

Study: 88,000 US citizen children lost lawful immigrant parent to deportation

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The United States government has deported the lawful immigrant parents of nearly 88,000 citizen children in just a decade, according to a new report released today from the University of California, Berkeley, and the University of California, Davis law schools.

The report, "In the Child's Best Interest?," finds that forced removal of lawful permanent resident parents (or green card holders) convicted of relatively minor crimes can lead to psychological harm, behavioral changes, and disruptions in the health and education of tens of thousands of citizen children.

The report, based primarily on new analysis of data provided by the U.S. Department of Homeland Security, is a joint project of the International Human Rights Law Clinic and the Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity at the University of California, Berkeley, School of Law; and the Immigration Law Clinic at the University of California, Davis, School of Law.

Drastic revisions to U.S. immigration laws in 1996 have led to large numbers of deported lawful permanent residents (LPRs) who now make up nearly 10 percent of immigrants deported from the U.S. More than 68 percent of this group is deported for minor crimes, including driving under the influence, simple assault, and non-violent drug offenses.

The revised immigration laws now severely restrict the ability of judges to consider the impact of deportation on children. In the Child's Best

Interest? recommends restoring judicial discretion in all cases involving the deportation of LPRs with U.S. citizen children.

"As Congress considers immigration reform, it's time to focus on how the current system tears apart families and threatens the health and education of tens of thousands of children," said Aarti Kohli, director of immigration policy at Berkeley Law's Warren Institute. "This report makes a strong case for restoring judicial discretion so immigration judges can weigh the best interests of children when deciding whether to deport a parent."

The report found that, in the decade between April 1997 and August 2007, the U.S. deported nearly 88,000 lawful permanent residents for mostly minor criminal convictions. These deported legal residents had lived in the U.S. an average of 10 years, and more half of them had at least one child living at home. Approximately 50 percent of the children were under the age of 5 when their parent was deported.

In 1996, Congress also significantly broadened the category of crimes considered an "aggravated felony." Although this category initially included only the most serious offenses, it now includes non-violent theft and drug offenses, forgery, and other minor offenses, many of which may not even be felonies under criminal law. Lawful permanent residents convicted of an aggravated felony are now subject to mandatory deportation and other severe immigration consequences.

"Parents who are deported on the basis of criminal convictions are being punished twice for the same mistakes," said Raha Jorjani, clinical professor at the Immigration Law Clinic at UC Davis. "Even after successfully completing their criminal sentences, they are subject to penalties within the immigration system—and risk losing their families. It's often the children in these families that suffer the most. This nation should take into consideration the impact on families of uprooting

individuals with such strong ties to the U.S."

Families interviewed for the study reported negative health impacts, such as increased depression, sleeplessness, and anxiety. Children also reported plummeting grades, increased behavioral problems, and the urge to drop out of school to help support the family.

The study compares U.S. [immigration policy](#) to international standards that more adequately address potential family separations in deportation hearings.

"The rights to health and education are firmly entrenched in international human rights law, and nearly every major human rights treaty recognizes the need for special protection of children," said Laurel Fletcher, director of the International Human Rights Law Clinic at Berkeley Law. "The U.S. should consider revising its policy to mirror European [human rights](#) standards, which permit judges to balance a nation's security interest with the best interests of the child when considering deporting a parent."

In the Child's Best Interest? makes a number of recommendations to U.S. policymakers, which include:

- restoring judicial discretion in cases involving the deportation of lawful permanent residents who have U.S. citizen children;
- establishing clear judicial guidelines in these family deportation cases;
- reverting to the pre-1996 definition of "aggravated felony";
- collecting data on U.S. citizen [children](#) of deported lawful

immigrant parents to gain fuller understanding of impact of deportation laws.

Provided by University of California - Davis

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