



**WESTERN
MICHIGAN**
UNIVERSITY

The Journal of Sociology & Social Welfare

Volume 44
Issue 3 *September*

Article 4

2017

How the Immigration and Deportation Systems Work: A Social Workers Guide

Carol Cleaveland
George Mason University, ccleavel@gmu.edu

Follow this and additional works at: <https://scholarworks.wmich.edu/jssw>



Part of the Social Work Commons

Recommended Citation

Cleaveland, Carol (2017) "How the Immigration and Deportation Systems Work: A Social Workers Guide," *The Journal of Sociology & Social Welfare*: Vol. 44: Iss. 3, Article 4.

DOI: <https://doi.org/10.15453/0191-5096.3880>

Available at: <https://scholarworks.wmich.edu/jssw/vol44/iss3/4>

This Article is brought to you by the Western Michigan University School of Social Work. For more information, please contact wmu-scholarworks@wmich.edu.



**WESTERN
MICHIGAN**
UNIVERSITY

How the Immigration and Deportation Systems Work: A Social Worker's Guide

Carol Cleaveland
George Mason University

Not only is the question of immigration controversial, it is complex—laden with legal nuances as well as implications for human and civil rights. This article provides an overview of what happens to an immigrant who seeks to enter the country 'legally,' as well as the challenges for an immigrant who enters the country without authorization. Social workers who serve immigrants may find themselves called on to advocate for clients as they traverse a labyrinthine court system. I introduce this system to help practitioners and students understand the paths to legal immigration in the United States, as well as barriers to those who cannot access this system. I explain the system to offer insight into why 11.9 million immigrants have entered the U.S. without authorization rather than attempt legal means to immigrate.

Key words: immigration, Mexico, law, legal system, Latino

The stump speeches are familiar by now. A candidate seeking public office stands before admirers arguing that illegal immigration is a scourge on the economy and a danger to communities. The speech resonates with the candidate's followers, voters who likely think of immigrants as "illegals," "illegal immigrants," or "illegal aliens." Such characterizations have been argued by sociologists to render the presence of all Latinos and foreign-born residents suspect, heightening social exclusion and enforcing the idea that all such persons should be subject to deportation (Chavez, 2007). The question of immigration is complex, laden with legal nuances and implications for human as well as civil rights. This article provides an overview of what happens to an immigrant who seeks to enter the country

'legally,' as well as the challenges for an immigrant who enters the country without authorization.

As will be seen in the discussion, undocumented immigrants may be detained and/or deported. A legal permanent resident—an immigrant who has a 'green card' and who may hope to one day become a citizen—may also be deported if convicted of a misdemeanor. I seek to provide practitioners and students an overview of what may happen to immigrants when they must navigate the U.S. Immigration Court system. This article does not present research or strengthen theory. Rather, it is designed to help social workers and students understand the potential legal experiences of immigrant clients, with particular focus on those who cross the border without permission. To give readers an understanding of why so many enter the U.S. without permission, I describe paths to authorized immigration, including application for resident visas using the family or merit-based immigration systems.

This article encompasses the following: (1) The question of why 11.9 million people living in the U.S.—about 5 percent of the workforce—entered the country without authorization (Passell, 2015), and thus became eligible for deportation by Immigrations and Customs Enforcement; (2) Obstacles to authorized entry, including a potential 20-year wait to receive a visa under the family-based immigration program; (3) The potential arrest, detaining and deporting of undocumented immigrants; and (4) Recommendations for social work practice. Though undocumented immigrants are the minority in a population of 43.5 million U.S. immigrants (Zong & Batalova, 2015), I primarily focus on those who either crossed the border without authorization or who remained here despite the expiration of their visas. Given that this population is subject to arrest, legal proceedings and possible deportation, social workers are likely to encounter them while working not only in courts and detention centers but in a variety of advocacy and faith-based organizations serving immigrants.

Unauthorized Immigration

The prospect of jobs and opportunity, the hope of escape from persistent violence in countries such as El Salvador

and Honduras, as well as the wish to join family here, may compel an immigrant to cross the U.S. border without authorization, (Massey, 2005; Zong & Batalova, 2015). Immigrants have been encouraged by the promise of jobs in construction, landscaping, house cleaning, childcare and restaurants (Hondagneu-Sotelo, 2007), work that might not be sought by Americans. As noted by Hanson (2010), half of U.S.-born adult workers had not completed a high school diploma in 1960, compared to 8 percent today. As the proportion of low-skilled native-born workers has fallen, employers continue to require work in agriculture, food processing, construction, cleaning and other low-end jobs (Hanson, 2010).

Since 2000, approximately 500,000 people have crossed the border each year without authorization (Passell & Cohn, 2009). In 2014, an estimated 66 percent of the nation's 4.5 million undocumented immigrants were believed to have entered the United States by overstaying a visa; the remainder would have crossed the border without authorization (Warren & Kerwin, 2017). Of the nation's total undocumented population, approximately 75 percent are Latino, with 59 percent having come from Mexico and another 18 percent from Central and South American (Passell & Cohn, 2009). Demographers note that others are from Asia (11 percent), the Caribbean (four percent) and a small minority (less than two percent) are from the Middle East (Passell & Cohn, 2009).

'Legal' Immigration

Americans often argue that prospective immigrants should just 'get in line' and enter the country legally—a process that, as will be explained below, is easier to discuss than to do. In order to support social workers' knowledge of this process for potential advocacy, this section will focus on the restricted avenues for legal immigration. I address a common misconception in the nation's immigration debate: the idea that immigrants have avenues to come here legally if they simply wait their turn. For all but a handful of immigrants, however, options for legal residency simply do not exist. Someone who hopes to become an immigrant has few opportunities to do so. "There is no line available for them and the 'regular channels' do not include

them” (National Immigration Council, 2013, para. 2). Immigrants can qualify for visas and ‘green cards’ (legal permanent residency status) through three channels: (1) meeting the need for highly skilled labor such as neurosurgery, aerospace engineering or professional sports; (2) via sponsorship by a ‘legal’ family member; or (3) by being admitted as a refugee from political, religious or ethnic persecution.

Only 140,000 work visas will be granted in 2017 (U.S. Department of State, Bureau of Consular Affairs, 2017, Table 2). Work visas may be granted to employers who prove that they face dire staff shortages. As noted by the Bureau of Consular Affairs (n.d.), these visas are typically for workers with advanced degrees in such fields as science and engineering. H1-B visas—capped at 85,000 annually—allow companies to bring in workers on a temporary basis, if they establish that Americans cannot be found to do the jobs (Park, 2015). Though these visas do not provide an avenue to permanent residency, they have become controversial because of allegations that technology companies use them to undercut U.S. worker salaries (Park, 2015).

The U.S. allows 140,000 people to immigrate with permanent employment annually, including those who fit the following criteria: Persons of “extraordinary ability” in the arts, science and education, as well as CEOs of multinational corporations (40,000 slots); persons with “extraordinary ability” who hold advanced degrees (40,000 slots); less skilled workers, not counting seasonal laborers (40,000 slots); people who will invest \$500,000 to \$1 million to create jobs here (10,000 slots); and another 10,000 visas for foreign service workers and religious organizations (American Immigration Council, 2016).

Low-skilled workers would not typically be able to immigrate with a work visa. Instead, they are likely to try to receive permission to live here within the U.S. family-based system immigration system. Of 4.4 million people seeking permission to permanently live here, 4.3 million have applied through the family-based system (U.S. Department of State, Bureau of Consular Affairs, n.d.). The U.S. typically admits immigrant family members at a rate of approximately 480,000 annually, a fraction of those still awaiting permission to live here (American Immigration Council [AIC], 2016). Unfortunately, this route is fraught with obstacles, including per country quota systems, as well as

priorities for certain categories of family members, such as naturalized citizens who want to bring in adult children. A legal permanent resident immigrant who wants to bring in a spouse and/or children is second on the list of priorities (AIC, 2016). A permanent resident who hopes to bring in siblings is last on the list. Since adult children of naturalized citizens are given priority for visas, an immigrant who marries a U.S. citizen is not guaranteed a visa for permanent residency.

Immigrants from countries that have a large number of people applying for visas, such as Mexico or the Philippines, are disadvantaged simply by virtue of numerical odds. A prospective Mexican immigrant has many more competitors in the per country quota system than a rival from a European state with a relatively low rate of emigration. State Department statistics show that though a spouse or child of a country with relatively few applicants may wait only three years for a visa, a sibling from Mexico will wait 20 years with no promise of ever receiving a visa. Not wanting to be thwarted by this backlog, some resort to entering the U.S. without authorization, thus becoming 'illegal.'

While awaiting permission to enter legally, immigrants and family members are uncertain as to how long it might be before they are given a visa—or if they will even receive a visa, as one is never guaranteed. "Children who were infants at the time the permanent resident emigrated may become teen-agers before visas become available" (Hatch, 2010, p. 5). In addition, only immigrants with legal residency may try to bring family through the legal system; immigrants who came without authorization are left hoping that they can enter the country without permission (Marquez, 2012).

Sociologist Cecelia Menjívar detailed the experience of one woman whose son finally came here without authorization, via human smuggling from El Salvador:

A Salvadoran woman I interviewed in San Francisco laughed endlessly when she told me about her encounter with her son, whom she had left a child in El Salvador and had not seen in 10 years. When she went to meet him at a coyote's house in Los Angeles, she kissed and hugged the wrong man because she could no longer recognize her own son. (Menjívar, 2006, p. 1025)

Problems obtaining asylum—granted to refugees from war and/or political, religious/ethnic persecution—also contribute to immigration without authorization. The numbers of undocumented immigrants from El Salvador, Honduras and Guatemala have increased steadily since 2010, while the rate of entry from Mexico has declined slightly in the same time period (Hanson, 2010). Fueling these demographic shifts are both an improved Mexican economy and gang crime in Central America. Gang violence has rendered Central America's northern triangle of Honduras, El Salvador and Guatemala the most dangerous region of the world; high homicide rates stem from civil wars and political destabilization during the 1990s, as well as extreme income inequality and being located between two of the world's largest producers (Colombia) and consumers (United States) of illegal drugs (Ribando, 2007).

A study of unaccompanied migrant children ($n = 322$) in El Salvador who were deported after crossing the U.S. border found that violent crime and gang threats were the strongest determinants informing decisions to emigrate (Kennedy, 2014). Though asylum claims may be granted in U.S. immigration courts to those who prove they would be subject to persecution for their religion, ethnicity or religious beliefs, statistics indicate that petitions based on criminal rather than political violence are less likely to succeed.

A review of petitions for asylum in the United States showed that while almost 46 percent of Chinese applicants were granted refuge here in 2013, less than two percent from El Salvador were awarded asylum (Executive Office of Immigration Review, 2014). As is the case for immigrants who hope to enter legally through the family-based immigration system, the possibility of admission based on petitions to escape Central America's pervasive criminal violence is limited.

Arrest, Detention and Deportation

The U.S. Supreme Court ruled in 1896 that the 14th Amendment's equal protection clause extends to foreign nationals. "The Fourteenth Amendment of the United States Constitution is not confined to U.S. citizens ... These provisions are universal in their application to all persons" (Wong v. United States). This

ruling has been upheld in subsequent Supreme Court decisions, most recently in 2001, when the court ruled that an immigrant can not be incarcerated after a deportation order has expired (*Zadvydas v. Davis*). But legal scholars note that, while the Supreme Court has upheld the right of undocumented immigrant children to attend public school (*Pylar v. Doe*, 1982), debate persists over questions about whether it is Constitutional for police to question a suspected 'illegal' immigrant solely on the basis of race or ethnicity.

Legal Framework

Despite 14th Amendment protections for immigrants against illegal search of homes or arrest without probable cause, all non-U.S. citizens can legally be deported. Of 485,000 immigrants deported in 2013, approximately 49,000 were legal permanent residents, those known colloquially as "green card holders" (Pew Research Center, 2014). Though a green cardholder can work legally and apply to become a U.S. citizen, he or she also may be deported for minor infractions, such as failing to notify immigration officials of a change of address. The 1996 Illegal Immigrant Reform and Immigrant Responsibility Act (IIRIRA) expanded the list of crimes for which permanent residents may be deported, including receipt of stolen property and non-violent drug charges. U.S. courts have upheld forced deportations for such crimes as possession of stolen transit passes, petit larceny, shoplifting and turnstile jumping, as these offenses were said to constitute moral turpitude (Harvard Law Review, 2015).

An immigrant may face challenges in the criminal justice system that a citizen would not. For example, a low-income immigrant charged would be provided a public defender in criminal court, but consultation with counsel to fight deportation is not provided by the justice system. The immigrant must cover those costs because immigration hearings are considered civil rather than criminal proceedings (Global Detention Project, 2010). Additionally, there are legal vicissitudes: a criminal lawyer may advise an immigrant to take a guilty plea to avoid prison time, whereas an immigration lawyer would encourage the immigrant to fight the charges to avoid deportation (Bray, n.d.).

The number of deportations per year peaked in 2013, when the U.S. deported about 438,421, more than double the total in 2001 (Pew Research Center, 2014). The deported included people who had green cards, overstayed a visa, or entered the country illegally. Less than half had a criminal conviction (Pew Research Center, 2014). An immigrant's risk of deportation depends to a large extent on the policy priorities of the President. The Obama Administration dramatically reduced deportations in 2013, after ordering the departments of Justice and Homeland Security to focus efforts on terrorists, convicted criminals, and recent undocumented arrivals (Markon, 2015).

Border Enforcement

Two recent policies shape what happens to immigrants at the Mexico/U.S. border, as they attempt to swim across the Rio Grande or navigate a stretch of the Sonoran Desert in Arizona so deadly the U.S. Border Patrol avoids it (Urrea, 2008). The first, Operation Gatekeeper, was designed to escalate arrests with more police and high technology military equipment, including drones. The second, Operation Streamline, seeks to increase criminal penalties for unlawful border crossing. An immigrant apprehended near the border will likely experience a different journey through the legal system than someone who is arrested by local police in New Jersey for a crime such as drunk driving, or during a raid by Immigration and Customs Enforcement at a North Carolina meat processing plant.

Operation Gatekeeper began in 1994 and since then, the U.S. has more than doubled the number of Border Patrol officers policing the borders in California, Arizona, New Mexico and Texas (Nevins, 2010). Federal appropriations for immigration enforcement have spiraled from \$232 million in 1989 to \$3.8 billion in 2010 (Ribando, 2014). That money is used for motion detectors, drones, towers, reinforced steel fences, video surveillance, and thermal imaging sensors, as well as officers and dogs. In addition to preventing unauthorized immigration, the Border Patrol is charged with policing drug smuggling and illegal entry by terrorists.

Immigrants who cross without authorization do so via clandestine routes, journeys made more treacherous with the

border's militarization, as immigrants seek more remote routes in the Sonoran Desert. When Gatekeeper began, 14 immigrant deaths were reported near the Mexico/U.S. border, but by 1998, when more people began crossing through the desert to avoid arrest, 147 died (Michalowski, 2007). By 2005, as border militarization stretched from San Diego to El Paso, approximately 500 people began dying annually (Michalowski, 2007). The intensified policing is designed to deter people from attempting to immigrate, though some scholars question whether this strategy is effective, given the widespread use of human smugglers (Nevins, 2010). "Gatekeeper has pushed migrants from urban areas into more unforgiving and risky terrain and forced them to rely on high-priced smugglers ... Growing numbers of migrants perish beyond the media spotlight in the mountains and deserts of California's border region" (Nevins, 2004, p. 80).

A second border enforcement initiative, the Department of Homeland Security's Operation Streamline, now determines what happens to an immigrant arrested near the border. Prior to Streamline, unauthorized immigrants were given the option by Border Patrol agents to be voluntarily returned to their home countries or given the opportunity to plead their case through the civil immigration system (Lydgate, 2010). Criminal prosecution was reserved for people with criminal records, or for those who made repeated attempts at an unlawful crossing. After Operation Streamline was initiated in 2005, prosecutorial discretion was eliminated and all undocumented immigrants were required to be prosecuted in criminal civil immigration courts. The initiative's goal is simple: to deter undocumented immigrants by treating them as criminals.

Border Patrol officers typically bring detainees to holding cells near the border; there, they are subject to expedited processing (Ribaldo, 2014). An immigrant may be moved from a holding cell to a criminal court and sent home in a single day, with a public defender who represents as many as 80 clients in a single day (Lydgate, 2010). They are tried *en masse*.

Men and women arrested along the border, the chains around their ankles and wrists jingling as they move, are gathered to answer to the same charges—illegal entry, a misdemeanor, and illegal re-entry, a felony. They have not had an opportunity to bathe since they set off to cross the desert;

the courtroom has the smell of sweaty clothes left for days in a plastic bag. Side by side in groups of seven as they face the bench, they consistently plead guilty to a lesser charge, which spares them longer time behind bars. The immigration charge is often their only offense. (2014 February 11, *The New York Times*)

Once convicted, a sentence of up to six months may be imposed for a single entry; an immigrant who has crossed illegally more than once could face up to 20 years in prison. People incarcerated under these circumstances spend an average of four to 72 days in prison until being transferred to custody of Immigration and Customs Enforcement for deportation or an asylum hearing (Global Detention Project, 2010).

Human rights organizations are advocating against the expedited reviews, arguing that detainees who need to petition for asylum are often not provided the opportunity to do so (Puhl, 2015). Legal scholar Emily Puhl described an immigrant who was 'processed' through expedited removal: A 51-year-old woman fled her home in Mexico City following her husband's efforts to kill her. In the first attempt, he set her on fire. The second time, he tried to run her over with a truck. The woman paid a coyote for a falsified green card, which she showed to a U.S. customs official as she attempted to enter the U.S. near Ciudad Juarez. She begged a border patrol officer and a detention center nurse for an interview to apply for asylum. She was denied the hearing and returned to Ciudad Juarez following her 4-month incarceration for fraudulent use of a document. Still afraid that her husband would kill her, she tried again to cross into the U.S., only to be arrested. After spending another 10 months in federal prison, she succeeded in her request for an asylum hearing, finally winning her case 11 months later with the help of a pro bono attorney from a local nonprofit. She was awarded asylum based on her persecution as the wife of a violent husband in Mexico (Puhl, 2015).

Border Patrol officers have been known to disregard the credible fears voiced by border crossers, preferring instead to send them back to their dangerous homes. This results in frustrating situations like (the woman's) where refugees are convicted of non-violent crimes, serve significant time

in prison, face subsequent removal, and later must meet a higher legal standard to qualify for refugee protection in the United States. (Puhl, p. 89)

Interior Enforcement

Undocumented immigrants often consider themselves to be at less risk for apprehension once they migrate northward from the border and its heavy law enforcement. An immigrant can still be arrested, detained, and deported, however, through enforcement tactics such as workplace raids. These are controversial because of fear and family disruptions. Social workers and agencies have found themselves facing obstacle courses while trying to ensure safety for immigrant children following raids. In 2007, Massachusetts child welfare workers went to extraordinary lengths to reunite children with parents following an Immigration and Customs Enforcement (ICE) raid that apprehended 350 allegedly undocumented workers (Padilla, Shapiro, Fernandez-Castro, & Faulkner, 2008). Teams of bilingual workers flew to detention centers in Texas to advocate for the release of detainees who were primary caregivers of children. Even with the reunification of 90 detainees with children, local social service and community-based organizations found themselves “ill-prepared for the devastating impact” of the raid (Padilla et al., 2008, p. 7).

Earlier this year, the Trump Administration ordered ICE to conduct raids in Los Angeles, Chicago, Atlanta, San Antonio, and New York, among other U.S. cities; 21,362 people were arrested between January and March, which compares to 2,500 arrested for deportation during that same period in 2016 (Sheth, 2017). Though President Trump claimed the raids targeted criminals with serious records, half of the detained had no criminal records or traffic records (Sheth, 2017).

As a department under the Department of Homeland Security, ICE is part of Executive Branch of the U.S. government, and therefore the President dictates enforcement priorities. Under a program called “Secure Communities,” President Obama focused ICE efforts on identifying inmates in U.S. jails who may be in the country without authorization. An immigrant who is arrested for any charge, ranging from a misdemeanor assault (a

bar fight, for example) or a serious felony, could face deportation as well as a criminal penalty. Jails in municipalities in the program submit inmates' fingerprints to immigration databases as well criminal databases, which allows ICE access to information on people who have been charged with a crime.

Immigration rights advocates objected to Secure Communities because many who were deported had only immigration violations and no criminal convictions (American Immigration Council, 2011). Secure Communities was stopped in 2014 and replaced with the Priority Enforcement Program. Under the modified program implemented in 2015, ICE is supposed to prioritize deportation/removal of immigrants convicted of a serious crime or who pose a threat to national security. The U.S. deported 409,849 in 2012 compared to 315,943 in 2015 (ICE, 2015). The ratio of people with criminal convictions to immigration violations rose in that period as well: from 55 percent in 2013 to 59 percent in 2015 (ICE, 2015).

Detention

Thirty-thousand immigrants are detained daily in U.S. jails and detention centers—six times the number incarcerated 20 years ago (IHRC, 2008). The United States spends \$5.5 million daily for immigration incarceration, for a total \$2 billion annually (National Immigration Justice Center, n.d.). To understand how the detention system may affect even an immigrant with legal permanent residence (a green card), this section will begin with discussion of a case study recently analyzed in the *Harvard Law Review* (2015). Robert Cuellar-Gomez, who was admitted to the U.S. as a legal permanent resident in 1992, twice pled guilty to misdemeanor marijuana charges. Following the second conviction in 2008, the Department of Homeland Security initiated removal proceedings. He spent four years in a detention center as he challenged the initial ruling through appeals in the immigration court system before deportation in 2012. The 1996 Illegal Immigrant Reform and Immigrant Responsibility Act (IIRIRA) permits releasing immigrants to await adjudication only in very rare circumstances; otherwise, they are to be incarcerated as they await immigration court hearings (Harvard Law Review, 2015). Cases such as Cuellar-Gomez's are now fairly common

and explain why the U.S. is spending more money than ever to incarcerate immigrants.

Once incarcerated, an immigrant may be housed in one of 13 'Criminal Alien Requirement' detention facilities (American Civil Liberties Union [ACLU], 2014). Human and legal rights advocacy organizations are alarmed by the length of incarceration for immigrant defendants, as well as the conditions and treatment in detention (ACLU, 2014). An immigrant may also be encouraged to sign a voluntary consent to return, which leads to deportation without seeing a judge. Advocates are concerned that immigrants have been pressured to sign these documents without understanding them.

As noted above, a substantial proportion have no criminal record; they are being held while advocating to be allowed to remain in the United States as refugees from violence or persecution. An analysis using an ICE database found 32,000 inmates being housed in ICE detention facilities on Jan. 25, 2009 (Kerwin & Lin, 2009). The Associated Press investigation showed that 18,690 had no criminal conviction, not even for minor crimes such as trespass or illegal re-entry to the U.S. Four hundred of the non-criminal detainees had been incarcerated for more than one year. Noncriminal detainees had been held for a mean of 65 days. Immigration statutes and regulations do not establish any limits to the period of time a non-citizen may be held in immigration detention (Global Detention Project, 2010). In other words, an immigrant faces the risk of being held for a lengthy stay, despite a clean record.

Seventy percent (18,990 of the 32,000) of the detained immigrants were held in cells leased by ICE at local jails and state prisons. The others were in ICE detention facilities, which are leased for-profit private prisons. Though some with criminal convictions included very serious crimes, such as homicide ($n = 156$) and sexual offenses ($n = 430$), more were being held for driving offenses ($n = 1,738$) and immigration offenses ($n = 812$) such as fraud or reentry. (source??)

In June 2015, the Associated Press reported that among those being held in leased detention were 5,000 children with family members. More than half the children were new-borns to age 6 (Human Rights First [HRF], p. 1). Families are petitioning for asylum as they flee Central America; Honduras

and El Salvador have the world's the highest homicide rates, as well as cities controlled by gangs (HRF).

Advocacy organizations have filed lawsuits seeking to end family incarceration as they await asylum hearings. In July 2015, 29 members of the House of Representatives wrote the Department of Homeland Security demanding an investigation of the for-profit prison provider, GEO Group Inc., for allegations of medical maltreatment and neglect at detention centers. One man who had been detained five years died of intestinal cancer, a condition that had not been diagnosed until three days prior to his death (U.S. Congress, p. 1). The Representatives noted that a partially paralyzed inmate developed an infection after he was instructed by medical staff to reuse his catheters—an unsanitary practice. Hunger strikes and one riot have erupted as inmates complained of being forced to eat spoiled food, some of it infested with insects, as well as suffering verbal and physical abuse by guards (U.S. Commission on Civil Rights, 2015). In short, an immigrant who seeks asylum as she escapes violence in Honduras or El Salvador may endure months of harsh conditions in a U.S. detention center or jail.

Discussion: Implications for Practice

Despite discourse to the contrary, an immigrant does not have an easy road to legal status and incorporation into the United States. Social workers need to be aware that when working with families, many may be of 'mixed status'—which means that some immigrants in a family may be naturalized citizens, legal permanent residents, holders of temporary visas, or may be undocumented. By understanding immigration law, a social worker could advise an immigrant who has been arrested to consult an immigration attorney before deciding whether to accept a guilty plea. Social workers are also advised to take detailed information on families to find out if a relative is being held in detention (National Association of Social Workers [NASW], 2011). In these cases, a social worker could assist the family in finding affordable or pro bono legal counsel, since an attorney is not provided for immigration court proceedings. Clients may need to be informed that relatives can assist an inmate by putting money in an account to make purchases from

the detention center or jail canteen. Families may not know that an inmate can make collect calls. Relatives may also be in duress because they do not know where a loved one is being incarcerated. In that case, social workers may assist by searching ICE's online prisoner locator website. However, if an immigrant is being incarcerated in a jail, he or she will not appear in the locator. It is then up to the social worker to help the family to call local jails and prisons for that information.

In addition, immigrant families may be coping with severe disruption if a parent has been detained.

When parents are held in detention, the subsequent family separation poses great risks for their children. Whether as a result of witnessing their parents' arrest or simply not understanding why their parents cannot come home, children are likely to face multiple consequences when separated from their primary caregivers. Children experience emotional trauma, safety concerns, economic instability, and diminished overall well-being. This can lead to interruptions in these children's schooling, depression, aggression and rebellion. (NASW, 2011, pp. 1–2)

Additionally, child welfare workers may need to advise family court judges why a parent may not be able to appear for a custody hearing (NASW, 2011).

In its position paper on immigration law and detention, NASW (2011) encouraged social workers to discuss the issues of immigration and detention with other practitioners as well as the community to raise awareness, and to form or join grass-roots coalitions to advocate for improved conditions in detention centers and jails. Finally, NASW noted that the Code of Ethics (1999) applies to social workers with the following imperatives: (1) Social workers are ethically obligated to engage in social and political action to ensure that all people have access to resources, employment and opportunity to develop fully; and (2) Social workers are ethically obligated to ensure that no group is subject to discrimination based on race, ethnicity, origin or immigration status. Thus, social workers have an ethical imperative to advocate for broader policy reforms to ensure that immigrants have paths to legalization in the United States.

References

- American Civil Liberties Union (ACLU). (2014). *Warehoused and forgotten: Immigrants trapped in our shadow private prison system*. Retrieved from <https://www.aclu.org/warehoused-and-forgotten-immigrants-trapped-our-shadow-private-prison-system>
- American Immigration Council. (2011). *Secure communities: A fact sheet*. Retrieved from <http://www.immigrationpolicy.org/just-facts/secure-communities-fact-sheet>.
- American Immigration Council. (2016). *How the United States immigration system works*. Retrieved from <https://www.americanimmigrationcouncil.org/research/how-united-states-immigration-system-works>.
- Bray, I. (n.d.) *An aggravated felony can get a non-citizen removed (deported)*. Retrieved from <http://www.alllaw.com/articles/nolo/us-immigration/aggravated-felony-get-non-citizen-removed-deported.html>
- Chavez, L. (2007). Commentary: The condition of illegality. *International Migration*, 45, 192–196.
- Executive Office for Immigration Review. (2014). *FY 2013 statistics yearbook*. Retrieved from <http://www.justice.gov/sites/default/files/eoir/legacy/2014/04/16/fy13syb.pdf>
- Global Detention Project. (2010). *Immigration detention and the law: U.S. policy and legal framework*. Retrieved from http://www.globaldetentionproject.org/fileadmin/docs/US_Legal_Profile.pdf
- Hanson, G. H. (2010). *The economics and policy of illegal immi-gration in the United States*. Washington, DC: Migration Policy Institute.
- Hatch, P. (2010). *U.S. immigration policy: Family reunification*. Seattle, WA: League of Women Voters.
- Harvard Law Review. (2015). A prison is a prison: Mandatory immigration detention and the Sixth Amendment right to counsel. *Harvard Law Review*, 129(2). Retrieved from <http://harvardlawreview.org/2015/12/a-prison-is-a-prison-is-a-prison/>
- Hondagneu-Sotelo, P. (2007). *Domestica: Immigrant workers cleaning and caring in the shadows of affluence*. University of California Press.
- Human Rights First. (2014). *How to protect refugees and pre-vent abuse at the border*. Retrieved from <http://www.human-rightsfirst.org/sites/default/files/HRF-Asylum-on-the-Border-noApps.pdf>
- Kennedy, E. (2014). No childhood here: Why Central American children are fleeing their homes. *American Immigration Council*. Retrieved from <http://www.immigrationpolicy.org/perspectives/no-childhood-here-why-central-american-children-are-fleeing-their-homes>

- Kerwin, D., & Lin, S. Y. Y. (2009). Immigrant detention: Can ICE meet its legal imperatives and case management responsibilities? *Migration Policy Institute*. Retrieved from <http://www.migrationpolicy.org/pubs/detentionreportSept1009.pdf> (reporting that 58% of the detainees held on January 25, 2009 did not have criminal convictions), 7.
- Lydgate, J. J. (2010). Assembly-line justice: A review of Operation Streamline. *California Law Review*, 98(2), 481–544.
- Markon, J. (2015, July 2). Obama Administration scales back deportations in policy shift. *The Washington Post*. Retrieved from https://www.washingtonpost.com/politics/dhs-scales-back-deportations-aims-to-integrate-illegal-immigrants-into-society/2015/07/02/890960d2-1b56-11e5-93b7-5eddc056ad8a_story.html?utm_term=.d6873fa79dbe.
- Márquez, J. D. (2012). Latinos as the living dead: Raciality, expendability, and border militarization. *Latino Studies*, 10(4), 473–498.
- Massey, D. S. (2005). *Five myths about immigration: Common misconceptions underlying US border-enforcement policy*. Immigration Policy Center.
- Menjívar, C. (2006). Liminal legality: Salvadoran and Guatemalan immigrants' lives in the United States. *American Journal of Sociology*, 111(4), 999–1037.
- Mexican American Legal Defense Fund. (2010). *Undocumented immigrants do have legal rights*. Retrieved from http://maldef.org/truthinimmigration/undocumented_immigrants_do_have_legal3192008/index.html
- Michalowski, R. (2007). Border militarization and migrant suffering: A case of transnational social injury. *Social Justice*, 34(2), 62–76.
- Migration Policy Institute. (2015). *Countries of birth for U.S. immigrants 1960-present*. Retrieved from <http://www.migrationpolicy.org/programs/data-hub/us-immigration-trends#source>
- National Association of Social Workers. (1999). *Code of ethics of the National Association of Social Workers*. Washington, DC: NASW Press.
- National Association of Social Workers (NASW). (2011). *The impact of immigration detention on children and families*. Retrieved from <https://www.socialworkers.org/practice/intl/2011/HRIA-FS-84811.Immigration.pdf>
- National Immigration Forum. (2013). *The math of immigration detention*. Retrieved from <https://immigrationforum.org/blog/themathofimmigrationdetention/>
- National Immigration Justice Center. (2015). *The immigration detention transparency and human rights project*. Retrieved from <http://immigrantjustice.org/immigration-detention-transparency-and-human-rights-project-august-2015-report>
- National Immigration Justice Center. (n.d.). *Detention bed quota*. Retrieved from <https://www.immigrantjustice.org/eliminate-detention-bed-quota>.
- Nevins, J. (2004). The United States is to blame for illegal immigrant fatalities. In W. Dudley (Ed.), *Illegal immigration: Opposing viewpoints* (pp. ??). San Diego: Greenhaven Press.

- Nevins, J. (2010). *Operation Gatekeeper and beyond: The war on "illegals" and the remaking of the US–Mexico boundary*. New York: Routledge.
- No More Deaths. (2012). *Operation Streamline fact sheet*. Retrieved from http://forms.nomoredeaths.org/wp-content/uploads/2014/10/nmd_fact_sheet_operation_streamline.pdf
- Padilla, Y. C., Shapiro, E. R., Fernandez-Castro, M. D., & Faulkner, M. (2008). Our nation's immigrants in peril: An urgent call to social workers. *Social Work, 53*(1), 5–8.
- Park, H. (10 November, 2015). How outsourcing companies are gaming the visa system. *The New York Times*.
- Passell, J. S. (2015). Testimony of Jeffrey S. Passel—unauthorized immigrant population: National and state trends, industries and occupations. *Pew Hispanic*. <http://www.pewhispanic.org/2015/03/26/testimony-of-jeffrey-s-passel-unauthorized-immigrant-population/>
- Passel, J. S., & Cohn, D. (2009). *Mexican immigrants: How many come? How many leave?* Washington, DC: Pew Research Center. Retrieved from <http://www.pewhispanic.org/2009/07/22/mexican-immigrants-how-many-come-how-many-leave>
- Pew Research Center. (2014). *U.S. deportation of immigrants reaches record high in 2013*. Retrieved from <http://www.pewresearch.org/fact-tank/2014/10/02/u-s-deportations-of-immigrants-reach-record-high-in-2013/>
- Puhl, E. (2015). Prosecuting the persecuted: How Operation Streamline and expedited removal violate Article 31 of the Convention on the Status of Refugees and 1967 Protocol. *Berkeley La Raza Law Journal, 25*(1), Article 3.
- Ribando, C. M. (2007, August). *Gangs in Central America*. Library of Congress, Washington, DC: U.S. Congressional Research Service.
- Sheth, S. (1 May, 2017). Half the undocumented immigrants rounded up in February raids had no criminal records or minor offenses. *Business Insider*. Retrieved from <http://www.businessinsider.com/illegal-immigration-criminal-records-trump-ice-2017-5>.
- Urrea, L. A. (2008). *The devil's highway*. Boston: Back Bay Books.
- U.S. Citizenship And Immigration Services. (n.d.). *Victims of criminal activity: U nonimmigrant status*. Retrieved from <http://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status#U%20Visa%20Cap>
- U.S. Commission on Civil Rights. (2015). *With liberty and justice for all: The state of civil rights at immigration detention facilities*. Retrieved from http://www.usccr.gov/OIG/Statutory_Enforcement_Report2015.pdf

- U.S. Congress. (14 July, 2015). *Correspondence to the Department of Homeland Security*. Retrieved from <https://www.documentcloud.org/documents/2165708-adelanto-letter.html>
- U.S. Congressional Research Service. (2014). *Border security: Immigration enforcement between ports of entry*. Retrieved from <http://fas.org/sgp/crs/homesecc/R42138.pdf>
- U.S. Department of State, Bureau of Consular Affairs. (2017). Employment-based immigrant visa: Annual numerical limits. Employment-based immigrant visa. Retrieved from https://travel.state.gov/content/dam/visas/Statistics/Immigrant-Statistics/Web_Annual_Numerical_Limits.pdf
- U.S. Department of State, Bureau of Consular Affairs. (n.d.). *Overview—Family-based immigrant visas*. Retrieved from <http://travel.state.gov/content/visas/en/immigrate/family/family-preference.html#1>
- U.S. Immigration Center, Department of Homeland Security. (n.d.). *How many immigration applications are filed each year?* <https://www.us-immigration.com/how-many-immigration-applications-filed-each-year/>
- Warren, R., & Kerwin, D. (2017). The 2,000 mile wall in search of a purpose: Since 2007 visa overstays have outnumbered undocumented border crossers by a half million. *Journal on Migration and Human Security*, 5(1), 124–136.
- Zong, J., & Batalova, J. (2015). Frequently requested statistics on immigrants and immigration in the United States. *Migration Policy Institute*. Retrieved from <http://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states>