ways.

### **(a) Trauma and its Mental Health Effects**

Ten of the seventeen students in the “dysfunction” category had scores on the self-assessment that showed that they were either “at risk” or had “clinically significant” levels of anxiety, depression, somatization, and/or low self-esteem. The youth varied significantly in their capacity and willingness to recount details about past trauma they had experienced. When Paula, a sixteen-year-old U.S. citizen living with her grandmother, responded to a question about whether she felt safe in her grandmother’s home, she shared world-weary words for someone of her age: “The world isn’t safe. I had things that happened to me in the past, so safety is not in my vocabulary.” Like several of the young people in this category, Paula did not want to provide details about her experience. However, her scores on the self-assessment reflect clinically significant levels of anxiety and somatization.

Similarly, Miranda, an 18-year-old U.S. citizen, did not want to talk about details of what she experienced when she was in the car with her mom, who was “caught doing something she was not supposed to do.” Her mother was arrested and is currently in jail awaiting deportation. Miranda’s father was deported when she was younger. She would visit him from time to time, but did not like to go to Mexico because “it is scary and a lot of things happen over there.” Miranda had one of the most concerning self-assessments we encountered, testing in the clinically significant range for anxiety, depression, and low self-esteem.

Others were more specific about their early exposure to danger. Francisca, a fifteen -year-old legal permanent resident, described living through severe domestic conflict between her adoptive mother and her biological father. After they separated, Francisca asked her father to stay over one night, assuring him that her mother “wouldn’t mind.” One of her aunts then called the police. Francisca described the scene,

They [the police] came looking for him, and me as his daughter, I tried to hide him under my bed and we pulled the covers down so they wouldn't see down there, and they said okay and they left. But then they came back ... with the dogs and detectives and they just tore the house apart and they took him away in front of me and my mom and my little sister.

Francisca's father was deported as a result of this incident. Francisca said she feels like it was her fault. She had the highest levels of anxiety, depression, and somatization of anyone interviewed in the study.

Marisa, a 20 -year-old U.S. citizen and the oldest of eight, has been in and out of the state's child custody agency, bouncing between placements with her grandmother and her mother, for years. When Marisa was around 15, her undocumented mother got into some legal trouble, and decided to move back to Mexico. Marisa and some of her siblings joined her, and soon several of them got mixed up in drugs and smuggling crimes. When asked about her time in Mexico, she explained, "I did things that I wasn't supposed to do. I was even starting to do drugs, just because I was always feeling so sad. I was always so depressed, I wanted to go back over here, but I didn't know if my *nana* wanted me to stay over here...."

### **(b) Growing Up Fast**

One theme that was particularly prominent among the interviews in the "dysfunction" category was the varied ways in which these young people took on adult responsibilities at a very early age.<sup>44</sup> Several young people had assumed responsibility for their younger siblings from early on. Paula, a sixteen-year-old U.S. citizen, moved in with her grandmother after her step-father was deported and her mother was unstable. She takes care of her ten-year-old brother and nine-year-old twin sisters. When asked if she likes living with her grandmother, she responded, "It's an okay living spot, but I just have so many responsibilities as the oldest. . . Since my *nana* is disabled, she can't really move," so Paula takes care of her, too.

Of all 38 of the students interviewed, ten of the students (26%) were working or had worked for stretches of their youth. The following brief list of their work experiences captures their early exposure to the low-wage workforce:

- Santiago, a 16-year-old U.S. citizen, worked from the time he was eight years old in Mexico. He "packed stuff" for Food City, sometimes for long hours, earning money to help support his mom and sister. When he was fourteen, he decided to come to the U.S. to try to help his mom more by getting an education in this country. He has not been working since he came to the U.S.
- Mark, a 17-year-old U.S. citizen, has worked in Old Navy and McDonald's and is currently looking for work.

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<sup>44</sup> Roberto Gonzalez highlighted the same phenomenon among the undocumented youth he studied in Los Angeles. ROBERTO GONZALEZ, LIVES IN LIMBO: UNDOCUMENTED AND COMING OF AGE IN AMERICA 74 (2015).

- Isabel, an 18-year-old U.S. citizen, has worked since she was fourteen in three jobs: the Tucson swap meet (a market where people trade, buy, and sell various goods), Carl's Junior, and her current job as an administrative assistant in an insurance company. "I always tell my friends, 'Oh life would be way easier if my mom was here. If my mom was here, I wouldn't have to be doing all this.'"
- Julieta, a 17-year-old undocumented girl, has been working since she was thirteen at the Tucson swap meet.
- Victoria, an undocumented 21-year-old, has worked cleaning houses and currently has a job at a restaurant.
- Alejandra, a 21-year-old U.S. citizen, has worked for just over a year in McDonald's; she is now a manager.
- Jose, an 18-year-old U.S. citizen, has two jobs, at the swap meet and the grocery store. He uses the money he earns to contribute to his cousin's household, where he lives, and sends some of it to his mother in Mexico.
- Jason, an 18-year-old U.S. citizen, worked for three years as a busser in a restaurant.
- Raul, an 18-year-old U.S. citizen, worked at Burger King when he was 15 or 16, and now works about ten hours per week cleaning his school.
- Marco, an undocumented 21-year-old undocumented, has done "side jobs like cleaning yards" for years. Recently, he's been working in an ice cream truck and earning less than the minimum wage.

In addition, three of the youth interviewed were parents. Miguel, an 18-year-old young man who was raised by his uncle and aunt after both his parents were deported for substance abuse-related charges, had a ten-month-old baby, and currently lives with his girlfriend. They were both part of a special teen parent program in the public high school that provided them with childcare onsite so they could continue to attend high school. Andrea, an 18-year-old, has a baby who is 18 months old. Andrea is no longer with the father, and her aunt was taking care of the baby at the time of the interview.

Victoria, a 21-year-old, had a baby when she was sixteen. She lived with her grandmother since she was two, and they had some difficulties around her baby, "she would nag me about having my son so early and that bothered me a lot. I know that I did wrong, but it is not for you to be telling me everyday that 'you did wrong.' So even though she loved us, she would make my life miserable." Victoria is not romantically involved with her son's father, but two weeks prior to the interview, she moved out of her grandmother's house to live with relatives on his side of the family.

Finally, Olivia, who requested to have her interview in Spanish, described the possibility of marriage at an early age. Olivia came here at

fourteen to move in with her older sister, after her mother in Mexico started mistreating her. She explained that she and her U.S. citizen boyfriend are talking about getting married, “because he is from here, and since this Obama thing you need five years and I have four, so the best would be, if God favors it, that I get married to him and he fixes my status. Then I can work and be here.”<sup>45</sup>

### 3. EXTREME POVERTY

All 38 of the participants in the study were struggling financially. For five of the students (13%), however, their families’ poverty was directly responsible for the fact that they were living apart from their parents. Their stories exemplify how poverty intertwines with immigration enforcement to transform young people’s lives in profound ways.

Three undocumented young women described similar situations in which they moved out because of financial stress on the family. Carla, an undocumented 18-year-old, currently lives with her boyfriend and his family. She was born in Nogales, Mexico. Her parents moved to the United States with Carla and her two older siblings just before Carla started kindergarten. Carla has gone to more than eight schools over the years, as her family has moved multiple times throughout the state, in search of employment opportunities. Carla’s mother broke her back several years ago, and is now disabled; she can’t lift things or stand up very well. Carla’s father was injured, as well, in a construction job, and was unemployed for years as a result. He now fixes washing machines to earn money to support the family.

Carla’s family moved to Tucson about five years ago and moved into a trailer attached to the home of the family’s “godmother,” an old acquaintance of her father’s who is U.S. citizen. She took them in and allows them to live rent free, but Carla thinks she treats the family “like slaves.” She describes her godmother’s constant demands, “It’s clean the yard, set up a party, cook for the party, watch my eight kids, watch my six grandkids, watch my dying grandmother...” and if anyone objects, her godmother will say, “[W]e have helped you a lot. It would be a shame if someone were to find out...” Carla finds this blackmail infuriating, and decided to move in with her boyfriend and his family several months ago. She still sees her parents about twice a week at church, where they are active, and hopes they may move to Colorado, where her older sister lives, if they can arrange for the transportation.

In addition to Carla, two other undocumented young women described similar situations, in which they moved out because of financial stress on the family. Both described moving out despite the fact that their

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<sup>45</sup> This is a translation; her interview was conducted in Spanish.

families remained in the United States. Julieta, an undocumented 17 -year-old, is currently living with a friend. She is one of seven siblings, all born in a very small town in the Mexican countryside. With the exception of her oldest sister, Julieta's whole family moved to Tucson when she was 4. Like Carla, Julieta's father fixes washing machines and resells them. Julieta has worked at the Tucson swap meet since she was thirteen. She describes her conversation with her parents when she decided to move out,

I told them, "If I would move out, you think it would help you guys?" They didn't want me to move out, but I told them, I was always at my friend's house [any] way. ... I told them, "I will come and visit. Take it as me going and sleeping over there." They got used to it after a week. They would always call me and see how I was doing, but they're used to it now.

When asked if she thinks immigration contributes to her family's struggles, Julieta responded, "Yeah. I feel like it does because if ... [my dad] would be able to get a better job, we would live in a better place and I would be able to live with them. And I feel like I would already have a job that doesn't require the weekends, like a part-time job."

Maria, an undocumented 19 -year-old who has been here since she was a baby, also has been moving "in and out of the house" for the past three years because of financial stress. Her parents are undocumented and live here with five of her other U.S. citizen siblings (her oldest brother was deported).

The other two students in this category described a different pattern, in which their parents had returned to Mexico because of severe financial strain, leaving them behind. Abigail, a twenty one -year-old undocumented young woman, who is the youngest of five sisters, lives with her older sister, who married a U.S. citizen and has a baby of her own. Abigail's parents were undocumented until a few years ago, when they got their residency. Then they decided to move back to Mexico. "They just said that we needed money, and it's kind of hard right now to get a job right here, so they went over there to try to figure out something." They did not want her to "suffer over there," so she stayed in the U.S. and is hoping to receive DACA soon.

Laura was the only U.S. citizen in this group. She is 16, and for the past two years, has been living in a trailer alone with her 19 -year-old sister, after their parents abruptly left for Mexico. Laura's father had to go back to ensure that they did not lose some family property they owned in Oaxaca, and their mother decided to join him. At first, Laura and her sister tried living with their parents in Oaxaca, but it was too expensive for them to

attend school, so they decided to return to the U.S. Her parents could not reenter, so they live in Nogales, Sonora, where they can be closer to the girls, and scrape by selling knick-knacks and roses. Laura is hoping to graduate from high school early so she can start working to help her parents.

Laura was one of the only study participants who became tearful during the interview. When asked how her life had changed since her separation from her parents, she abruptly began to cry silently. When asked if she has anyone to talk to about her sadness, she answered “no.” She explained that she cannot talk with her sister much because she works all the time in McDonalds. Her self-assessment put her in the clinically significant range for anxiety, depression, somatization, sense of inadequacy, and low self-esteem.

#### **4. EDUCATIONAL ASPIRATIONS**

Education played a key role in many students’ experiences, but for seven students (18% of the study participants), it was entirely or nearly entirely responsible for their decisions to live apart from their families. In these cases, the students and their parents, sometimes jointly, made the decision that their best interests would be served by schooling in the United States. These decisions were made against the backdrop of immigration enforcement; they had to weigh the benefits of education in the United States against extended time apart from one another. Three of the four Spanish-speaking interviews that were conducted were in this group.

##### **(a) Negative experiences with schools in Mexico**

Most of the youth interviewed had at least some experience with schooling in Mexico. In the whole study group, 23 of the 38 interviewees (61%) had gone to school in Mexico for some portion of their lives. Very few had anything positive to say about the experience, and several had strongly negative comments about Mexican schools.<sup>46</sup> Their negative views focused in part on the costs associated with school in Mexico, in part on what they perceived as the inferior education, and in part on the cultural and linguistic barriers they encountered.

With regard to cost, several students described that their parents had insisted that they attend private school in Mexico, but then reached a point

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<sup>46</sup> This is consistent with other research on the experiences of U.S.-bred students in Mexican schools. See Edmund Hamann & Victor Zuniga, *Schooling and the Everyday Ruptures Transnational Children Encounter in the United States and Mexico*, in *EVERYDAY RUPTURES: CHILDREN, YOUTH, AND MIGRATION IN GLOBAL PERSPECTIVE* 141-160 (Coe et al. eds., 2011).

in which they could no longer afford it. For example, Mia, a 15 -year-old U.S. citizen, grew up in Nogales, Sonora. Just this year, her father no longer wanted to pay for her private school tuition in Mexico, so they decided to have her move in with her grandfather, who is a U.S. citizen, and enroll in public school in Tucson.

Similarly, Jazmin, an undocumented 18 -year-old, is the oldest of four; her three younger siblings are all U.S. citizens, ages 15, 13, and 2. Until recently, she had only come to the U.S. briefly for visits with a border-crossing card. Then seven months ago, her parents decided she should complete her schooling her, and sent her to live with an aunt in Tucson. Her siblings remain for the time being with her parents in Mexico. She explained,

My parents wanted me to continue studying, and because there... are registration fees and every month you have to pay, it's very expensive, and they have two more [children] in secondary and a small child. It became very difficult.<sup>47</sup>

Laura, a U.S. citizen profiled in the Poverty section, lived briefly in Oaxaca but came back because of the expense of school. She explained, "It cost like 10 dollars a day . . . because it is my little village and then I have to get a taxi to another place because there is no buses and then it's a taxi with five other kids, and we have to pay ...and then we have to pay our lunch, and then coming back."

The young people who came to the U.S. for educational reasons other than cost tended to make the decision on their own, rather than having it made for them by a parent. Several of the students who had grown up in the U.S. described Mexican schools as a site of alienation and frustration. Some of this related to language, as several of the students struggled with Spanish, having grown up in the United States.

Diego, a legal permanent resident, described his experience attending school during seventh through tenth grade in Mexico, when he returned to join his deported mother:

It was kind of hard because of the speaking thing, and some kids ... called me "gringo" or "mocho" and that kind of bothered me. At the moment I didn't understand what they were saying, and also it was hard for me to come back with a comeback if I can't speak their language. . . The third day of middle school it was in the afternoon and I actually got punched because my Spanish is not fluent and someone

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<sup>47</sup> This is a translation; her interview was conducted in Spanish.

misunderstood my words . . . Then another time a person simply didn't like me because he thought because I spoke English I was stuck up or something and he tried punching me in the back . . . .

Other students encountered hostility from their teachers in Mexico. Emily is a 15 -year-old U.S. citizen who spent her whole life in the U.S. until her mother moved back to Mexico with her and her sister because of a dispute over property between Emily's parents. Emily spent ten months in Mexico and begged her mother to let her come back. She said, "the teachers are really mean. They didn't like me, you could tell, because I was from here. I would try to do my own work but they were like no, you need to copy... And one of the teachers in English, she couldn't pronounce anything right. So I'm like, can I do it? She's like no. I always had an F over there."

Similarly, Isabel, an 18 -year-old U.S. citizen who decided to join her deported mother when she was in middle school, admitted, "I hate Mexico, honestly; I went to school for one day and I was like, I'm never coming back to school here." When asked why, she described how everything felt different and unfamiliar. She did not like having to pay for lunch and or wearing the school uniforms. In addition, "if there was no teacher, there was no sub, so no class. Right here if our teacher's not here there's a substitute so we have class. Over there, no teacher, no sub, no class!" After attending for one day, Isabel dropped out and stayed at home with her mom, watching TV all day. After six months, she moved in with her aunt in Tucson and resumed school.

### **(b) Mexico As Failure, U.S. as the Land of Opportunity**

Many of the young people described their perceptions – and in some cases, the reality – that Mexico is the place they would go if they were bad, or if they failed in some way. Several had siblings that were "sent back" because they had done something wrong. For example, Raul said his fifteen -year-old younger sister, who is undocumented, started to do badly in school so his mom said they should "send her back" to live with her in Mexico. Marisa remembered her younger brother and her grandmother "argued and my nana wasn't taking that and so she sent him back."

Others remember their caregivers threatening them that they would be sent back to Mexico if they misbehaved. Carla, who is undocumented, recalled that her parents would bring it up, "whenever I used to do something bad... they would be like, we came to America for you to be a better person, and you are not being grateful, we should just take you back to Mexico."

Miguel, who recently obtained DACA, described the way in which he learned he did not have legal status, when he was eight or nine years old.

My *tia* and *tio* said, ‘listen, don’t be getting in fights, don’t be doing nothing, because if you do, you’re no longer going to ... live here.’ And the thing is, I was very ... high tempered ... I would get in a lot of fights. And then when I was like nine, then it all stopped. My *tia* and *tio* just got harder on me.”

On the flip side of the narrative of Mexico as a place of failure, a recurring theme in the interviews was the United States as the land of opportunity. Everyone was asked whether they would rather live in the United States or Mexico in the long-term. The majority (29 out of 38) responded with an unequivocal preference for the United States. Of the nine interviewees who were equivocal, only two unambiguously preferred to live in Mexico. They were two of the youngest people interviewed in the group, and both wanted to go back because they wanted to be closer to their parents. They were both U.S. citizens, thirteen -year-old U.S. citizen Alba, who wants to go back “because my parents and sister are there,” and twelve -year-old U.S. citizen Nicolas, who wants to go back after high school to be with his parents.

Of those who want to stay in the United States in the long-term, many spoke in glowing terms of this country’s economic promise. For example, Francisca, a fifteen -year-old who was born in Mexico but has lived in the United States since she was two, explained her desire to remain here: “I mainly take on my culture from Mexico, like the traditions and the religion. But I’d much rather stay here for the opportunities like a good job, in something that I would love to do... I like Mexico to go but I wouldn’t live there. I just don’t see myself getting anywhere with my dreams.”

Abigail explained that her parents have returned to Mexico, but as for herself, “I don’t want to. I feel like there is nothing for me over there. Here I know English and I’m good with people. Over there, there’s nothing but drugs and all this mafia stuff going on, so that’s scary first of all, I don’t like none of that drama stuff. And here there’s more opportunities, like school-wise and college and stuff.” Abigail’s parents want her to stay, too; they “don’t want me to go suffer over there.”

Diego, a 17 -year-old legal permanent resident, explained, “Over there, if you’re born poor, you mostly always stay poor. And if you want to make something better of yourself, there’s practically no one trying to give you a hand. Whereas here, there are a lot more opportunities for you to expand or spread your wings . . . .”

## V. CONCLUSION

The lonely circumstances of the 38 young people in this study capture the secondary effects of our immigration enforcement system – consequences that are far more difficult to measure than deportation statistics but no less profound. In considering the implications of this research, one key question is the extent to which general conclusions can be drawn, given that all the subjects were located in the U.S.-Mexico border region, often called the borderlands.<sup>48</sup> As a region on both sides of the international border with a shared history and culture, the borderlands are in certain ways unique. Researchers have documented ways in which residents of the borderlands on the U.S. side experience distinctively pervasive levels of immigration enforcement.<sup>49</sup> Historic migration patterns between the two countries have also created a particularly striking ubiquity of transnational families.<sup>50</sup> Jose, whose story opened this article, experienced a phenomenon unique to the borderlands during the years in which he crossed the border each day to attend school.

Yet at the same time, numerous scholars have noted the ways in which transnational family patterns increasingly typify life for immigrant communities scattered throughout the United States.<sup>51</sup> While the

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<sup>48</sup> See Gloria Anzaldúa's *BORDERLANDS/FRONTERA: THE NEW MESTIZA* (1987) (using borderlands or the Spanish word *frontera* to describe contested spaces – geographic, cultural, and otherwise – where opposing identities and ideologies meet).

<sup>49</sup> Victor Talavera, Guillermina Gina Nunez-Mchiri & Josiah Heyman, *Deportation in the U.S.-Mexico Borderlands: Anticipation, Experience, and Memory*, in *THE DEPORTATION REGIME: SOVEREIGNTY, SPACE, AND THE FREEDOM OF MOVEMENT* (Nicholas De Genova & Nathalie Peutz eds., 2010).

<sup>50</sup> See, e.g., Sarah Azaransky, *Introduction*, in *RELIGION AND POLITICS IN AMERICA'S BORDERLANDS* 14-15 (Sarah Azaransky ed., 2013) (“In the borderlands zone has emerged a bi-national community, where U.S. citizen borderlands dwellers can have more in common with their Mexican neighbors than they do with fellow citizens from Seattle, Atlanta, or Cleveland.”); DEBORAH A. BOEHM, *INTIMATE MIGRATIONS* (2012) (describing the extensive transnational ties between families in New Mexico and small towns in Mexico).

<sup>51</sup> See, e.g., Douglas Massey, *The Mexico-U.S. Border in the American Imagination*, 160 *PROCEEDINGS OF THE AMERICAN PHILOSOPHICAL SOCIETY*

experiences of secondary immigration enforcement I describe have aspects distinctively shaped by the borderlands, the reality of today's migration pattern suggests that much of what they have experienced is not unique to the region.

Thus, I propose secondary immigration enforcement as a concept that resonates with the experiences of young people in immigrant families throughout the country. As stated at the outset, secondary enforcement counters two common over-simplifications in the debate over immigration policy. First is the tendency to rely on a dichotomy between innocent children and guilty parents. Second is an overreliance on deportation statistics as the primary measure of the scope of immigration enforcement. This detailed factual account of 38 young people's experiences with secondary immigration enforcement seeks to inject into our current debate over immigration policy the messy reality of how families actually navigate the legal landscape.

It would run counter to this emphasis on complexity to draw from this study a list of simple policy reforms. The account of compounding factors that led to family separations for these young people is offered, in part, to add to the growing body of work documenting how legal liminality is experienced by increasingly broad swaths of the immigrant community.<sup>52</sup> The way secondary immigration enforcement operates – through overlapping and intersecting forms of vulnerability – is consistent with the literature on liminal subjects.<sup>53</sup> Thus, the factors that render young people

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2 (2016) (describing the shift in settlement patterns of immigrants from the “big three” states of California, Texas, and Illinois in the 1990s to “a rapidly growing and much larger population of families settled in 50 states.”); Robert Alvarez et al., *Applied Anthropology in the Mexico-United States Borderlands: Comparative Perspectives on Transborder Process*, HUMAN ORGANIZATION (2016); Azaransky, *id.* (“Borderlands may describe, then, locations that are more than 1,000 miles from the international boundary. These particular places are transformed into borderlands when realities of migration challenge existing understandings of political and religious life.”); Boehm, *id.* at 95.

<sup>52</sup> See discussion and accompanying citations, *supra* notes 10-12.

<sup>53</sup> In particular, see Chacón, *supra* note 11, at 731 (“Significantly, many individuals experience overlapping forms of liminality because of their race, their geographic location and their immigration status. Their intersectional vulnerabilities compound the destabilizing effects of each form of liminality.”)

in immigrant families more susceptible to secondary immigration enforcement are another manifestation of their liminality.

In addition to this contribution to the socio-legal literature, this study also has implications for immigration policy reform. While there are no simple fixes, there are several types of reforms that would directly respond to the up-close realities of these young people's lives. I briefly outline four policies here, and save for the future a more expansive treatment of each of these areas of reform. I conclude with some remarks about how these suggestions relate to the debate over comprehensive immigration reform.

First, the young people profiled provide a reminder that enforcement decisions made without the capacity to consider individualized context – in this case, family circumstances – can have far-reaching harmful implications. Their stories support calls for a legal system that allows for flexibility in response to family dynamics and children's needs. This requires multiple opportunities for discretion, at the level of front-line enforcement officials, judicial officers considering deportation, and officials granting immigration benefits.<sup>54</sup>

Second, this study is an alarm call regarding the unmet mental health needs of young people in immigrant families. The self-assessments and interviews document the unsurprising but underappreciated mental health impacts that immigrant youth suffer as a result of their families' challenging circumstances. Robust mental health care could make a difference in their capacity to manage the emotional toll.<sup>55</sup>

Third, the young people's experiences bring into high relief the need for legal advice and counseling for young people in immigrant families. Their complicated life histories combined with extremely limited financial means resulted in their inability to successfully navigate this legal process. Given the complexity of immigration law, in the absence of legal advice and assistance, these families are at risk of both missing out on opportunities and being preyed upon by *notarios* and unethical immigration

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<sup>54</sup> For further discussion of the various types of discretion in the immigration system, see Motomura, IMMIGRATION OUTSIDE THE LAW, *supra* note 15, at 128-130; Joseph Landau, *Bureaucratic Administration: Experimentation and Immigration Law*, 65 DUKE L.J. 1173 (2016); Nina Rabin, *Victims or Criminals? Discretion, Sorting, and Bureaucratic Culture in the U.S. Immigration System*, 23 S. CAL. REV. L. & SOC. JUST. 195 (2014).

<sup>55</sup> For a discussion of effective programs, see AMERICAN PSYCHOLOGICAL ASSOCIATION, REPORT OF THE 2011 APA PRESIDENTIAL TASK FORCE ON IMMIGRATION, CROSSROADS: THE PSYCHOLOGY OF IMMIGRATION IN THE NEW CENTURY, available at <http://www.apa.org/topics/immigration/report.aspx>.

lawyers who do not serve their best interests.<sup>56</sup> Thus, there is a pressing need to make accessible high quality legal services to immigrant youth.

Fourth, many of the young people interviewed were making complex decisions about higher education and career planning with very little guidance. Given the transnational nature of their lives and the complexity of various types of immigration, schools would do students a huge service by giving them a safe place to explore the various options they are considering – both in this country and in Mexico.

Finally, at a broader level of policy, the circumstances of these families are tightly intertwined with the current controversy over “comprehensive immigration reform.” Although I addressed “Direct Governmental Disruption” as a discrete category within the study population, it is important to underscore that the state action that so visibly disrupted the lives of the families in this first category also played a central role in all the study participant’s lives. In the other categories, the state’s role may not be as readily apparent as in the stark act of deporting a parent. But certainly the circumstances facing youth in the dysfunction, poverty, and education categories were fundamentally shaped by the current broken immigration system. Undocumented status forces people into the underground economy, imposes stress, exacerbates power dynamics within a family, and deprives some family members of access to social services. It shapes the lives of mixed status families in innumerable ways that lead to the dysfunction, poverty, and educational trade-offs, which in turn become central reasons for family separation.

So long as the debate over immigration is reduced to the oversimplified dichotomy of children versus parents, young people like those in this study will surely fall through the cracks. Their reality demands laws and services that do not reduce immigration to a binary issue. These young people deserve to be considered as we debate reforming a system that has created these highly complicated, transnational lives.

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<sup>56</sup> See, e.g., Robert A. Katzmann, *The Legal Profession and the Unmet Needs of the Immigrant Poor*, 21 GEO. J. LEGAL ETHICS 3, 9 (2008).