

Policy Brief: The Help Separated Families Act of 2013 and the Humane Enforcement and Legal
Protections (HELP) for Separated Children Act of 2014

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Abstract

Prevailing political views on immigration reform are failing to recognize the risks and unintended consequences of immigration enforcement policies on families and children. Two bills developed in 2010, the Help Separated Families Act and the Humane and Legal Enforcement Protections (HELP) for Separated Children Act, introduced solutions that would protect families from immigration enforcement-related family separation by protecting both the parent and child during immigration, child welfare, and court proceedings. Both have been introduced in two separate and consecutive Congresses (112th and 113th), and have continually failed to pass through either the House or the Senate because of staunch opposition to any immigration reform measure perceived as offering relief to undocumented immigrant parents. While proponents believe that reforms can solve the issue of family separation, or at least assuage some of the gaps in the current immigration system which exacerbate them, opponents argue that sustained and effective enforcement is the only way to ensure national security and protect U.S. citizens.

Introduction

Immigration policy reforms have failed to be instituted because other events have taken precedence be them wars, concerns of national security, economic crises, or bipartisan conflict (Giovagnoli, 2013). The status quo strategy has been to emphasize immigration enforcement and border control over immigration reform, suggesting that efficient deportation of undocumented immigrants would, in turn, reduce illegal immigration (Giovagnoli, 2013). But this status quo holds enforcement above considerations of family separation and makes family reunification difficult. This is harmful to the families who are separated, the children, as well as society as it

seeks to accommodate these children and their needs. Since 1998, an estimated 600,000 or more U.S.-born children have had a parent(s) deported, with over 5,100 children being placed in foster care as a result (Applied Research Center [ARC], 2011; Lutheran Immigrant and Refugee Service [LIRS], 2012a). It is estimated that by 2016 15,000 or more children will experience the same fate (ARC, 2011).

what happens to the remaining children? are they residing with family members?

The unintended consequences of such an approach have been increased spending on enforcement measures, both on the border and the interior with such programs as 287(g) and Secure Communities, both local initiatives allowing police officers to act as immigration agents, along with an extraordinary rise in deportations since 1996, an exponential rise during the Obama Administration, and the passage of state-level anti-immigrant laws like Arizona's racial profiling policy (Giovagnoli, 2013; Hesson, 2012; Hing, 2012; Immigration and Customs Enforcement [ICE], n.d.; Morse, 2011; Passel, Cohn, Krogstad, & Gonzalez-Barrera, 2014). In addition, First Focus and the Annie E. Casey Foundation (AECF), two foundations supporting the healthy and safe development of America's youth, have noted that the unintended consequence of immigration enforcement activities is that they compromise the rights of U.S. citizen children to family (Cervantes, 2010). While arguments on a broad scale seem to be informed more by issues of race, economics, culture, and identity rather than of immigration itself, reforms need to take into account the changing national character of the U.S. in terms of demographics for the rising immigrant population, the emergence of new issues created out of policy measures, like family separation, and nationally held family values (Giovagnoli, 2013).

Proponents of reform note that protections, like due process, can still be afforded with the right policies in place. Congressional paralysis, caused in part by conflicting views on the purpose of immigration policy itself, has stalled such reform into 2015 (Giovagnoli, 2013).

*Proponents***Reform is Needed**

With an estimated 15,000 children projected to be placed in child welfare care as a result of family detention or deportation, social activism has taken the stage to spread recognition of family separation in this context and push for reform (ARC, 2011). Unjust immigration policies are separating families, leaving children behind as their parents are detained or deported (The National Immigration Law Center [NILC], 2013). Consequences of policies separating U.S. citizen children from their parents through detention and deportation, include single-parent households, poverty, and thus, a bleak future for the children (Williams, 2014; Legal Momentum, 2009; Williams, 2014).

Family Preservation and Reunification: The Value of Family

An essential American value that is upheld in the United States is family unity. Separating families through immigration enforcement is regarded as a poor reflection on such American values and that of U.S. citizenship (Fata et al, 2013; Maddali, 2014; Osterberg, 2009; Rome, 2010). Overarching arguments for reform have centered on the value of family in the U.S. and ideas of family preservation evident through a long history of U.S. social services, sometimes even at the expense of child welfare (Fata et al., 2013; Glen, 2012; McKenna, 2011; Osterberg, 2009; Popple & Leighninger, 2015; Rome, 2010). The family has been considered the fundamental unit of society, providing shelter, care and social learning to children, instrumental in creating healthy individuals and strong communities (Popple & Leighninger, 2015; UUA, 2012). Even after an ideological and practice shift towards the best interests of the child, federal policy requiring welfare personnel to make an effort to reunify of a family has taken a stricter

turn to best interest determinations in light of the immigration status of the parent (ARC, 2011; Popple & Leighninger, 2015; Zug, 2014).

Nonetheless, values of family and family unity are supported by Congressmen and women. Rep. Roybal-Allard, sponsor and proponent of these two bills, believes that all parents deserve to have their children cared for, and, if possible, to remain in the care of family members rather than “becoming a ward of the state” (Roybal-Allard –News). In 2013, Democratic Representatives Chu and Honda find that family separation due to immigration policies is salient for both Latino and Asian Pacific American communities, noting that family is and has always been a core national value in the U.S. and represents the fundamental social support and resource for business, jobs, and the burgeoning generation of skilled youth; families provide security for aging family members along with housing and care for young children (Chu & Honda, 2013). Thus, they propose reforms which support family preservation and reunification, and oppose those which limit the national definition of ‘family’ (Chu & Honda, 2013).

Similarly, Rep. Roybal-Allard believes that undocumented immigrants are integral to our society as community members, workers and contributors and that immigration policy reforms can counteract the harsh enforcement measures to serve national economic and humanitarian interests (Murphy, 2012; Roybal-Allard, 2015). Four members of the House Subcommittee on Immigration and Border Control are currently reviewing the HELP Act and support family preservation and unity in immigration reform. Rep. Sheila Jackson Lee believes that family unity is an essential American value and promotes its preservation in any considered reforms. Rep. Zoe Lofgren (D-CA) notes that it is possible to “unite parents with their children,” while Rep. Luiz Gutiérrez sympathizes with the “parents and breadwinners...that are assets to American communities” (Dade, 2012).

In turn, organizations which work with these populations feel that family unity and preservation are at the height of the debate (UUA, 2012). The Latino Policy Center (PC) (2012) has supported reunifying these families, having started a project to reunite families, and publically seeks a presidential executive order as a solution to reuniting families (Latino Policy Center [LCP], 2012; Williams, 2014).

From a legal standpoint, the Nebraska Supreme Court has affirmed "the constitutional right of immigrant parents to care for, have custody of, and control" their children (Legal Momentum, 2009). Both documented and undocumented immigrant parents have a constitutional right to raise and care for their child, whether or not they have been removed from the U.S. (Legal Momentum, 2009). Legal arguments for family unity and preservation in this context also stem from citizenship status of the child. One concept is that the future of the U.S. itself relies on *yes* its youth, 19% of whom are Latino, and 80% of whom are U.S. citizens (Office of Adolescent Health [OAH], 2013).

Of this population, about 4.5 million are estimated to be sons and daughters of undocumented immigrants (Pew Research Center, 2011). The next generation of economic and social contributors will be children connected to the immigration system in some way, be it indirect fear of detention and deportation, or direct experience with family separation. Common arguments support the social responsibility of federal and state agencies to protect the rights of families, parents and children, regardless of immigration status (Andrapalliyal, 2013; Hagan et al., 2010; Hall, 2011; Rogerson, 2012; Zug, 2014). Thus, the next biggest stakeholder is the nation as a whole, which is dependent on the family unit in nurturing the future generation of children (UUA, n.d.); instead of investing in the protection of the family unit, the government is

instead investing in the deportation of possibly fit parents (Chaudry et al., 2010; Osterberg, 2009).

Cultural Bias in Intersecting Systems

While in the U.S. parents have the right to care for and parent their child, a right guaranteed under the Constitution and protected by the U.S. refusal to ratify the CRC, this right is not mitigated by immigration status or citizenship (Legal Momentum, 2009). Family courts and child welfare agencies, however, are culturally biased against the immigrants they serve (Hall, 2011). Immigration status is used as a determining factor in whether the parent is deemed “fit,” or able to provide a minimum amount of care to their children (Zug, 2014). The courts and welfare system hold immigrant parents up to the standard of this requirement, but determine that immigration status reduces their ability to provide adequate care, even to the extent that being an immigrant is itself a criminal act; under immigration law, re-entry into the U.S. without proper documentation is considered criminal and is grounds for removal (Zug, 2014). If a parent has been detained or deported, the opportunity for family reunification is slim, due to the initiation of termination of parental rights after a child spends 15 of the past 22 consecutive months in foster care and lack of access to resources for communication and complying with court-mandated reunification plans (ARC, 2011; Hall, 2011). While child welfare agencies are required by the Adoption Assistance and Child Welfare Act (AFSA) to show they have made reasonable efforts to prevent TPR and support reunification, cultural bias has reduced the adequacy of services provided (Maddali, 2014).

Potential for reunification is further diminished by ICE detention centers, where detained parents receive few to no resources needed to comply with reunification plans and maintain contact with their child during the process of their own potential removal (Park, 2015). Additionally, current detention system procedures allow for the transfer of parents to detention centers without notifying the attorney, court personnel, or child welfare personnel, even to centers far away from the child (Park, 2015). Attorneys describe this as “disappearing,” which creates numerous new barriers to reunifying families through the court and child welfare systems as parents cannot maintain contact (The Bacon Immigration Law & Policy Program, 2015). ICE created the Online Detainee Locator system to alleviate this problem, but the majority of detention center personnel, court and child welfare system personnel and families are unaware or unfamiliar with the system (American Bar Association [ABA], 2013).

In the event that a child is permanently removed from family care, they are then placed into foster care, now at higher risk for physical and sexual abuse, loss of essential connections to their culture and family, and permanent end to the parent-child relationship (Fata et al., 2013; Valbrun, 2012). Children can be traumatized by the change in primary caregiver, presenting with needs that communities and community centers are unprepared to respond to (Cervantes, 2010). In turn, absorbing a child as a ward of the state can be costly when compared to the costs of other alternatives, like kinship care or supervised release programs for undocumented immigrants. Using this cost-benefit analysis, burdening the welfare system with children who have fit parents by child welfare standards is a poor economic choice (Osterberg, 2009). While kinship care has become a burgeoning option in child welfare, it is rarely utilized to its fullest extent for immigrant parents because of cultural bias and barriers in policy, such that kinship care is not a legal option in the event that other family members are also undocumented or cannot provide the

} Good!

necessary documentation as required by law. The argument for kinship care centers on family unity and preservation: the best interests of the child to remain with the family, the ability of kin to apply for any necessary services on behalf of the citizen child, and that it maintains the possibility of parental reunification in the future (The Bacon Immigration Law & Policy Program, 2015).

Solutions

Supported solutions uphold family unity and preservation, so as to maintain parental care of the child (Episcopal Public Policy Network, 2015; UUA, n.d.: 2012). Reforms to change the status quo of law enforcement and border control with concern for family separation have included the proposed Child Citizenship Protection Act (2010-2011), the Reuniting Immigrant Families Act passed and implemented in California, and the Parental Interest Directives changing detention procedures for ICE personnel (ICE, 2013; Rome, 2010).

The “Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities” directive issued in 2013 aimed to deal with concerns of family separation by encouraging ICE to utilize discretion in determining whether a caregiver should be detained at the expense of their child and parental rights (ABA, 2013; ICE, 2013). Additionally, the directive helps guide ICE in providing a detainee the necessary resources to participate in family court and child welfare proceedings and visitation with their child (ABA, 2013). If properly implemented it would narrow the scope of immigrants who will be treated as deportation priorities and, thus, keep immigrant families together (The American Civil Liberties Union [ACLU], 2015).

The two Help Acts would help the family locate those detained, ensure U.S. citizen children receive the appropriate care after a family member is deported, and would provide for

improved coordination and communication with all entities involved to safeguard best interests of child and family unity, including kinship care (Cervantes, 2010; The National Council of Juvenile and Family Court Judges (NCJFCJ), 2010: 2013; LIRS, 2012; Women Refugee Commission, 2015; American Humane Association [AHA], 2010). Thus, this solution would meet the need to prevent family separation or to attend to it if a parent is detained, and streamline coordination efforts between agencies. However, two negative consequences may include requiring more resources in child welfare, DHS, and ICE agencies to deal with the new protocols and ensuring they are followed, and having a public backlash against such efforts thinking that they offer relief to undocumented immigrant parents.

yes

Opponents

The status quo of immigration enforcement and border control is not harmful from this perspective because it ensures national security and penalizes those who have tried to cheat or by-pass the system the nation has in place to ensure national security and equal opportunity (“Text of Republican’s Principles on Immigration”, 2014). The only change necessary is to continue to remove those unlawfully in the U.S., strengthen our borders and streamline removal processes (“Text of Republican’s Principles on Immigration”, 2014). Consequences need to be clear-cut for those in the country illegally to deter more illegal immigration (“Text of Republican’s Principles on Immigration”, 2014).

The public tends to view immigration in terms of racial stereotypes, removed from the impacts of actual deportation on families (Valentino, Brader, & Jardina, 2013). The American public is divided about the growing number of deportations; a survey of public opinion showed

that 45% of Americans think this new deportation atmosphere is good, and 45% that it is a bad thing. (Pew Research Center, 2014).

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→ what about the other 10%?
Unsure?
Indifferent?

Immigration Enforcement and Border Control: Ensuring National Security

Opponents view illegal immigrants as a threat to the nation. Many perceptions of immigrants are that they take away jobs, bring in possible terrorists, and use up public service benefits (Furchtgott-Roth, 2013; Immigration Policy Center, 2010; Smith, n.d.). The U.S. government has a compelling interest to support the future generation of workers and contributors to society, but those who are citizens, meaning that the government needs to also maintain the integrity of immigration laws and removing persons who violate such laws (Osterberg, 2009). Thus, any solution proposed that is seen as a continuance of ignoring enforcement policies, as noted during the Bush and Obama Administrations, is opposed (Breeding, 2013; Nakamura & Elperin, 2015). In turn, as of 2012, DHS holds that family separation is not considered an extreme hardship worthy of judicial discretion for a waiver of relief from removal (U.S. Citizenship and Immigration Services [USCIS], 2015).
Wow! Interesting.

The purpose of immigration policy is to secure U.S. borders and enforce laws (“Text of Republican’s Principles on Immigration”, 2014). There should be a zero tolerance policy for those who enter the U.S. illegally or over stay their visas, but youth should not be punished for their parents’ mistakes, and will be provided an opportunity for legal residence and citizenship (“Text of Republican’s Principles on Immigration”, 2014). However, no such relief will be offered to their parents who are living and working in the U.S. without documentation. If relief is offered for humanitarian reasons, these immigrants should pass background checks, pay significant fines and back taxes, become proficient in English and American civics and achieve

financial self-sufficiency without access to public benefits (“Text of Republican’s Principles on Immigration”, 2014).

Will Encourage Illegal Immigration

It is argued that offering a single step that provides relief in any way to immigrants will encourage more immigrants to come to the U.S. Opponents thus argue that family-based immigration, or one that considers the family in its enforcement decisions, becomes a chain system encouraging immigration to the U.S. through the anchor-baby theory, that having a child will offer an immigrant relief from deportation (Fata et al., 2013; Giovagnoli, 2013; Glen, 2012; McKenna, 2011; Osterberg, 2009; Rome, 2010). The Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) have both noted that protecting children by offering relief to parents will undermine efforts to control the border, enforce laws and preserve national security (Department of Homeland Security [DHS], 2014; ICE, 2014a:b). Thus, their goal is to ensure national security and community safety, whether or not it limits due process protections for both parents and children (Giovagnoli, 2013). Many opponents see that a bill that protects the parents and children would lead to a radical form of the immigration and border security system.

Children are Better Off in the U.S.

There is a belief that children are better off in U.S., even if those children are in foster care. This has been used as a determination factor in termination of parental rights (TPR) for immigrant parents and their citizen child (ARC, 2011). Court and child welfare systems generally consider the best interests of the child as paramount to parental rights, with TPR as the

best permanency solution for a U.S. citizen child to access citizenship rights to education and opportunity (Yablon-Zug, 2012; Zug, 2011). Other courts use a child's citizenship rights to U.S. amenities of education and opportunity in cultural bias, deciding that TPR is in the best interests of the child to have access to these resources and to cultivate an American value identity (Maddali, 2014; Valbrun, 2012).

While detained parents seem unwilling to comply with the court-mandated reunification plans because they are unable to comply due to lacking the necessary resources. Courts see only the failure of the parent to fulfill the plan and think the parent has abandoned their child, and, therefore, it would be in the best interest to choose TPR. If a child has no other care options, he/she is placed in foster care or may even be adopted, which occurred in the case of Encarnacion Bail Romero (*S.M. v. E.M.B.R. (In re Adoption of C.M.B.R.)*, 2011). For these children, they may become accustomed to a new way of life and become attached to their new caregivers; it is then argued that it would be a secondary trauma to separate the child from this new caregiver (Maddali, 2014). Kinship care is further denied as a viable option because the same issues that the courts found with the biological caregiver and their immigration status applies to other relatives who may live in a mixed-status family or be undocumented themselves, thus risking detention and deportation in the future (Maddali, 2014; McKenna, 2011; Osterberg, 2009). Undocumented immigrants are also ineligible for public assistance, diminishing their perceived capacity to provide an adequate standard of care for the foster child (Brabeck & Xu, 2010; McKenna, 2011). Finally, parents are viewed as the problem itself, considered both at fault for creating this family separation system by coming to the U.S. illegally, and as criminals for breaking immigration law (ICE, 2014b; Immigration Policy Center & First Focus, 2012; Maddali, 2014; Meng, 2013; Osterberg, 2009; Rome, 2010).

Conclusions

While legislators across the aisle are proposing legislation to serve their bipartisan purposes of immigration enforcement and border control or the protection of family and child, analysis of the HELP for Separated Children Act and the Help Separated Families Act offers insight into the current immigration system and its unintended consequences, as well as what solutions will solve them. As future social workers, we support these two Acts because we agree with their intended goals as well as their motivations for setting them. Kinship care is currently a boon in the child welfare system as a possible solution to many cases where children may need to be removed from a parents' care, and, with a few small modifications to protocols, like allowing certain foreign documents to secure kinship care rights, a child separated from a detained or removed parent can maintain family relationships. This solution also maintains the future possibility of reunification, without the almost insurmountable barriers of parental rights termination, geographic distance without the ability to contact U.S. child welfare agencies, and communication with their biological child.

In addition, parents and children must both be protected from enforcement policies that aim to treat the immigrant parent like a criminal, such as denying phone calls or necessary contact information for child welfare workers and legal counsel. The HELP Act goes a step further to protect children from enforcement policies themselves as potential actors in the process, and by protecting a child's right to grow up in his/her biological family.

It is our hope that these bills will be reintroduced in the current Congress, as they both would allow for the value of family to be upheld throughout detention and deportation processes, child welfare processes, and family court systems. Instituting new protocols requiring ICE agents, child welfare systems, and courts to identify detainees as parents, coordinate contact

between parent and child, and allocate resources to allow a parent to engage in a reunification plan will potentially require more manpower in order to effectively implement these changes. However, with the ICE Parental Interest Directive and other previous solutions already attempted, this has not been a noted concern (ICE, 2013; 2015). In the long run, these policy changes may create a more efficient system for identifying criminal immigrants as priorities and protecting children from unnecessary trauma and separation from their parents. Further, humanitarian efforts that recognize the human rights of immigrants in the U.S. may, in turn, alter public sentiment towards immigrant parents and their families, leading to continued immigration reform respecting human rights.

We stand by the original Congressman who helped draft and introduce the first version of the HELP Act, Senator Al Franken (2010), when he says: “while our bill doesn't fix 99.9 percent of [immigration system] problems, it takes a small but important step to make sure our kids don't suffer any more than they have to already...While immigration may be complicated, protecting our kids isn't.” *PS # or paragraph # needed for direct quote*

References

- American Bar Association (ABA). (2013). The year in review: An annual publication of the ABA/Section of International Law. Retrieved from <http://apps.americanbar.org/dch/thedl.cfm?filename=/IC925000/newsletterpubs/YIR2013.pdf>
- American Civil Liberties Union [ACLU]. (26 February, 2015). RE: Oppose S. 534, the "Immigration Rule of Law Act of 2015." Retrieved from https://www.aclu.org/sites/default/files/assets/15_2_25_aclu_vote_recommendation_opposing_s_534_final.pdf
- Andrapalliyal, V. (2013). The CPS took my baby away: Threats to immigrant parental rights and a proposed federal solution. *Harvard Law & Policy Review*, 7, 173–197.
- Applied Research Center (ARC). (2011). Shattered families: The perilous intersection of immigration enforcement and the child welfare system. Retrieved from <http://act.colorlines.com/acton/attachment/1069/f-007a/0/-/-/-/file.pdf>
- The Bacon Immigration Law & Policy Program. (2015). Immigration and the child welfare system. Retrieved from http://www.law.arizona.edu/depts/bacon_program/child_welfare.cfm
- Brabeck, K., & Xu, Q. (2010). The impact of detention and deportation on Latino immigrant children and families: A quantitative exploration. *Hispanic Journal of Behavioral Sciences*, 32(3), 341-361. doi:10.1177/0739986310374053
- Breeding, B. (2013, August 23). Press Releases. Retrieved March 14, 2015, from http://goodlatte.house.gov/press_releases/444
- Cervantes, W. (2010). Immigration enforcement and family separation. *Children of Immigrants and Child Rights. First Focus*. Retrieved from <http://www.aecf.org/resources/immigration-enforcement-and-family-separation/>
- Chaudry, A., Capps, R., Pedroza, J. M., Castañeda, R. M., Santos, R., & Scott, M. M. (2010). Facing our future: Children in the aftermath of immigration enforcement. *The Urban Institute & The National Council of La Raza (NCLR)*, 1-96.
- Chu, J., & Honda, M. (2013). Statement for the record from Reps. Chu and Honda: The separation of nuclear families under US immigration law. Retrieved from <http://chu.house.gov/sites/chu.house.gov/files/Immigration%20Written%20Testimony.pdf>
- Fata, S., Orloff, L. E., Carcamo-Cavazos, A., Silber, A., & Anver, B. (2013). Custody of children in mixed-status families: Preventing the misunderstanding and misuse of immigration status in state-court custody proceedings. *Family Law Quarterly*, 47(2), 191-242.

- Franken, A. (2010). Address. Retrieved from <https://www.franken.senate.gov/?p=news&id=881>
- Furchtgott-Roth, D. (2013). The economic benefits of immigration. Manhattan Institute for Policy Research (MI), 18. Retrieved from http://www.manhattan-institute.org/pdf/ib_18.pdf
- Giovagnoli, M. (2013). Overhauling immigration law: A brief history and basic principles of reform. American Immigration Council Retrieved from <http://www.immigrationpolicy.org/sites/default/files/docs/perspectivescirprimerwe111213.pdf>
- Hagan, J., Castro, B. & Rodriguez, N. (2010). The effects of U.S. deportation policies on immigrant families and communities: Cross-border perspectives. *North Carolina Law Review*, 88, 1799-1824.
- Hall, C. E. (2011). Where are my children...and my rights? Parental rights termination as a consequence of deportation. *Duke Law Journal*, 60(6), 1459-1503.
- Hesson, T. (27 December, 2012). As one immigration enforcement program fades away, another rises. ABCNews. Retrieved from http://abcnews.go.com/ABC_Univision/News/immigration-enforcement-program-287g-scaled-back/story?id=18077757
- Hing, B. (2012, April 27). Like it or not, Arizona's SB 1070 is about racial profiling. Huffington Post. Retrieved from http://www.huffingtonpost.com/bill-ong-hing/arizona-immigration-law_b_1457435.html?
- Immigration Policy Center. (2010). Top ten myths about immigration. Retrieved from <http://www.immigrationpolicy.org/high-school/top-10-myths-about-immigration>
- Latino Policy Coalition (LPC). (2012). Latino Policy Coalition seeks presidential executive order to reunite children separated from detained/deported immigrant parents. Retrieved from <http://www.latinopolicycoalition.org/wp-content/uploads/PR-PEO-6.5.12.pdf>
- Legal Momentum. (2009). Fact sheet on State v. Maria L. Retrieved from <http://niwaplibrary.wcl.american.edu/family-law-for-immigrants/parental-rights-of-detained-immigrants/Fact-Sheet-on-Maria-L.-case.pdf>
- Lutheran Immigration and Refugee Services (LIRS). (2012). July 20, 2012 letter: LIRS applauds introduction of the Help Separated Families Act. Retrieved from <http://lirs.org/press-inquiries/press-room/072012letter/>
- National Immigration Law Center (NILC). (1 August, 2013). More than 30 advocates arrested on Capitol Hill for protesting unjust immigration policies, House GOP inaction on path to citizenship. Retrieved from <http://www.nilc.org/nr080113.html>

- Meng, G. (2013, May 24). Immigration reform needs to help families. Retrieved from <http://www.hrw.org/news/2013/05/24/immigration-reform-needs-help-families>
- Maddali, A. O. (2014). The immigrant "other": Racialized identity and the devaluation of immigrant family relations. *Indian Law Journal*, 89, 643-698. Available from <http://dx.doi.org/10.2139/ssrn.2390223> Vol #7
- McKenna, K. (2011). A global perspective of children's rights: Advocating for U.S.-citizen minors after parental deportation through federal subagency creation. *Family Law Quarterly*, 45(3), 397- 423.
- Morse, A. (2011). Arizona's immigration enforcement laws. National Conference of State Legislatures. Retrieved from <http://www.ncsl.org/research/immigration/analysis-of-arizonas-immigration-law.aspx>
- Murphy, M. (2012, July 16). Rep. Roybal-Allard introduces help separated families act to keep immigrant families together. Retrieved from <http://roybal-allard.house.gov/news/documentsingle.aspx?DocumentID=303274>
- Nakamura, D. & Elperin, J. (2015, February 17). Judge's immigration ruling adds to Obama's list of potential legal pitfalls. Retrieved from http://www.washingtonpost.com/politics/federal-judge-in-texas-deals-legal-blow-to-obamas-immigration-action/2015/02/17/a93cb456-b6b8-11e4-aa05-1ce812b3fdd2_story.html
- Office of Adolescent Health (OAH). (2013). Health snapshot - Hispanic adolescents in the United States. Retrieved from <http://www.hhs.gov/ash/oah/news/e-updates/eupdate-mar2013.html>
- Osterberg, A. M. (2009). Removing the dead hand on the future: Recognizing citizen children's rights against parental deportation. *Lewis & Clark Law Review*, 13, 751-788. Vol #7
- Park, A. (2015). Keeping Immigrant families in the child protection system together. *American Bar Association Child Law Practice*, 33(4). 1pg #
- Passel, J. & Cohn, D., Krogstad, J. M., & Gonzalez-Barrera, A. (2014). As growth stalls, unauthorized immigrant population becomes more settled. Retrieved from <http://www.pewhispanic.org/2014/09/03/as-growth-stalls-unauthorized-immigrant-population-becomes-more-settled/>
- Pew Research Center. (2011). As deportations rise to record levels, most Latinos oppose Obama's policy. Retrieved from <http://www.pewhispanic.org/2011/12/28/as-deportations-rise-to-record-levels-most-latinos-oppose-obamas-policy/>

- Pew Research Center. (2014). Public divided over increased deportation of unauthorized immigrants. Retrieved from <http://www.people-press.org/files/legacy-pdf/02-27-14%20Immigration%20Release.pdf>
- Popple, P. R., & Leighninger, L. (2015). *The policy-based profession: An introduction to social welfare policy analysis for social workers*. Upper Saddle River, NJ: Pearson Education Inc.
- Rogerson, S. (2012). Unintended and unavoidable: The failure to protect rule and its consequences for undocumented parents and their children. *Family Court Review*, 50(4), 580-593. DOI: 10.1111/j.1744-1617.2012.01477.x
- Rome, S. H. (2010). Promoting family integrity: The Child Citizen Protection Act and its implications for public child welfare. *Journal of Public Child Welfare*, 4, 245-262. doi: 10.1080/15548732.2010.496078
- Smith, L. (n.d). Judiciary. Retrieved from <http://lamarsmith.house.gov/issues/judiciary>
- S.M. v. E.M.B.R. (In re Adoption of C.M.B.R.), No. SC91141, slip op. at 12–13 (2011)
- Text of Republican's Principles on Immigration. (30 January, 2014). *The New York Times*. Retrieved from http://www.nytimes.com/2014/01/31/us/politics/text-of-republicans-principles-on-immigration.html?_r=0
- Unitarian Universalist Association (UUA). (n.d.). Principles of humane immigration reform. Retrieved from <http://www.uua.org/immigration/policy/reform/172659.shtml>
- Unitarian Universalist Association (UUA). (2012). Help Separated Children Act. Retrieved from <http://www.uua.org/immigration/policy/reform/185872.shtml>
- U.S. Citizenship and Immigration Services (USCIS). (2015). Executive Actions on Immigration. Received from <http://www.uscis.gov/immigrationaction#2>
- U.S. Department of Homeland Security. (2014). Policies for the Apprehension, Detention and Removal of Undocumented Immigrants. Received from http://www.dhs.gov/sites/default/files/publications/14_1120_memo_prosecutorial_discretion.pdf
- U.S. Immigration and Customs Enforcement (ICE). (n.d.). Secure communities: Overview. Retrieved from <https://www.ice.gov/secure-communities>
- U.S. Immigration and Customs Enforcement (ICE). (2013). Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities (ICE Publication 11064.1). Received from http://www.ice.gov/doclib/detention-reform/pdf/parental_interest_directive_signed.pdf;

- U.S. Immigration and Customs Enforcement (ICE). (2014a). Delegation of immigration authority section 287(g) immigration and nationality act. Retrieved February 10, 2015, from <https://www.ice.gov/factsheets/287g#signedMOA>
- U.S. Immigration and Customs Enforcement (ICE). (2014b). Deportation of aliens claiming U.S.-born children: Fiscal year 2013 report to Congress. Retrieved from <http://big.assets.huffingtonpost.com/2013report1.pdf>
- U.S. Immigration and Customs Enforcement (ICE). (2015). Parental Interest Directive. Retrieved from <http://www.ice.gov/parental-interest>
- Valbrun, M. (25, January, 2012). Immigrant children face uncertain futures, foster care. Huffington Post. Retrieved from http://www.huffingtonpost.com/2012/01/25/immigrant-children-face-u_n_1231668.html
- Valentino, N. A., Brader, T. & Jardina, A. E. (2013). Immigration opposition among U.S. Whites: General ethnocentrism or media priming of attitudes about Latinos. *Political Psychology*, 34(2), 149-166. DOI:10.1111/j.1467-9221.2012.00928.x
- Williams, L. (April 25, 2014). Stop separating families. Latin American Coalition. Retrieved from <http://www.latinamericancoalition.org/blog/272/stop-separating-families>
- Women's Refugee Commission. (2015). Parental Rights: Legislative and Administrative Updates. Received from <http://womensrefugeecommission.org/programs/migrant-rights/parental-rights/legislative-and-administrative-updates>
- Yablon-Zug, M. (2012). Separation, deportation, termination. *Boston College Journal of Law & Social Justice*, 32(1), 63-117.
- Zug, M. (2011). Should I stay or should I go: Why immigrant reunification decisions should be based on the best interest of the child. *Brigham Young University Law Review*, 4(5), 1139-1191.
- Zug, M. (2014). Undocumented parenting: Immigration status as a proxy for parental fitness. *Children's Rights Litigation*, online <http://apps.americanbar.org/litigation/committees/childrights/content/articles/summer2014-0714-undocumented-parenting-immigration-status-proxy-parental-fitness.html>

SW 380: Policy Analysis & Lobbying Project
Lobby Brief Rubric

Emily H.
Emily B.
Amelia M.

Context, Assumptions & Conclusions – (40%)

100- (A) The paper demonstrates an insightful ability to take facts, data and information further into new territory to make broader generalizations, uncover hidden meanings and implications. The paper includes a discriminative assessment of the value, credibility and power of the information uncovered in order to decide on well-considered choices and opinions. Conclusions and related consequences and implications are logical and reflect student's informed evaluation and ability to place evidence and perspectives discussed in priority order. *Very organized, well-written, clear and concise paper. Did an excellent job presenting both sides.*

B - The paper demonstrates an adequate ability to take facts, data and information further into new territory to make broader generalizations, uncover hidden meanings and implications. The paper includes a discriminative assessment of the value, credibility and power of the information uncovered in order to decide on well-considered choices and opinions. Conclusions are logically tied to a range of information, including opposing viewpoints; related consequences and implications are identified clearly.

C - The paper demonstrates uneven and superficial ability to take facts, data and information further into new territory to make broader generalizations, uncover hidden meanings and implications. The paper presents a limited ability to assess discriminatively the value, credibility and power of the information uncovered in order to decide on well-considered choices and opinions. Conclusions are logically tied to information only because information is chosen to fit the desired conclusion; a minimal number of related consequences and implications are identified clearly.

D - The work demonstrates little ability to take facts, data and information further into new territory to make broader generalizations, uncover hidden meanings and implications. The paper represents a superficial ability to assess discriminatively the value, credibility and power of the information uncovered in order to decide on well-considered choices and opinions. Conclusions are inconsistently tied to some of the information discussed; related consequences and implications are oversimplified.

Research & Evidence – (30%)

100- (A) Information is taken from source(s) with enough interpretation/evaluation to develop a comprehensive analysis or synthesis. Your paper integrates several incredibly well-qualified and credible sources. The credibility of your sources is artfully woven into your paper, and your sources are used appropriately to respond to assignment prompts and to assert your points. Viewpoints of experts are questioned thoroughly. *Good use of sources, integrated journal articles and government sources.*

B - Information is taken from source(s) with enough interpretation/evaluation to develop a coherent analysis or synthesis. Your paper integrates some well-qualified and credible sources. The credibility of your sources is woven into your paper, and your sources are used appropriately to respond to assignment prompts and to assert your points. Viewpoints of experts are subject to questioning.

C - Information is taken from source(s) with some interpretation/evaluation, but not enough to develop a coherent analysis or synthesis. Your paper integrates qualified and relatively credible sources. The credibility of your sources is present in your paper. Some of your sources are used tangentially or inappropriately to respond to assignment prompts and/or manipulated to support your points. Viewpoints of experts are taken as mostly fact, with little questioning.

D - Information is taken from source(s) without any interpretation/evaluation. Your fails to integrate credible sources or discredited or marginal sources are used throughout your paper. Sources are not used to support your response to assignment prompts and/or to assert your points. Viewpoints of experts are taken as fact, without question.

Writing Quality – (20%)

100 A - The paper flows well and information is well connected. Sentences are clear and concise; unfamiliar terms are explained. Word choice is appropriate and tone is appropriate. Spelling and grammar is correct throughout the paper, or there is only the most minor of errors. There are no contractions used. Transitions are clear and appropriate.

B - The paper is somewhat choppy, but it contains the required information. Terms are explained. Tone and word choice are appropriate. Spelling and grammar are mostly correct, but there are a few errors such as contractions. Transitions are adequate.

C - The paper is choppy and disjointed. Unfamiliar terms are not explained. Word choice is not always appropriate and tone may falter. Errors exist throughout the document in spelling and grammar. Contractions are used frequently. There is some difficulty with transitions.

D - The paper lacks coherence and not organized well. Terms are not explained; sentences are confusing to the reader and their meaning is not clear. Word choice is often inappropriate and tone may be inconsistent. There are major errors through the document in spelling and grammar. The author struggles with transitions.

APA Format - (10%)

98 A - All references, in-text citations, and numbers are correct, or with only the most minor of errors.

B - There is effort to utilize APA writing style and format, but minor errors exist.

C - There are major errors with APA format in either references or citations.

D - There are major errors with APA format in both references and citations.

Grade: 100