



How the Lawsuit against DAPA and DACA 2.0 Hurts U.S. Citizen Children

With the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program and expansion of Deferred Action for Childhood Arrivals caught up in the courts, millions of families have been left in a legal limbo. While much attention has been paid to the political implications of this prolonged legal battle, much less attention has been given to how the lawsuit is impacting real people's lives—including the U.S. citizen children at the heart of DAPA.

In the recent report, “The Kids Aren't Alright – But They Could Be: The Impact of Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) on Children,” Dr. Manuel Pastor, a Professor of Sociology and American Studies & Ethnicity at the University of Southern California, estimates that there are 5.5 million U.S. citizen children living in a household with a DAPA-eligible parent.¹

Expanding DACA and implementing DAPA would bring much-needed stability to U.S. citizen children’s lives, yet, in twenty-six states, these children’s own governors and attorneys general have actively sued to prevent them from blossoming. The following compilation of research shows that allowing the programs to move forward would lift American children out of poverty and ease their anxieties about their families and their futures, allowing them to focus squarely on their education and on just being kids.²

Emotional Impacts

The stress of having a parent with undocumented status has a profound impact on the emotional health and overall development of U.S citizen children. DAPA and expanded DACA would eliminate this stress for millions of American kids.

- **A parent’s potential deportation weighs heavily on the minds of children and alters their behavior and their potential for scholastic achievement.** A recent joint study by the Tomás Rivera Policy Institute at USC and the Institute for Immigration, Globalization, and Education

¹ Manuel Pastor et.al, [The Kids Aren't Alright – But They Could Be: The Impact of Deferred Action for Parents of Americans and Lawful Permanent Residents \(DAPA\) on Children](#), USC Dornife, 03/15.

² Pastor, p 4

at UCLA found:³

- “As early as ages two and three, children of undocumented parents had lower cognitive skills as measured by standardized tests than comparable children in households where immigration status is not an issue.”
- “Being the child of an undocumented parent is associated with heightened symptoms of anxiety and depression that are particularly evident in adolescence as teens grapple with uncertainty over their place in the world. The effects persist even among young adults who have made it to college; their levels of anxiety are greater than among peers with no family immigration issues.”
- “Growing up as the child of an unauthorized migrant is associated with reduced access to health care and greater levels of food insecurity—even when a U.S. citizen child is eligible for benefits.”
- “These negative effects can be reversed if the parents are legalized, particularly if the legalization takes place when the child is still young. Studies of young adults whose parents were legalized through amnesties enacted in 1986 show strong educational accomplishment and upward mobility.”

Also, Joanna Dreby, a professor at University of Albany, highlights in a 2012 Center for American Progress (CAP) report, “numerous changes in behavior among children whose parents were detained or deported, including increased frequency of crying, loss of appetite, sleeplessness, clingy behavior, and an increase in fear and anxiety. Children whose parents are at risk of deportation are more likely to suffer emotional and psychological harm linked to the fear of losing a loved one.” Dreby also notes that changes in early childhood behavior can have a lasting impact on future academic and financial success during adulthood.⁴

- **These children suffer from increased occurrences of PTSD.** Research from the Urban Institute also shows that the fear of a family member’s deportation can lead to occurrences of post-traumatic stress disorder in children.⁵ Another study by Human Impact Partners also found that 30 percent of undocumented parents reported that their children “were afraid either all or most of the time.”⁶

³ Roberto Suro, Marcelo M. Suárez-Orozco and Stephanie L. Canizales, “REMOVING INSECURITY: How American Children Will Benefit From President Obama’s Executive Action on Immigration,” Tomás Rivera Policy Institute at USC and the Institute for Immigration, Globalization, and Education at UCLA, 04/15.

⁴ Joanna Dreby, “[How Today’s Immigration Enforcement Policies Impact Children, Families, and Communities](#)”, Center for American Progress, 04/12.

⁵ Ajay Chaudry, et al., “[Facing Our Future: Children in the Aftermath of Immigration Enforcement](#),” The Urban Institute, 2/02/10.

⁶ Human Impact Partners. June 2013. [Family Unity, Family Health: How Family-Focused Immigration Reform Will Mean Better Health for Children and Families](#). Oakland, CA.

- **They also experience stigmatization and shame.** As Dreby also notes in her report, children of undocumented parents are aware from an extremely young age of “social differences based on legal status.” In fact, many of the children Dreby interviewed in her report preferred that no one know that either they or their parents were immigrants.⁷

It doesn't have to be this way. Emotional and educational wellbeing can be significantly enhanced when a parent's legal status is stabilized. As Frank Bean notes in “Mexican Immigrant Political and Economic Incorporation,” the harms outlined above can be “significantly mitigated” when parents are provided with some form of legal recognition.⁸

Economic Impacts

It is well established that the legalization of undocumented workers aids the economy in numerous ways.⁹ It brings more workers into the formal economy, leading to more taxes paid by workers and employers. It also gives workers the confidence and rights they need to bargain for better wages and conditions, lifting the floor for all workers. On the other side, when families are separated by deportation, the economic burden falls heavily on state and federal welfare, child service, and food stamp programs.

Ironically, the states’ lawsuit against DAPA and DACA expansion is taking money directly out of the state’s tax coffers.¹⁰ See the Center for American Progress’ recent state-by-state analysis of DACA, DAPA, and expanded DACA’s economic impact [here](#).

- **Deportation usually results in a significant loss of family income, and greater dependence on federal and state assistance programs for the family members who remain.** Deportation often results in the loss of parental income, increasing the risk that those left behind after a deportation—often women and children—will face housing and food insecurity. As the Urban Institute notes, deportation “poses an increased risk that the child will eventually enter the welfare system.”¹¹ According to Human Impact Partners study, family income usually drops to an estimated \$15,400 following a parent’s deportation, putting families below the poverty line.¹²

⁷ Joanna Dreby, “[How Today's Immigration Enforcement Policies Impact Children, Families, and Communities](#)”, Center for American Progress, 04/12.

⁸ Frank Bean et al., “[Mexican Immigrant Political and Economic Incorporation](#)”, Perspectives on Politics, 06/06.

⁹ Robert Lynch and Patrick Oakford, “[The Economic Effects of Granting Legal Status and Citizenship to Undocumented Immigrants](#),” Center for American Progress, 03/20/13.

¹⁰ Silva Mathema, “[State-by-State Analysis of the Economic Impact of DACA, DAPA, and DACA Expansion](#),” Center for American Progress, 06/15/16.

¹¹ Ajay Chaudry, et al., [Facing Our Future: Children in the Aftermath of Immigration Enforcement](#), 02/02/10.

¹² Human Impact Partners. June 2013. [Family Unity, Family Health: How Family-Focused Immigration Reform Will Mean Better Health for Children and Families](#). Oakland, CA.

- **Sadly, deportations can also increase a child's risk of entering foster care, and in some cases result in the inappropriate termination of parental rights—despite the fact that they have loving parents who want to care for them.** A 2011 Applied Research Center report, Seth Wessler estimated that over 5,000 children were living in foster care whose parents had been either detained or deported.¹³ Amelia Reyes-Jimenez of Phoenix Arizona knows this story well.¹⁴ A mother of four, Reyes-Jimenez was detained after her teenage son was found home alone. After being deported in 2010, Reyes-Jimenez eventually lost her parental rights for failure to “make progress towards reunification with her children,” an impossible feat since she had been in detention and/or in Mexico since her arrest in 2008.¹⁵ Amelia’s disabled son and three young daughters were put in foster homes in 2010 and likely will be placed for adoption. Her case remains in the backlog before the Arizona State Court of Appeals, but her family is permanently torn apart.
- **The burden on the foster care system comes at a cost for state governments.** Dreby notes that it costs around \$26,000 per year to place a child in foster care. While there have been new policies introduced by Immigration and Customs Enforcement to better protect the interests of detained and deported parents with children in the child welfare system, the complicated nature of such cases still puts children at risk of languishing in the system longer than necessary.¹⁶ By keeping families together, governments can avoid both unnecessary expenses and unnecessary heartache for parents and children.¹⁷

Implementing DAPA and expanding DACA would mitigate these costs and actually help pull families and children out of poverty. According to recent Center for American Progress report findings, DAPA workers are expected to see a 6 to 10 percent increase in wages.¹⁸ As Manuel Pastor notes, one of the single largest factors impacting “student learning and future performance” is the socioeconomic status of their parents.¹⁹ Pastor estimates that with the implementation of DAPA, in California alone, 40,000 children could be lifted “above the official poverty line.”²⁰

In fact, these programs would significantly benefit the US economy. According to analysis by the Center for American Progress, DAPA and expended DACA would increase U.S. GDP by \$230 billion over the next decade and boost incomes of Americans by an estimated \$124 billion.²¹

¹³ Seth Freed Wessler, “[Shattered Families](#)”, Applied Research Council, 11/11.

¹⁴ Lauren Gilger, “[Stolen Babies? Immigrant Mother Loses Four Kids](#)”, ABC News, 2/2/12.

¹⁵ Helen, O’Neill, [U.S.-Born Kids Of Deported Parents Struggle As Family Life Is ‘Destroyed’](#), Associated Press, 8/25/12

¹⁶ Immigration and Customs Enforcement. August 2013. [Facilitating Parental Interests in the Course of Civil Immigration Activities Directive](#).

¹⁷ Joanna Dreby, “[How Today’s Immigration Enforcement Policies Impact Children, Families, and Communities](#)”, 04/12.

¹⁸ Patrick Oakford, “[Administrative Action on Immigration Reform,](#)” Center for American Progress, 11/14.

¹⁹ Manuel Pastor et.al, “[The Kids Aren’t Alright – But They Could Be: The Impact of Deferred Action for Parents of Americans and Lawful Permanent Residents \(DAPA\) on Children](#)” USC Dornife, 03/15.

²⁰ Pastor, p 4

²¹ Silva Mathema, “[Assessing the Economic Impacts of Granting Deferred Action Through DACA and DAPA,](#)” Center for American Progress, 4/15.

Educational Impacts

The uncertainty of life with undocumented, detained, or deported parents takes a significant toll on the educations of U.S. citizen children.

- **Children of undocumented parents face developmental delays.** As Robert Suro writes in “Removing Insecurity: How American Children Will Benefit from President Obama’s Executive Action on Immigration,” the anxiety associated with having an undocumented parent poses serious developmental risks for children. As early as age two, children of undocumented immigrants are prone to behavioral difficulties that stem from their parents’ immigration status and make them more likely to have “lower cognitive skills than comparable children in families without immigration issues.”²²
- **Undocumented parents underuse social services that enhance early childhood development.** In addition to the inherent setbacks associated with having undocumented parents, immigrant children are often unnecessarily deprived of certain social services that may aid in their early cognitive, emotional, and social development. As Dreby uncovers, undocumented parents often “underuse” the social services available to their children out of fear of disclosing their legal status.²³ In “Immigrants Raising Citizens: Undocumented Parents and Their Young Children,” Harvard Professor Hirokazu Yoshikawa asserts that this avoidance results in, “far lower enrollment rates in programs such as child care or food stamps that can help their children’s early cognitive development, a process that greatly influences children’s abilities and achievements throughout the rest of their lives.”²⁴ Another study by Human Impact Partners found that 40 percent of children of undocumented parents did not see a doctor in the past year.²⁵

Expanding DACA and implementing DAPA would drastically improve children’s educational achievement. In a survey of children of Mexican immigrants, Kalina Brabeck notes that eliminating stresses associated with undocumented status would improve the “cognitive development and well-being in childhood and adolescence.”²⁶ Furthermore, studies of children whose parents gained legal status following the 1986 Immigration Reform and Control Act have

²² Roberto Suro et al., “[Removing Insecurity: How American Children Will Benefit from President Obama’s Executive Action on Immigration](#)”, Tomás Rivera Policy Institute at USC and the Institute for Immigration, Globalization, and Education at UCLA, 04/15.

²³ Joanna Dreby, “[How Today’s Immigration Enforcement Policies Impact Children, Families, and Communities](#)”, Center for American Progress, 04/12.

²⁴ Hirokazu Yoshikawa, Immigrants Raising Citizens: Undocumented Parents and Their Young Children (New York: Russell Sage Foundation, 2011), Chapter 3.

²⁵ Human Impact Partners. June 2013. [Family Unity, Family Health: How Family-Focused Immigration Reform Will Mean Better Health for Children and Families](#). Oakland, CA.

²⁶ Kalina Brabeck and Xu Quingwen. 2010 “The Impact of Detention and Deportation on Latino Immigrant Children and Families.” Hispanic Journal of Behavioral Sciences, 32(3): 341–61.

shown that children of legalized parents had, “significantly better educational outcomes than the children of parents who remained unauthorized.”²⁷

Community Safety

Children of undocumented parents often feel that both their parents and entire communities are under siege by local law enforcement.

- **The threat of deportation undermines community spirit.** Lack of immigration status can come to affect entire communities—the stigma of being undocumented, coupled with the fear of deportation seeps into interactions with others and invades the “consciousness of children.” Research by Cecilia Menjivar of life in Phoenix, Arizona, shows that the threat of deportation can completely alter the community dynamic, causing community members to avoid public spaces and fear interaction with police or public officials.²⁸
- **The threat of deportation limits the ability of law enforcement to keep communities safe.** Community-wide fear of deportation hinders law enforcement’s ability to do their jobs. According to Dreby’s research, immigrants in “hyperactive enforcement jurisdictions” are more reluctant to contact the police to report crimes of any kind. This distrust of the police limits the ability of law enforcement to keep local communities safe.²⁹

Implementation of DAPA and expanding DACA would likely strengthen community ties. Researchers at the University of California, San Diego, found that recipients of the President’s 2012 Deferred Action for Childhood Arrivals program reported “an increased sense of belonging in the United States,” despite the fact that they had only gained temporary legal status.³⁰ As we noted previously, this sense of “belonging” has concrete impacts on community safety. In fact, according to Eduardo Gonzalez, former Tampa Bay Police Chief and current U.S. Marshal, the threat of deportation and the community mistrust it causes, “seriously damage the law enforcement-community relationship...[and] makes police officers’ jobs much harder and makes all of us less safe.”³¹

For More Information:

Center for American Progress:

²⁷ Frank D. Bean et al., “[Mexican Immigrant Political and Economic Incorporation](#)”, Perspectives on Politics, 06/06.

²⁸ Cecilia Menjivar, “The Power of the Law: Central America’s Legality and Everyday Life in Phoenix, Arizona,” Latino Studies 9 (2011).

²⁹ Joanna Dreby, “[How Today’s Immigration Enforcement Policies Impact Children, Families, and Communities](#)”, Center for American Progress, 04/12.

³⁰ Hillary Kosnac , et al. “[One Step In and One Step Out: The Lived Experience of Immigrant Participants in the Deferred Action for Childhood Arrivals \(DACA\) Program](#). Center for Comparative Immigration Studies. University of California, San Diego, 2015.

³¹ Eduardo Gonzalez, “[SAFE Act Anything But](#)”, Tampa Tribune, 8/31/13.

- “How Today’s Immigration Enforcement Policies Impact Children, Families, and Communities” ([report](#))
- “The Economic Effects of Granting Legal Status and Citizenship to Undocumented Immigrants” ([report](#))
- “State-by-State Analysis of the Economic Impact of DACA, DAPA, and DACA Expansion” ([report](#))
- “Assessing the Economic Impacts of Granting Deferred Action Through DACA and DAPA” ([report](#))

Center for Comparative Immigration Studies:

- “One Step In and One Step Out: The Lived Experience of Immigrant Participants in the Deferred Action for Childhood Arrivals (DACA) Program” ([report](#))
- “Mexican Immigrant Political and Economic Incorporation” ([report](#))

First Focus:

“A Step Forward: Immigration Executive Actions and Our Nation’s Children.” ([report](#))

Human Impact Partners”

“Family Unity, Family Health: How Family-Focused Immigration Reform Will Mean Better Health for Children and Families.” ([report](#))

Applied Research Council:

“Shattered Families” ([report](#))

The Urban Institute:

“Facing Our Future: Children in the Aftermath of Immigration Enforcement”, ([report](#))

Tomás Rivera Policy Institute at USC and the UCLA Institute for Immigration, Globalization, and Education:

“Removing Insecurity: How American Children Will Benefit from President Obama’s Executive Action on Immigration” ([report](#))

USC Dornsife Center for the Study of Immigrant Integration:

“The Kid’s Aren’t Alright—But They Could Be: The Impact of Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) on Children, “([report](#))

Joanna Dreby: *Everyday Illegal: When Policies Undermine Immigrant Families* ([book](#))

Brief Of Educators And Children’s Advocates As Amici Curiae In Support Of Defendants-Appellants, United States Court of Appeals for the Fifth Circuit, Texas et. al v. United States ([brief](#))