



COMMUNITIES IN SHADOWS:

The Effects of Deportation Policies on Families in Washington State

Law, Societies & Justice Honors Research Report, 2013-2014

The University of Washington

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I. Introduction:

Deportation is one of the primary mechanisms through which US immigration laws are enforced. In 2013, the Pew Research Center estimated that there were 11.7 million undocumented immigrants in the US, each vulnerable to deportation following any interaction with government authorities.¹ Under President Obama's administration, there has been a steady increase in the number of deportations each year.² In negotiations regarding comprehensive immigration reform, enforcement has remained a priority for both parties.³ Customs and Border Patrol (CBP) and Immigration and Customs Enforcement (ICE) are the two primary agencies that enforce immigration policy; they are responsible for approximately one-third of the total budget of the Department of Homeland Security.⁴ New programs to enhance local law enforcement's ability to cooperate with ICE, such as Secure Communities and the 287(g) program⁵, are examples of the ever-expanding policy of deportation.⁶

While discussions of border enforcement treat deportation as a response to individual behavior, the effects of deportation radiate outward into families and communities. This report is focused on the effects of deportation on the families that deportees leave behind. Significant numbers of deportees leave children behind when they are deported from the United States, some of who are US citizens.⁷ Spouses, parents and other relatives are also affected, both in terms of separation of family members and educational effects.

While national data regarding the effects of deportation on families is available from a variety of agencies, data specific to Washington is difficult to obtain. This is due to the lack of studies previously conducted, as well as the reluctance of individuals to share such personal information. This study seeks to measure the effects of deportation in our state in order to contribute to our current understanding and to inform public policymaking. Our findings show that Washington state data correlates with the results of national studies; however, certain Washington policies do make the state a better place for vulnerable families.

In this report, we will focus on three distinct topics related to deportation: quality of life, family separation, and education. We found that deportation in Washington has both direct effects—those that result from the actual deportation of an individual—and indirect effects, which result from the general fear associated with living with

vulnerability to deportation. In terms of quality of life, deportation has detrimental effects on income, housing, access to rights and physical well-being. Deportees' families are also more vulnerable to exploitation. Deportation separates Washington families, sends many children to foster care and shelters, and causes emotional distress. Deportation also has a significant impact on education; it can interfere with achievement and attendance, and results in significant barriers to undocumented students. The results of our study underscore the systemic difficulties that undocumented immigrants in our state face on a daily basis, and should prove useful when determining statewide immigration policy.

It is important to emphasize that due to the prevalence of mixed-status families. A mixed-status family includes least one family member that is undocumented, which means that many of the family members experiencing the effects of deportation are United States citizens. The polarized political discourse around immigration fails to account for the way entire communities, including US citizens, have their basic rights curtailed by current immigration enforcement practices.

Policies regarding deportation practices are ever-changing; in the course of our six-month research period, the REAL Hope Act pass been put in place in Washington State, which provides financial aid to undocumented college students from the Washington State Need Grant. As a result, access to higher education has been drastically changed for undocumented students through lobbying and activism by both documented and undocumented students. Even more recently, inmates at the Tacoma Northwest Detention Center staged a hunger strike from March 7th to May 5th, in protest of prison conditions and threats on the ability to seek asylum. Protestors included detainees, their families, and undocumented students who wanted to bring awareness to the issue. Those involved in the hunger strike released a statement in early March stating that deportations should be ended, and that the separation of families caused by deportations was unacceptable.⁸ This hunger strike, in which more than 700 inmates participated, garnered media attention and highlighted the importance and relevance of deportation policies on families in Washington State, as well as the rising momentum of the immigrants rights movement.

“How do
deportation and
immigration
policies affect
families in
Washington
State?”

A. Methods:

This research project attempted to answer the question, “How do deportation and immigration policies affect families in Washington State?” After a review of national data gathered on the issue, we garnered corresponding information at the state level. We conducted research over a six-month period, through in-person and phone interviews. Our team relied on qualitative information gathered from interviews with approximately 37 individuals located in Washington, using snowball sampling. Interviewees included social service providers; attorneys and legal service providers; individuals affected by deportation; and student activists. Some individuals who are vulnerable to deportation, or have family members who are vulnerable to deportation, shared their stories with us in confidence;

to protect their identities, we have assigned pseudonyms to them in this report. Please see Appendix A for full list of interview subjects.

B. Limitations

It is important to note that our research was not without limitations, most significantly, the small sample size of students interviewed. A greater number of participants would have strengthened the validity of our research. In addition, the majority of students that we interviewed were Latino/a. This may have been due to our choice of using snowball method sampling, rather than probability sampling or another more representative sampling method, which could have biased our results. While there are a large number of Latino immigrants in Washington State,⁹ there are a significant number of immigrants with Russian, Ukrainian and Asian descent as well.¹⁰ Individuals from these backgrounds were not represented in this study.

Another limitation is that professionals such as attorneys and social workers disclosed stories of their choosing. This may or may not be representative of all undocumented individual's experience, as professionals may have elected to skip stories of individuals whose experience deviated from what the attorneys wanted to discuss.

While we did our best to sample the largest amount of subjects possible, the lack of candidness regarding documentation status was a large barrier to finding individuals who wanted to disclose their stories to us. Overall, our limitations did not impact the qualitative aspect of our report, as multiple interview subjects repeated similar stories and recounted similar experiences of their friends. In future studies, a longer time period might better allow a more representative sample to be taken, in order to strengthen the results of the research.

C. Demographics:

In order to more accurately understand the effect of deportation on immigrant families in Washington, it is useful to examine the demographic background of this group. This can be accomplished through an assessment of population and household economic statistics. The population statistics are intended to show that there is a significant population residing in Washington that is vulnerable to deportation, whereas the household economic statistics will highlight the susceptible socioeconomic location that these families occupy.

A few key numbers are needed to give a numerical account of this population. First, it is important to note the size of the population that is vulnerable to deportation. Estimates from the 2011 Department of Homeland Security report on immigrant population note that within the total foreign-born population residing within the United States, there are 22 million legal permanent residents and 11.5 million undocumented immigrants.¹¹ This means that the total population vulnerable to deportation is around 33.5 million. It is also estimated that 16.6 million people currently live in a mixed-status

A 2011 estimate
puts the number
of undocumented
immigrants in
Washington State

at **260,000.**

family, in which at least one family member is undocumented.¹² According to the 2011 Department of Homeland Security report referenced earlier, there are 512,000 legal permanent residents¹³ and 260,000 undocumented immigrants residing within Washington State.¹⁴ While undocumented immigrants face deportation after any interaction with immigration authorities, legal permanent residents can face deportation if they commit a crime that is designated an “aggravated felony” – a crime ranging from perjury, to rape or murder.¹⁵ Therefore, it is important to count both legal permanent residents and undocumented immigrants among those considered vulnerable to deportation.

Not many statistics are available with accurate numbers of deportees who leave behind a family after they are apprehended by immigration authorities. This is due to both the impenetrable nature of the government institutions that regulate deportation (for example, ICE publishes only basic statistics regarding deportation), and the ineffective reporting mechanisms that these agencies employ. ICE reports a total of 368,684 deportations in 2013,¹⁶ of which 133,551 people were deported from within the interior of the US rather than directly at the border.¹⁷ Through Freedom of Information Act requests, the Applied Research Center - an organization- determined that the government had deported 205,000 people reporting at least one US-citizen child between the dates of July 1, 2010 and September 30, 2012. This is slightly less than 90,000 people per year.¹⁸ In the Seattle area alone, 2,448 deported parents reported that they left a US citizen child behind between July 2010 and September 2012.¹⁹ When compared to the number of yearly deportations, this number is very substantial. Statistics that track reporting of non-citizen children are likely to be inaccurate due to the incentive for deportees to underreport. These nationwide statistics suggest that within each state, a significant portion of deportees do have family members who remain in the US.

The Washington immigrant population is additionally disadvantaged by certain economic factors that make deportation especially harmful. According to the 2011 American Community Survey, in Washington State, the median household income of non-citizens is \$52,202, compared with \$59,601 for citizens.²⁰ Non-citizens also have an average of 3.2 people per household, compared to 2.4 for citizens.²¹ In Washington, 30.5% of students in immigrant households are in poverty, whereas the rate for citizens is only 18.6%.²² When a member of one of these families is deported, the remaining members face a greater economic burden, magnifying the other collateral effects of deportation.

II. Impact of Deportation on Quality of Life:

Deportation has far reaching effects that diminish the quality of life for immigrant families. When an individual is deported, income, housing, and health of the remaining family members are negatively affected. The deportation of a working family member has a significant impact on the family's income, and therefore its ability to find adequate housing, pay bills, and buy food.²³ Income and structural factors, such as housing and labor discrimination, make healthcare difficult for these families to obtain. The stress of deportation also has negative effects on health. While some factors make Washington a better place for immigrant families to live, in comparison to other states, enduring problems continue to create significant disadvantages for undocumented individuals.

A. Income:

The most basic economic problem that immigrant families face when a family member is deported is the loss of that person's income. Multiple studies citing quantitative evidence noted that almost all families facing the deportation of a primary wage earner had their income decline.²⁴ Perhaps the most detailed of these studies, conducted by the Urban Institute in 2010, found that of 85 families interviewed, most lost all or almost all of their income following the detention of a family member by ICE.²⁵ These results can be explained by a tendency for families to go into "crisis mode" following the detention of a family member, in which remaining primary earners stop working in order to address the imminent problems faced after detention.

“Complete legal fees for an immigration case vary widely—anywhere from about \$2,000 for a simple case to over \$100,000 for a complex case...”

Deportation can also cause unexpected expenses for a family, which exacerbates the effects of income loss. These costs can include lawyer fees, bail, and childcare, if a parent is in detention. Complete legal fees for an immigration case vary widely—anywhere from about \$2,000 for a simple case to over \$100,000 for a complex case such as a class action lawsuit.²⁶ In addition, the price of bail can vary wildly, depending on the crimes associated with the deportee's detention.²⁷ Reduced income and unexpected bills can force families to cut their other expenses in order to compensate. Families spend less on food, stop paying utility bills, and cut off any non-essential services.²⁸ Additionally, families of deportees experience hunger at a rate much higher than the national average.²⁹

B. Housing:

Securing and maintaining housing is extremely difficult for immigrant families affected by deportation. Families with undocumented members report difficulties retaining stable housing, as well as poor conditions such as smaller and more cramped housing.³⁰ In addition, undocumented families are at a greater risk of suffering landlord abuse. This results from both reduced income and the social stigma attached to undocumented status.

In national studies, families report moving residences multiple times after a family member was deported.³¹ As a result of both social and economic factors; families are forced to move not only due to their inability to pay for housing, but also because other families may not be comfortable with the possibility of increased scrutiny from immigration enforcement that could come from sharing housing.³² Detained persons can be released on bail with an ankle monitor. Families of these deportees are often unable to share space with other families who fear that the ankle monitors will bring immigration authorities to their doors.³³ Unstable housing forces children to switch schools often, which negatively affects educational attainment.³⁴

Families are often forced to live in smaller spaces or share space with more people. Multiple families often split the rent for an apartment, and extended families sometimes live in the same space.³⁵ Some are forced to rent small spaces such as garages or one room apartments due to financial constraints.³⁶ Cramped living space can be uncomfortable and can lead to conflicts between families.³⁷

Due to the vulnerable legal status of undocumented individuals, landlords may exploit undocumented families, knowing that families have no legal recourse to fall back on if housing abuse occurs. Landlords may increase rent without notice, evict tenants when they find out they are undocumented, or charge more than the usual rate for rent.³⁸

C. Rights and Discrimination in Labor:

Undocumented status and the fear of deportation can lead to wage exploitation or labor abuses. Labor discrimination and abuse are particularly rampant in low-wage industries like domestic work, construction, and agriculture.³⁹ This is a prevalent concern in Washington, due to the State's large agricultural economy, especially in Eastern Washington.⁴⁰ The agricultural industry is typically less stringently regulated than other types of employment, and therefore is more vulnerable to abuse.⁴¹ Wages are often withheld or lowered for undocumented immigrants; a nationwide study showed that on average, a legal immigrant would make 42% higher wages than an undocumented immigrant performing similar work.⁴²

Furthermore, due to their vulnerable legal status, undocumented immigrants have limited recourse if they experience discrimination on the job. Labor laws in Washington State are meant to protect the rights of all workers (regardless of citizenship status);⁴³ noncitizens can file complaints about wages (being paid below minimum wage, not receiving paychecks on time) or poor housing conditions on a job site.⁴⁴ However, these laws do not always protect undocumented workers as they are intended to, due to lack of awareness of programs or fear that bringing a claim could draw the attention of immigration enforcement. A supervisor or employer may further exploit a vulnerable citizenship status by threatening to call immigration authorities if an employee complains about labor conditions.⁴⁵ Unfortunately legal representation in these cases is expensive, and free legal services are severely limited.

D. Physical Well-Being:

The threat of deportation can affect an individual's physical wellbeing, yet individuals who fear deportation may avoid healthcare providers such as hospitals to reduce the risk of drawing the attention of immigration enforcement.⁴⁶

Youth that we interviewed reported that they did not tell parents they were sick, because they knew they could not be taken to a hospital or risk any public attention.⁴⁷ In Washington State, many free or low-cost clinics provide medical services without asking about citizenship status or requiring a social security number or insurance; these include Community Health Cares, RotaCare and Union Gospel Mission clinics. However, these clinics do not have the staff or resources to provide comprehensive medical care. There are few clinics available and they provide limited services. While clinics may offer primary care appointments for individuals, specialty care or long-term medical services are not usually offered at these types of clinics.⁴⁸ In addition, undocumented individuals are often unable to pay for health insurance plans, and may not qualify due to lack of a social security number. An uninsured family may have to choose between paying high medical bills and forgoing necessary care.⁴⁹

III. Impact of Deportation on Education

The U.S. government does have specific policies that protect a basic right to education for undocumented children and youth. The Supreme Court's ruling in the 1982 case *Plyler v. Doe*, guaranteed a child's right to education regardless of documentation status.⁵⁰ In June 2012, President Obama created the Deferred Action for Childhood Arrivals (DACA) program, which has given many undocumented youth the chance to remain in the US and seek higher education. However, DACA only provides ability to stay in the United States for three years while pursuing school and work, but are left vulnerable after those three years end.

While these changes have expanded educational opportunities for undocumented youth and children of mixed-status families, current policy has far-reaching effects that continue to present barriers to educational success. The deportation of a family member, fear of immigration enforcement, and lack of legal status all have a detrimental impact on education. Enforcement of current policy continues to negatively affect behavior, attendance, and contributes to social isolation. Additionally, students pursuing higher education often face legal and financial barriers. These issues are fundamentally influenced by structural factors within institutions of both secondary and higher learning, such as discrimination, lack of awareness of immigration issues, and a lack of multicultural education. In Washington State, local trends mirror national trends, however state legislation such as the Real HOPE Act—the

corresponding Washington State Senate bill to the House of Representatives' DREAM Act—should benefit youth in vulnerable families.

A. Achievement:

Many scholars have studied the harmful effect of deportation of family members and fear of immigration enforcement on student achievement in school.⁵¹ At the most basic level, studies show that the deportation and detention of a family member decreases student performance.⁵² For children with high legal vulnerability, these effects are especially magnified.⁵³

Most of the subjects interviewed in our study did not speak directly about the quantitative effect on grades and test scores. Our research team could not obtain detailed records of test scores and grades due to our time constraints, and the privileged nature of educational reports. However, the interview subjects' descriptions of the general effect of deportation and immigration on test scores signal that the trends noted in nationwide research generally hold true. Data suggests that Latino students in Washington State score lower on standardized tests (such as the WASL), graduate at lower rates than white students, and are less likely to attend college or attain a BA.⁵⁴ Luis Escamilla, a teacher at Tukwila's Foster High School, stated that his colleagues notice a difference in levels of performance after a student's family member was deported.⁵⁵ The fear of immigration enforcement or actual deportation of a loved one generates panic and stress, which can interfere with school performance.⁵⁶

B. Attendance:

Deportation of a family member and the fear of deportation caused increased absences from school.⁵⁷ A specific example of this is that school attendance decreases in the days immediately following immigration raids (when immigration authorities choose to raid an area where multiple undocumented individuals are, such as a workplace or social organization). The fact that school attendance of children decreases indicates that enforcement results in students prioritizing family issues over education.⁵⁸ Additionally, children who live in fear of border enforcement may stay home more frequently than their peers, due to concern of drawing attention to themselves or preoccupation with immigration issues that are more pressing than attending school.⁵⁹ Research within

Washington State indicates that deportation of a family member does lead to increased absences in school.⁶⁰ Decreased or erratic attendance is associated with an increased risk of dropping out of high school.⁶¹ Teacher Escamilla noticed that a student he worked with experienced a substantial drop in attendance after a student's family member entered deportation proceedings.

Fear of deportation can also lead to housing instability and relocation, as discussed above, which results in youth frequently changing schools.⁶² Housing instability is correlated with decreased student performance and can interfere with social interactions in addition to increasing absence.⁶³ Homeless shelters and temporary housing may not be a viable option for students, as youth enrolled in middle or high school may not be able to access their schools from these shelters. Faced with a difficult decision between staying at shelter or changing schools, students may decide to forego stable housing in favor of staying at school.⁶⁴

C. Behavior:

Border enforcement and deportation correlate with a variety of behavioral issues.⁶⁵ Students often become withdrawn after detention or deportation of a family member.⁶⁶ Researchers have also documented instances of aggression, such as tantrums.⁶⁷ Some students were reported to have had trouble concentrating and exhibited emotional outbursts.⁶⁸ These effects are exacerbated when a child witnesses the arrest of a family member.⁶⁹ Children with early-onset behavioral problems are more likely to face suspension and detention, and are less likely to complete high school.⁷⁰

In interviews with Washington students and service providers suggest that the deportation or detention of a family member often affect behavior in an academic setting. Several individuals who worked with high school and college-aged students observed difficulties with focus in school following a family member's detention.⁷¹ This effect is not limited solely to the deportation of a family member. For example, when their classmate was deported, many students in a UW support group for undocumented students had difficulty focusing on their studies.⁷² Although the majority of state-specific research focused on older youth, our

qualitative research indicates that these results are also true for younger children. The staff at the non-profit New Futures, who work directly with young children affected by deportation, reported negative effects on behavior that mirrored the findings of national studies.⁷³

D. Social Isolation:

National studies note that deportation and fear of border enforcement can contribute to increased social isolation.⁷⁴ In several instances children have been ostracized because of their parents' detention.⁷⁵ Other children have reported reluctance to participate in activities as a result of fear of deportation or detention of a family member, which increases social isolation from peer groups.⁷⁶ Social isolation is an obstacle to learning, and may have negative mental health implications that last far beyond an individual's childhood.⁷⁷

Several Washington interviewees discussed social isolation as a result of fear of immigration enforcement and social stigma towards unauthorized immigrants.⁷⁸ A UW student noticed that children from mixed-status families often feel obligated to hide their status, which hinders their ability to trust others.⁷⁹ Similarly, a UW employee who works extensively with undocumented youth at UW, notes that anxiety about revealing status is a central issue for undocumented students.⁸⁰ There is reason for this fear; some students have had family members deported as a result of the actions of school officials who learn of their family's status.⁸¹ School officials are not always sympathetic to the unique troubles that these youth face. Factors such as a lack of basic sympathy and mutual trust from school officials contribute to a sense of marginalization and isolation for youth affected by these issues in an academic setting.

E. Higher Education:

While there is a general lack of research specifically regarding the effects of deportation and border enforcement on college students, a growing body of research speaks to the overall experience of undocumented students seeking higher education.⁸² Much of this research has highlighted the experience of Latino/a students in particular, although students of other ethnic or socio-cultural backgrounds are also affected.⁸³ These students often have a great deal of shame and fear associated with their lack of documentation status.⁸⁴ Documentation status also increases financial difficulty in paying for college.⁸⁵ Although ten states have passed laws granting undocumented resident students in-state tuition, they are still ineligible for federal financial aid, and many undocumented students remain unaware of the processes involved in seeking higher education.⁸⁶

Despite the obstacles undocumented students face, researchers have also found a high degree of determination to succeed in school among this group.⁸⁷ Supportive networks of peers and support from staff play an important role in academic resiliency.⁸⁸ Additionally, scholars have found that becoming involved in activism and raising awareness can serve to both empower students and counteract the sense of powerlessness that often accompanies undocumented status.⁸⁹

Undocumented students in Washington report experiences that parallel national studies. They encounter a wide variety of financial, legal, and structural obstacles in attempting to access higher education. College can be prohibitively expensive, students may be unable to participate in certain programs, and structural barriers can affect motivation in school.

Washington's recent passage of the REAL Hope Act (SB 6523) extends state need grants to undocumented students, a benefit that few states offer.⁹⁰ The REAL Hope Act is the corresponding Washington State Senate bill to the House of Representatives' DREAM Act. Undocumented students who were brought to the U.S. as children will now be eligible to pay in-state tuition and receive the same state financial aid that is available to citizens.

According to University of Washington staff and youth activists, paying for higher education is a central concern for undocumented students.⁹¹ This development drastically expands the educational opportunities to undocumented students who live in Washington, although they do remain ineligible for federal grants.

Even when undocumented students are able to pay for college, barriers in opportunities continue to exist; documentation status can shape choice of major and career path. Christina Gaeta, a doctoral student in the University of Washington College of Education, reports seeing this when working with youth at the high school and college level. Gaeta shared the story of one of her mentees, a Washington State University student who also wished to study education. She became a computer science/business major because she would have been unable to complete the internship requirement of the education program without a social security number.⁹²

Documentation status has a complex relationship with motivation in school.⁹³ Many students mentioned being discouraged because they or their friends are excluded from so many opportunities, and lack the incentive to persevere.⁹⁴ For others, lack of documentation status motivated students to pursue additional opportunities. According to one student activist, undocumented students must be determined to overcome challenges; “because I knew I had to work 10 times harder, I worked 20 times harder, because I knew that I didn’t

CARLOS’* STORY:

According to his youth advocate, Roslyn Kagy, Carlos was not able to go to college because of “systemic and structural barriers and racism” as well as “financial barriers.” Despite being “one of the brightest students in the country,” he did not qualify for HB1079, which extends in-state tuition to undocumented students, because he had not attended school in Washington for the requisite 3 years and would have had to pay out-of-state tuition, a financial impossibility for his family.

When Carlos found out he wouldn’t be able to go to college since he was not HB1079 eligible, he

began to “disconnect” from school and his teachers threatened to not allow him to graduate.

*Names of the youth have been changed to protect identity

have the advantages of the person sitting next to me.”⁹⁵ Others pointed to examples of students who had taken initiative to help others in similar situations. For example, teacher Escamilla told the story of an undocumented UW graduate who decided to lead a DACA workshop for other UW youth. In both these cases, the individuals had a great deal of support, either from family, school staff, or peers.⁹⁶

Activism, relationships with other undocumented students, and assisting other undocumented students play an important role in student motivation. One UW student activist first became involved in activism through a program at his high school called Proyecto Saber, which focused on empowerment of Latino/a and immigrant youth. In addition to gaining awareness about how to access higher education, he became committed to educating others and advocating for change.⁹⁷ This activism is not uncommon for students when faced with adversity in education. Magdalena Fonseca works with a group of undocumented youth at UW, who support each other and engage in advocacy work for policy change.⁹⁸ In Fonseca’s experience, activism is a way for students to channel much of the fear and marginalization that comes with lack of status. In Fonseca’s words, this is “important because if they don’t focus on the positive they become hopeless and they won’t do well in college.”⁹⁹ Activism and the community it brings together are a critical enhancement of undocumented students’ college experience.

F. Systemic Roots:

Undocumented students and youth from mixed-status families encounter a range of systemic issues that contribute to their educational experience and attainment. Many Washington individuals spoke of their experiences with institutional racism, stereotyping, and prejudice against Latinos and immigrants. According to staff at New Futures, Latino/a students are routinely held to a lower standard than other students. If they do poorly in school, this is often blamed on “laziness” rather than other factors.¹⁰⁰ Instead of offering extra help, teachers and school staff instead often express pessimistic attitudes about the possibility of graduation for these students.¹⁰¹ For example, a school counselor referred one student, who was experiencing family problems at home, to a military academy when it appeared he would not graduate in time, in order to

preserve the school's graduation rate.¹⁰² These students may be more likely to be “left behind” due to systemic bias against their undocumented status and socio-cultural background.

Widespread insensitivity to issues surrounding immigration and documentation can contribute to a sense of marginalization for undocumented students and others from their community.¹⁰³ In school, many highly touted activities are inaccessible for those who lack documentation. Activities that require social security or permanent resident numbers are unavailable to undocumented youth. This includes study abroad programs and most scholarships, including the College Bound Scholarship, a Washington state scholarship that provides full tuition to universities for low-income students in Washington.¹⁰⁴ Teachers and presenters may be unaware that some of their students are undocumented or unaware of their inability to participate in certain activities. According to youth advocate Roslyn Kagy, students routinely experience these “microaggressions” in schools and community programs.¹⁰⁵ Many students are told of programs that they are excluded from, thus contributing to their further sense of marginalization.

IV. Impact of Deportation on Family Separation:

Perhaps the most emotionally taxing effect of deportation policy is the separation of families. The emotional effects that these family separations can have are long lasting, and can affect all members of the family. Children who have a parent deported may be unable to find stable housing through state social services, and instead are rotated through foster care, various relatives, and can even end up homeless. The deportation of a parent can trigger the involvement of various social services to care for any children left behind, including Child Protective Services (CPS), Department of Social and Health Services (DSHS) and the Washington State Foster Care system. While these services exist to help the youth of these families, the unfortunate reality is that many children are not adequately taken care of if a parent or caregiver is taken into custody.

A. General Anxiety:

One of the most substantive effects of family separation is the general anxiety that undocumented status can cause. The constant fear of having a family member deported apart can significantly impact an individual's psychological wellbeing. Reports from the Center for American Progress recognize the consistent stress this places on children: "Often children who do not know anyone deported still fear for their own families based on the knowledge that they could be separated at a moment's notice."¹⁰⁶ This creates an overall environment of constant fear.

This general anxiety impacts everyday life for both children and adults. Individuals report not wanting to leave their home except for work or school, for fear of drawing attention of immigration enforcement to themselves.¹⁰⁷ Even children whose families are not at immediate risk of deportation, or have not had any interaction with immigration enforcement experience this daily stress.¹⁰⁸ This can cause debilitating and lasting mental effects, as the trauma of being ripped from parents or children can trigger psychological anguish, especially if a child is removed from the home to enter foster care.¹⁰⁹

B. Foster Care:

If ICE detains a child's parent and CPS is aware of the situation, the child will enter dependency proceedings. DSHS will first attempt to reunite the child with the parent if the parent is released from detention, but if that is not possible the child will officially enter the system of child welfare and foster care.¹¹⁰ DSHS will first attempt to place the child with suitable family members in the area. According to Sharon Gilbert, Director of Quality Improvement Division in DSHS/Children Administration (CA), CA makes an effort to place the child with relatives even if the relatives are undocumented.¹¹¹ Although there is no quantitative data and little anecdotal information to demonstrate how many children are placed with relatives through CA, attorneys and school counselors stated they have observed situations where caseworkers do make an effort to place children with undocumented relatives if they are willing to risk that their documentation status may be revealed.¹¹² Attorneys, school administrators, or other community members may informally help the child with this process.

JOHN'S STORY:

Many children who are not provided housing through DSHS end up utilizing informal networks, or become homeless and live on the streets. A teenager named John exemplifies the different situations a child may experience after their parent is deported. When John was 15, he moved from California to Washington to be with his father. After six months, his father was deported, leaving John homeless and without any support. John said that while he was homeless, he resorted to crimes in order to survive:

“I committed a lot of crimes... I had to go make money somehow – either it was drug deals, or break into a house – robbery, burglary, whatever.”

I mean... go look for a job somehow, not go to school. I worked with a friend for a while to support myself and get my own food. I went to... [DSHS] for food stamps so I could at least have something where I could get my food. But mostly, I worked and did a lot of stuff I'm not proud of, but as long as I'm alive.”

In Washington, a child can be placed in foster care if a law enforcement agency finds that the child is best suited in foster care. DSHS attempts to do what is best¹¹³ for the child, however, DSHS and families often do not agree on how to serve the “best interests” of the child. For example, in a recent case that came before the Washington Court of Appeals, the Department of Family and Child Services filed a petition to appoint a guardian for D.S (initials used for confidentiality) after his father H.S. was deported to Mexico. H.S. disputed the petition but the trial court ordered guardianship because it was in the “best interests of D.S. because conditions could not be remedied so that D.S. could be returned to H.S. in the near future.”¹¹⁴ The conflict in this case comes from what is being defined as “best” for D.S: The court system believed it would be with a legal guardian in the US, while D.S. above all wanted to be reunited with his father.

Children do not usually have access to legal representation when they are in a custody hearing. While most states require that children be appointed counsel in dependency proceedings, in Washington Courts can

exercise discretion to appoint counsel to a child.¹¹⁵ In many jurisdictions, including King County, children under 12 are not appointed counsel at government expense. However, in some jurisdictions, there are pro bono legal services like Kids In Need of Defense (KIND) in Seattle to provide legal counsel to unaccompanied refugee and immigrant children. Without representation or pro bono services, many children in these situations may not know that they qualify for asylum, refugee, Special Immigrant Juvenile Status (SIJS)¹¹⁶, or DACA.¹¹⁷ Even if children do know about these special statuses, without representation a child may not know how to pursue them. According to an attorney at Columbia Legal Services, “Even if [children] get legal services, it is usually not to file for [special status]... Usually services are just for foster cases.” In some extreme cases, youth may fall through the cracks of the foster care system, and end up homeless.¹¹⁸

V. Conclusion

Immigration policy today is a changing landscape and deportation policies are becoming commonplace in our political and personal conversations. The Northwest Detention Center hunger strike that began in March of 2014, lasting for 56 days, not only made a statement about deportation in Washington State, but its effects have spread across the United States. Other hunger strikes have blossomed from this effort in Tacoma, including a hunger strike in Texas at the Joe Corley Detention Facility.¹¹⁹ This media attention could mean increased awareness that the effects of deportation reach far beyond the individual who is being deported, to families and communities. One tangible example of this media attention is the National Immigrant Youth Alliance’s campaign “Bring Them Home.” This campaign highlights individuals who have been deported, in order to raise public awareness about the individuals and families themselves. NIYA’s goal is that raising public awareness of deportation and its effects on families will help to bring asylum seekers back into the United States after deportation.¹²⁰

As evidenced by the drastic changes that have occurred in the past six months while our research was being conducted, deportation policies in Washington State are progressing. As public interest in deportation continues to burgeon, many organizations can allow individuals to become involved in this discussion and participate in the stirring

movement of fighting for rights of immigrant individuals and their families. Organizations like Not One More Deportation and Northwest Immigrant Rights Project can connect individuals with the movement:

- Not One More Deportation: At <http://www.notonemoredeportation.com>, you can sign individual petitions to prevent the deportation of individuals who may be leaving stable communities and their families. In addition, Not One More can provide up-to-date information of immigration and deportation policies across the United States, as well as localized deportation information.
- Northwest Immigration Rights Project: This group aims to protect the rights of immigrants and refugees, by providing legal aid to individuals facing deportation. You can volunteer with the organization directly as an attorney, or become an advocate by voicing these issues to state and federal leaders.
- National Immigrant Youth Alliance: This organization is focused on providing information and resources to undocumented youth and their families, as well as raising awareness of policies and individual stories. NIYA's "Bring Them Home" campaign works to reunite families who have been separated due to deportation.

Above all, deportation and immigration is a human rights issue. In approaching the issue of how to amend our policies regarding deportation, it is paramount that we remember deportation is not simply a legal or political measure; deportation and immigrations affect individuals, members of our society, and individuals who should be able to access the human rights that all human beings have the right to enjoy.

Appendix A: Interview Subjects

Students/ Individual with Personal Experience of Deportation:

Youth Panel. Personal Interview. 21 Nov 2013. Middle School and High School students from Burien, Washington.

Anonymous. Personal Interview. 13 Nov 2013. Undocumented Client of Personal Injury Firm pursuing tort claim for MVA.

Attorneys:

Benson, Ann. Personal Interview. 22 Oct. 2013. Supervising attorney for Washington Defender Association Immigrant Rights Project.

Geyman, Matthew. Personal Interview. 11 Nov 2013. Pro Bono Immigration Attorney for Columbia Legal Services.

Heyd, Jana. Personal Interview. 21 Nov 2013. Public Defender at Society of Counsel.

Huffman, Julie. Personal Interview. 07 Nov 2013. Seattle City Attorney's Office.

Pauw, Robert. Personal Interview.. 10 Dec. 2013. Founder of Northwest Immigrants Rights Project. Founding Partner of Gibbs, Houston, Pauw (law firm specializing in immigration).

Roach, Thomas. Personal Interview. 22 Nov 2013. Partner at Roach Law LLP.

Tao, Betsy. Personal Interview. 11 Nov. 2013. Directing Attorney at Northwest Immigrants Rights Project.

Van Cleve, Mary. Personal Interview. 14 Dec 2013. Attorney, Children & Youth Project, Colombia Legal Services.

Veloria, Velma. Personal Interview. 14 Nov 2013. Washington Legislature.

Teachers/Educators:

Torres, Jorge. Personal Interview. 20 Nov 2013. High School Counselor, Foster High School.

Escamilla, Luis. Personal Interview. 6 Dec 2013. Teacher, Foster High School.

New Futures at Woodridge Park. Personal Interview. 26 Nov 2013. New Futures Staff (family worker, youth worker, program manager, AmeriCorps member)

Scholars:

Gaeta, Cristina. Personal Interview. 22 Nov 2013. Doctoral student, UW College of Education.

Social Workers/Service Providers:

Bashore, Sookjai. Personal Interview. 3 Dec 2013. Refugee Women's Alliance.

Chwalibog, Jen. Personal Interview. 12 Nov 2013. Director of Development and Community Relations at Cocoon House.

Fonseca, Maggie. Personal Interview. 5 Dec 2013. Assistant Director, Ethnic Cultural Center at UW

Gilbert, Sharon. Personal Interview. 5 Dec 2013. Director of Quality Improvement Division at Children's Administration of Department of Social & Health Services.

Guzman, Norma. Personal Interview. 15 Nov 2013. Consejo.

Raun, Paula. Personal Interview. 15 Nov 2013. Friends of Youth Shelter

Personal Interview. 15 Nov 2013. The Olympia Free Clinic

Runbeck, Janet. Personal Interview. 20 Nov 2013. Rotacare Health Clinic in Tacoma, WA.

Smith-Mentz, Pam. Personal Interview. 21 Nov 2013. New Beginnings.

Sondker, Russell. Personal Interview. 15 Nov 2013. Community Cares! Health Clinic

Activists:

G., Yuriana. Personal Interview. 20 Nov 2013. UW student activist.

Padilla, Carlos. Personal Interview. 23 Nov 2013. UW student activist.

Kagy, Roslyn. Personal Interview. 6 Nov 2013. SOAR (social services for youth and children)

Appendix B: Endnote Citations

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- ² "FY 2013 ICE Immigration Removals." *ICE.GOV*. Immigrations and Customs Enforcement, 2013. Web. 11 Mar. 2014.
- ³ Kim, Seung Min. "Immigration Reform 2013: Senate Passes Bill 68-32." *Politico*. 27 June 2013. Web. 09 Mar. 2014.
- Department of Homeland Security Budget In Brief*. Rep. Department of Homeland Security, 2013: 23. Print.
- ⁵ "The 287(g) program, one of ICE's top partnership initiatives, allows a state and local law enforcement entity to enter into a partnership with ICE, under a joint Memorandum of Agreement (MOA). The state or local entity receives delegated authority for immigration enforcement within their jurisdictions."
- "Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act." *Section 287(g)*. US Department of Homeland Security, n.d. Web. 06 May 2014.
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- ⁷ Applied Research Center. "Shattered Families: The Perilous Intersection of Immigrant #Enforcement and the Child Welfare System." (2011): 1-65. Print.
- ⁸ Berger, Dan, and Angélica Cházaro. "Guest: What's behind the Hunger Strike at Northwest Detention Center." *The Seattle Times*. N.p., 19 Mar. 2014. Web. 03 May 2014.
- ⁹ *New Americans in Washington: The Political and Economic Power of Immigrants, Latinos, and Asians in the Evergreen State*. Publication. N.p.: Immigration Policy Center, n.d. American Immigration Council, 2013. Web.
- ¹⁰ Id.
- Also see: *BECOMING AN AMERICAN: THE RUSSIANS*. Publication. Washington, DC.: U.S. English Foundation, 2009. Print. 7-8.
- ¹¹ Hoefler, Michael, Nancy Rytina, and Bryan Baker. *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2011*. Rep. Department of Homeland Security, 2012. Print.
- ¹² Dreby, Joanna. *How Today's Immigration Policies Impact Children Families and Communities*. Rep. Center For American Progress, 20 Aug. 2012. Web. 5 Oct. 2013. 1.
- ¹³ "Population Distribution by Citizenship Status." *KFF.ORG*. The Henry J. Kaiser Foundation, 2012. Web. 11 Mar. 2014.
- ¹⁴ Id.
- ¹⁵ Bray, Ilona. "What's an Aggravated Felony According to U.S. Immigration Law? | Nolo.com." *Nolo.com*. Nolo- Law for All, n.d. Web. 13 May 2014.
- ¹⁶ "FY 2013 ICE Immigration Removals." *ICE.GOV*. Immigrations and Customs Enforcement, 2013. Web. 11 Mar. 2014.
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- ¹⁹ "Deportations of Parents of U.S.-Born Citizens 12/2012." *Scribd*. Colorlines.com, 14 Dec. 2012. Web. 26 May 2014.
- ²⁰ Caramota, Steven A. "Immigrants in the United States: A Profile of America's Foreign-Born Population | Center for Immigration Studies." *Center for Immigration Studies*. Aug. 2012. Web. 11 Mar. 2014.
- ²¹ Id.
- ²² Id. at Table A3
- ²³ Dorsey and Whitney LLP. *Severing a Lifeline*. Rep. Urban Institute, 20 Mar. 2009. Web. 05 Oct. 2013. 66.
- Also, *Removing Refugees: US Deportation Policy and the Cambodian-American Community*. Rep. Leitner Center, 29 June 2010. Web. 08 Oct. 2013. 18.
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- ²⁴ See Dorsey and Whitney LLP. *Severing a Lifeline*. Rep. Urban Institute, 20 Mar. 2009. Web. 05 Oct. 2013. <
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- ²⁵ Dorsey and Whitney LLP..
- ²⁶ Pauw, Robert. Personal Interview. 10 December 2013.
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²⁹ Dreby, *supra*.

Also, Chaudry, Ajay et al. *supra* at 32.

³⁰ *Id.* at 30.

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³² *Id.*

³³ Dreby, *supra* at 838.

³⁴ Brennan, Maya. *The Impacts of Affordable Housing on Education: A Research Summary*. Rep. Center for Housing Policy, 2011. Print.

³⁵ Chaudry, Ajay et al. *supra* at 30.

³⁶ *Id.*

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³⁸ Carlos, Personal Interview, November 21 2013.

³⁹ Labor Trafficking in Agriculture: Combating Human Trafficking and Modern-day Slavery." *Polaris Project*. Web. 3 Nov. 2013.

⁴⁰ "Agricultural Information." *Washington State Agriculture*. WorkForce. Web. 12 Nov. 2013.

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⁴² Rivera-Batiz, Francisco. "Undocumented Workers in the Labor Market: An Analysis of the Earnings of Legal and Illegal Mexican Immigrants in the United States." *Columbia University Department of Economics* (1998). Web

⁴³ *Id.*

⁴⁴ Geyman, Matthew. Personal Interview. 20 Nov. 2013.

⁴⁵ *Id.*

⁴⁶ Sondker, Russell. Personal Interview. November 15 2013.

⁴⁷ Natalie, Personal Interview. November 21 2013.

⁴⁸ Sondker, Russell. Personal Interview. November 15 2013

⁴⁹ It is important to note that due to the Affordable Care Act, the landscape of medical care will change drastically in Washington State. This could mean large changes for undocumented immigrants in Washington State, since the ACA will create a wider divide between those who are eligible or ineligible for insurance- namely, citizens and non-citizens. As insurance becomes more affordable and mandatory for citizens, undocumented persons will make up a larger share of the uninsured, leaving the uninsured pool to be comprised of a significant amount of undocumented individuals

⁵⁰ *PLYLER v. DOE*, 457 U.S. 202 (1982).

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Also, see Rodriguez, Cynthia Denise. "The effects of deportation on the family." (2013). 40-41.

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Also, see Leitner Center, *supra* at 16.

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⁵³ Brabeck and Xu, *supra* at 341.

⁵⁴ Applied Research Center. "Shattered Families: The Perilous Intersection of Immigrant #Enforcement and the Child Welfare System." (2011): 1-65. Print.

⁵⁵ Escamilla, Luis. Personal Interview. 6 Dec 2013.

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Also, see Orozco, Graciela Leon and Thakore-Dunlap, Ulash. "School Counselors Working with Latino Children and Families Affected by Deportation." 2.

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Also, Kagy, Roslyn and Youth Panel. Personal Interview. 21 Nov 2013.

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⁶⁵ Brabeck, Brinton, & Hershberg, supra at 11.

Also, see Capps, supra at 48.

Also, see Chaudry, supra at 50-51.

Also, see Rodriguez, supra at 41.

Also, see Kremer, supra at 70.

Also, see Sladkova, Mandango & Quinteros, supra at 85.

⁶⁶ Brabeck, Brinton, & Hershberg, supra at 11.

Also, see Chaudry, supra at 47.

Also, see Kremer, supra at 5.

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Also, see Chaudry, supra at 50.

⁶⁸ Capps, supra at 48.

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⁷² Fonseca, Maggie. Personal Interview. 5 Dec 2013.

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Also, see Capps, supra at 48.

Also, see Chaudry, supra at 50-51.

Also, see Rodriguez, supra at 41.

Also, see Kremer, supra at 70.

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⁷⁸ G., Yuriana. Personal Interview. 20 Nov 2013

Also, see Padilla, Carlos. Personal Interview. 23 Nov 2013.

Also, see Kagy, Roslyn and Youth Panel. Personal Interview. 21 Nov 2013.

Also, see Gaeta, Cristina. Personal Interview. 22 November 2013.

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Also, see Perez, William, Et Al. "Academic Resilience Among Undocumented Latino Students." *Hispanic Journal Of Behavioral Sciences* 31.2 (2009): 149-181.

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Also, see Abrego, Leisy. "Legitimacy, Social Identity, And The Mobilization Of Law: The Effects Of Assembly Bill 540 On Undocumented Students In California." *Law & Social Inquiry* 33.3 (2008): 709-734.

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⁸⁴ Abrego, supra at 72.

Also, see Conteras, supra at 619.

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¹⁰⁰ New Futures at Woodridge Park. Personal Interview. 26 Nov 2013.

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¹⁰² Id.

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Also, see Escamilla, Luis. Personal Interview. 6 Dec 2013.

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¹⁰⁴ "Established by the Legislature in 2007, the College Bound Scholarship program was created to provide financial assistance to low-income students who want to achieve the dream of a college education. The scholarship is available to 7th and 8th grade students who are eligible for the free and reduced price lunch (FRPL) program, are in foster care, or whose family's income meets the guidelines. The deadline to sign up is June 30 of students' 8th grade year. The College Bound Scholarship is an early commitment of state funding. The scholarship covers the average tuition (at comparable colleges), some fees, and a small book allowance." "College Bound | WSAC." *College Bound | WSAC*. Washington Student Achievement Council, 2014. Web. 5 May 2014.

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¹⁰⁷ Natalie. Personal interview. 21 Nov 2013.

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¹¹⁰ Cervantes et al.

¹¹¹ Gilbert, Sharon. Personal Interview. 5 Dec 2013.

¹¹² Id.

¹¹⁴ No. 30981-9-III. The Court Of Appeals Of The State Of Washington Division Three. 3 Dec. 2013.

¹¹⁵ Trupin, Casey, and Erin Shea McCann. "Youth Law News." New Bill Says WA Foster Youth Must Be Told About Right to Request Counsel: National Center for Youth Law. 13 Dec. 2013.

¹¹⁶ Special immigrant juvenile status (SIJS) allows undocumented children to gain status, get a green card, and live and work permanently in the United States. To petition for SIJS, a state court must declare that the child is a dependent of the court or a child welfare department, that it is not in the youth's best interest to return to their home country, and that the child cannot be reunited with a parent due to abuse, abandonment, neglect, or similar reasons under state law (USCIS 2011). This status can be a tough choice for children because it may mean a decision between family reunification or attaining status, since SIJS does not allow a child to petition for a parent to come to the U.S.

¹¹⁷ Deferred Action for Childhood Arrivals (DACA) can defer removal action for individuals who entered the U.S. as children; DACA does not provide a route to attain citizenship or legal permanent residency, but it allows the individual to be eligible for work authorization in the U.S. (DHS).

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