



**SAPELO FOUNDATION
WHITE PAPER**

***IMMIGRATION ENFORCEMENT
AND ITS IMPACT ON
LATINO CHILDREN
IN THE STATE OF GEORGIA***

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I. EXECUTIVE SUMMARY

IMMIGRATION ENFORCEMENT EFFORTS AT THE NATIONAL FOREFRONT

In the ongoing absence of comprehensive immigration reform at the federal level, state and local governments have stepped in to fill the void. The recent passage of SB1070 in Arizona -- an oversweeping state law that requires Arizona police to ask virtually any immigrant for his or her “papers” -- and the current controversy surrounding the case of Jessica Colotl, a college student in Cobb County, Georgia, who was stopped on campus for “obstructing traffic” -- and nearly deported -- have brought state and local efforts to enforce federal immigration law to the national forefront.

State and local efforts to enforce federal immigration law not only affect the individuals who are targeted and arrested; they also have a serious and long-term impact on children. Approximately five million children in the United States have at least one undocumented parent.[3] Although most of these children are U.S. citizens by birth, they increasingly face potential separation from their parents. The unintended consequences (i.e., the long-term, harmful impact on children) of overreaching immigration enforcement are exacerbated by the inherent tension between immigration law and family law.

This study addresses this important and growing problem as it relates to Latino children in Georgia. Because this study is preliminary, it is intended to: (1) provide a basis to begin long-term documentation of the stories of children affected by immigration enforcement in Georgia; (2) serve as a catalyst to continue a more thorough and long-term review of these issues in Georgia, or, at a minimum, to continue monitoring of these issues; and (3) serve as a source and resource for others who are studying these issues at the local, regional and national levels.

FOCUS OF STUDY: LOCAL ENFORCEMENT EFFORTS

Although the current administration has shifted federal immigration enforcement efforts from worksite raids to other strategies, the federal government continues to enforce the nation’s immigration laws with an apparent and aggressive focus on removing as many individuals as possible. In 2009, the Department of Homeland Security (DHS) reported a record number of deportations, representing a 13% increase from 2008, and in 2008, ICE’s removal numbers exceeded the previous year’s total by over 23%. One law enforcement tool that facilitates these increased deportations is the 287(g) program. This program, which was incorporated into the 1996 comprehensive immigration reforms, gives the federal government the power to delegate its immigration enforcement authority to state and local law enforcement agencies.

Before 2006, the federal government entered into six 287(g) agreements. Since that time, the program has become increasingly more popular. Seventy-one law enforcement agencies in 26 states currently participate in the program. And, consistent with the focus on enforcement and increased deportations, the current administration has expanded the number of state and local law enforcement agencies with access to its Secure Communities program, thus facilitating the initiation of even more removal proceedings for people who are arrested by local police for minor offenses.

Use of the 287(g) program has become a politically popular reaction to the increasing immigrant population in Georgia. Five law enforcement agencies -- four counties as well as the State -- are currently participating in the 287(g) program in Georgia. Several other counties also participate ICE’s Secure Communities program, thus increasing the number of removals, and expanding the 287(g) program without ICE oversight. This study therefore relies mainly on information gathered from Gwinnett and Cobb coun-

ties, both of which are 287(g) participants. The study also includes data from “outlier” cities and counties, where local law enforcement officials and others (including school officials) assume the role of immigration officials (with the goal of arresting immigrants for deportation.)

THE IMPACT OF IMMIGRATION ENFORCEMENT ON CHILDREN

Recent national studies demonstrate that family separation resulting from immigration enforcement has a long-term, harmful effect on children. The stories collected for this report support these national findings, and demonstrate the painful consequences of family separation that deeply affect children in the State of Georgia. In 71% of the cases collected for this study, children of a deported parent remained in the United States, with many of these children suffering harmful consequences. For example, Mario, a fifth grader from Cobb County, had a longstanding fear that his father would be stopped, arrested and deported for driving without a license. Even before Mario’s nightmare became a reality, he developed an anxiety condition that eventually became a physical bladder condition. Since the time he developed this physical condition, Mario’s father has been arrested and will be deported. Mario will now be repeating fifth grade as a special education/special needs student because of his physical condition.

In many of the stories collected for this study, the children of deported parents did not come to the attention of Georgia’s foster care system, the Division of Child and Family Services (DFCS). However, the research revealed the difficulty of tracking the number of children who come to the attention of DFCS as a result of immigration enforcement. The cases in which DFCS was involved illustrate the complex interplay between immigration and child welfare law. The research also revealed several cases concerning immigrant children, some of whom were unaccompanied minors (without a parent or legal guardian in this country), who may have come to DFCS’s attention at a late stage, and have suffered because of their immigration status. In one case, a community advocate reported the legal adoption of an undocumented child.[4] After the adoption was finalized, the child’s undocumented status was discovered and attempts were made to have the child deported.[5] In another case, the underage undocumented sister-in-law of a U.S. citizen businessman continues to be subjected to sexual abuse because she is fearful of reporting the abuse (due to her immigration status). Finally, the story of Luis, a homeless, honors high-school student in Cobb County, Georgia, fully illustrates the harmful and life-altering impact of the interplay between “zero tolerance” policies in the educational system and immigration enforcement. The school found a tool from one of Luis’s two after-school jobs in his backpack when conducting a search of students’ bookbags. Based on the state’s zero tolerance law, the school reported Luis to the police. He was taken into custody and transferred to a federal detention center. Luis was recently deported.

RECOMMENDATIONS

The study sets forth a number of recommendations to ameliorate the potentially traumatic impact of immigration enforcement on children in Georgia. These recommendations include: (1) county and local law enforcement adoption of guidelines that strictly prohibit stationing checkpoints and road blocks near schools, churches, and day care centers; (2) state, county and local law enforcement adoption of ICE humanitarian guidelines regarding sole caregivers; (3) continued efforts among all stakeholders in the Georgia foster care system to strengthen cultural competency through training and continued development of materials related to the needs of immigrants and through recruitment of bilingual and bicultural members of the workforce; and (4) creation of a cooperative system of mandatory reporting by various local, state and federal agencies involved in the child welfare and immigration enforcement system.

CONCLUSION

This report underscores the vital need for our nation's policymakers and leaders to address comprehensive immigration reform.

II. INTRODUCTION AND GOALS OF STUDY

In the ongoing absence of comprehensive immigration reform at the federal level, state and local governments have stepped in to fill the void. The recent passage of SB1070 in Arizona has brought state and local efforts to enforce federal immigration law to the national forefront. SB1070 is an over-sweeping state law that requires police across Arizona to investigate the immigration status of every person they have "reasonable suspicion" to believe is in the country without legal status; as drafted, the law encourages police to arrest anyone who looks "illegal" to the police.[6]

The case of Jessica Colotl also illustrates the clash between federal and local enforcement of immigration law. Ms. Colotl was stopped by police for "impeding the flow of traffic" on the grounds of Kennesaw State College, in Cobb County, Georgia.[7] Ms. Colotl was arrested for driving without a license, placed in a local detention center, and eventually transferred to a federal detention center to await deportation.[8] Attorney and community advocates negotiated her release and a one-year deferment for her to complete her education; however, local law enforcement officials continue to push for her re-arrest and deportation.[9] In addition, a number of political candidates in Georgia are now proposing to ban undocumented college students' access to higher education in the state because of her case.[10] This story further underscores the serious and life-changing effect local law enforcement has on the everyday lives of young adults trying to create a brighter future for themselves through higher education.

Laws such as SB1070 and other local efforts to enforce federal immigration law not only affect the individuals who are targeted and arrested, such as Ms. Colotl. They also have a serious and long-term impact on children. Approximately five million children in the United States have at least one undocumented parent.[11] Although most of these children are U.S. citizens by birth, a majority of them live in immigrant families, and they increasingly face potential separation from their parents.[12] In Georgia, Latino children represent more than one-third (35%) of the total Latino population in Georgia.[13] Approximately 84% of those children are U.S. citizens.[14]

The unintended consequences (i.e., the long-term, harmful impact on children) of overreaching immigration enforcement efforts are exacerbated by the inherent tension between immigration law and family law. When a person faces deportation or "removal" from the United States, it is as an individual, not as a family unit.[15] In contrast, long-standing principles of family and child welfare law incorporate the "best interests of the child," thus highlighting the potential conflict between immigration enforcement and family integrity. "Although the role of family is critical in shaping who qualifies to immigrate to the United States, when a person faces removal from the United States, it is as an individual, not as a family unit." [16] More importantly, most of our legal immigration system is based upon keeping families together, not separating them.[17] The dichotomy of separating families through removal has not yet been addressed in any meaningful way by Congress.

This study addresses this important and growing problem in the State of Georgia. The Sapelo Foundation commissioned this study to research, investigate and document: (1) the impact of immigration enforcement efforts on the children of Latino parents in the State of Georgia; and (2) the interplay between immigration enforcement efforts and the child foster care system (i.e., the extent to which children of detained and/or deported Latino parents come to the attention of DFCS).[18] In light of the condensed (approx-

mately three-month) time frame for research, investigation and compilation of data and narratives, this study is intended to provide a “snapshot” view of these issues. Based on the preliminary nature of this study, its main goals are threefold: (1) to provide a basis to begin long-term documentation of the stories of children affected by immigration enforcement in Georgia; (2) to serve as a catalyst to continue a more thorough and long-term review of these issues in Georgia, or, at a minimum, to continue monitoring of these issues; and (3) to serve as a source and resource for others who are studying this issue at the state, regional and national levels.

III. METHODOLOGY

A. FOCUS OF STUDY: LOCAL LAW ENFORCEMENT

Although the current administration has shifted federal immigration enforcement efforts from worksite raids to other strategies (see Text Box below), the federal government continues to enforce the nation’s immigration laws with an apparent focus on removing as many individuals as possible. In 2009, the Department of Homeland Security (DHS) reported a record number of 387,790 immigrant removals, which represents a 13% increase from 2008.[19] The contents of “leaked” internal ICE documents urging an increase in the number of non-criminal removals and incorporating removal “quotas” as employee-performance measures further suggest ICE’s aggressive focus on high removal numbers including removals based on non-serious, low-level violations.[20]

A primary law enforcement tool that facilitates these increased deportations is the 287(g) program. This program, named after Section 287 of the Immigration and Nationality Act (INA), was incorporated into the 1996 comprehensive immigration reforms and gives the federal government the power to delegate its immigration enforcement authority to state and local law enforcement agencies.[21] Before 2006, the federal government entered into six 287(g) agreements.[22] Since that time, the program has become increasingly more popular. Seventy-one law enforcement agencies in 26 states currently participate in the program.[23]

A number of reports issued by both non-governmental advocacy organizations as well as governmental agencies (including the DHS Inspector General’s office), have raised serious concerns about the program and its implementation.[24] Some of the chief criticisms of the program are that: (1) it creates incentives for the police to engage in racial profiling; and (2) the program undermines the immigrant community’s trust and confidence in local police because of the local/federal law enforcement collaboration.[25]

Although the 287(g) program was intended to target immigrants with serious criminal histories, ICE has allowed local law enforcement to continue “street-level” operations that result in the arrest of immigrants who do not have serious criminal histories.[26] ICE’s focus on low-level violations (rather than prioritizing serious criminal violations) and the large number of arrests and deportations based on low-level violations (such as minor traffic infractions) is another major critique of the 287(g) program.[27] Notwithstanding these criticisms, funding for the program has grown exponentially from a budget of \$5 million in 2006 to a budget of \$68 million for fiscal year 2010.[28]

The current administration has also increased the number of state and local law enforcement agencies with access to its Secure Communities program, thus facilitating the initiation of more removal proceedings for people who are arrested by local police for minor offenses. The Secure Communities program operates jointly between DHS, the Department of Justice and participating law enforcement agencies to automatically and simultaneously check the digital fingerprints of individuals arrested and booked at the local level against both FBI criminal history records and biometrics-based immigration records maintained by DHS.[29] The Secure Communities Program in effect expands the 287(g) program without ICE oversight. [30]

Consistent with trends across the county, use of the 287(g) program has become a politically popular reaction to the increasing immigrant population in Georgia. Five law enforcement agencies, including Cobb and Gwinnett Counties, are currently participating in the program.[31] This study therefore relies mainly on information gathered from Cobb and Gwinnett counties. The research also includes data from “outlier” cities and counties, where local law enforcement and other officials assume the role of immigration officers (with the goal of arresting immigrants for deportation).

NATIONAL TRENDS RELATED TO IMMIGRATION ENFORCEMENT AND CHILD WELFARE ISSUES

Recent national trends and developments in the area of immigration enforcement and child welfare provide a context in which to view this state-based study. These developments include an increasing number of reports documenting problems with the 287(g) program, changes in the 287(g) program and proposed national legislation addressing the interplay between immigration enforcement and child welfare issues.

CHANGES IN FEDERAL IMMIGRATION ENFORCEMENT STRATEGIES AND PROBLEMS WITH THE 287(g) PROGRAM

The current administration has initiated several changes in immigration enforcement. Some of these changes include:

- (1) Issuance of humanitarian guidelines delineating terms for parental release during worksite raids resulting in 25 or more arrests;[1]
- (2) the end of large worksite raids; [2]
- (3) worksite enforcement focused on electronic verification of workers;[3] and
- (4) reforms to the 287(g) program, including, a purported focus on arresting and detaining individuals who have committed serious crimes.[4]

FEDERAL LEGISLATION ADDRESSING THE IMPACT OF FAMILY SEPARATION: THE HELP ACT

The Humane Enforcement and Legal Protections (HELP) for Separated Children Act, HR3531, sponsored by Representative Lynn Woolsey (D-CA), proposes reforms to protect children, families and communities impacted by immigration enforcement. The bill provides nationwide protocols to help keep children with their parents or caregiver and out of the children welfare system while immigration proceedings are pending.[5] It also establishes guidelines for immigration enforcement activities involving designated vulnerable populations, including pregnant or nursing women, individuals with impacted children, and individuals with special needs or disabilities. [6] The Act requires that all decisions related to the care, custody and placement of a separated child be based upon the best outcome for the child.[7]

Based on these developments, it is possible that the changes in federal policies and laws related to immigration enforcement and the child welfare system will occur in the future. However, in spite of ongoing reports highlighting the troubling aspects of the 287(g) program, the administration expanded the program to include a number of new participants. The program continues to operate in a number of counties in Georgia, and continues to impact immigrant families living in the state, thus underscoring the need to document the ongoing, harmful daily consequences immigration enforcement has on these families.

[1] These guidelines provide for identification of individuals arrested who may be sole care givers or who have other humanitarian concerns such as: serious medical conditions that require special attention, pregnant women, nursing mothers, parents who are sole caretakers of minor children or disabled or seriously ill relatives. ICE Guidelines for Identifying Humanitarian Concerns among Administrative Arrestees at 1, available at: http://www.nilc.org/immsemplymnt/wkplce_enfrmnt/wkplcenfr025.htm. Before conducting any large worksite raid, ICE is supposed to coordinate with the U.S. Department of Health and Human Services’ Division of Immigration Health Services (DIHS) to provide sufficient personnel to screen the humanitarian needs of detainees. Id. If DIHS is unable to support ICE, ICE is supposed to coordinate with an appropriate state or local social service agency or contract personnel to provide humanitarian screening. Id. In April 2009, ICE made

these guidelines applicable to worksite enforcements involving 25 or more arrested workers. ICE Fact Sheet, "Worksite Enforcement Strategy," April 30, 2009.

[2] Randy Capps, Ajay Chaudry, Rosa Maria Castaneda, et al, "Facing our Future, Children in the Aftermath of Immigration Enforcement," at x-xi, February 2010, Urban Institute, Washington, DC.

[3] ICE Fact Sheet, "Worksite Enforcement Strategy," April 30, 2009.

[4] ICE Fact Sheet, "Updated Facts on ICE's 287(g) Program," April 12, 2010, available at: www.ice.gov/pi/news/factsheets/section_287_g-reform.htm. The reforms in the 287(g) program included revised 287(g) agreements to ensure uniform implementation. The new agreements supposedly have 287(g) participants prioritize resources to target serious criminal violations (such as murder, rape, robbery or kidnapping). See Cristina Rodríguez, Muzaffar Chishti, Randy Capps, and Laura St. John, "A Program in Flux: New Priorities and Implementation Challenges for 287(g)," March 2010, Migration Policy Institute, Washington, D.C. (discussing, inter alia, the history and context of the 287(g) program and analyzing the terms of the new 2009 template).

[5] Wendy Cervantes, First Focus Fact Sheet, First Focus Campaign for Children, Washington, D.C. The HELP Act also requires DHS to compile an annual report on the impact of immigration enforcement on U.S. citizen and other lawfully present children. See Wendy Cervantes, Yali Lincroft, "The Impact of Immigration Enforcement on Child Welfare," at 3, March 2010, First Focus, Migration and Child Welfare Network. Two other proposed federal laws, the Child Citizen Protection Act and the Immigration Oversight and Fairness Act, also address children and immigration enforcement. Id.

[6] Id.

[7] Id.

B. GENERAL METHODOLOGICAL APPROACH

This study was conducted in a short time frame -- approximately three months -- and is therefore preliminary. With respect to the formulation of a framework for this study and the issues for investigation, the author interviewed policy analysts, researchers, academics and other experts at the national, state and local level. These individuals are leading the efforts in researching, investigating, and monitoring current developments in this field, and have published extensively. Many of these experts are members of the Migration and Child Welfare National Network.[32] The author also conducted research on the available literature, applicable laws and statistics on topics relevant to this issue.

The primary mode of research to document the impact of immigration enforcement efforts on the children of Latino immigrant parents in Georgia has been interviews with a number of stakeholders. The author interviewed affected family members and/or neighbors of affected families. The author also interviewed the following:

- community advocates involved with grass roots and faith-based organizations and churches
- legal practitioners in the field of immigration and child welfare law
- state and local public service providers (e.g., social workers and health care professionals)
- public and private school educators (e.g., school teachers, counselors, parent liaisons, translators and other school officials)
- government officials involved in the state child foster care system, the juvenile justice system, and the federal immigration enforcement system

Some interviews, such as those of family members, neighbors of affected family members, educators and public service providers, were conducted on a confidential basis.

The interviews were primarily in person but also by telephone. Approximately 45 interviews were conducted. These interviews resulted in the collection of 34 stories (for purposes of a "sample") in which one or both parents with children had been arrested, detained and/or deported. The arrests, detentions and deportations mainly arose out of local law enforcement activities. The facts of several stories are included

to provide a more complete view of how children are impacted by local law enforcement's current focus on immigration.

IV. RELEVANT DEMOGRAPHIC BACKGROUND AND TRENDS

A. DEMOGRAPHICS OF THE CHILD POPULATION IN THE UNITED STATES AND GEORGIA

Understanding the changing demographic characteristics of America's and Georgia's children provides a logical starting point to discuss the issues addressed in this report. While the number of children living in the United States has increased, the ratio of children to adults has decreased.[33] At the same time, the racial and ethnic composition of America's children is continually changing. In 2008, there were 73.9 million children in the United States; 56% of those children were White, non-Hispanic, 22 % were Hispanic, 15% were Black, 4% were Asian and 5% were "other races." [34] The percentage of children who are Hispanic has increased from 9% in 1980 to 22% in 2008, and is estimated to reach 25% by 2021.[35]

According to 2006 U.S. Census estimates, Georgia has a child population of 2,452,225, 10% of whom are Latino.[36] A recent study from the Southern Education Foundation (SEF) concluded that Georgia is one of six southern states that now has a majority of non-White students enrolled in the public school system.[37] The SEF study found that in 2009, 54% of the student population enrolled in Georgia public schools was non-White.[38] In 1986, Latino children numbered 1 out of 200 students in the State of Georgia.[39] In contrast, by the year 2008, one out of 10 students was Latino.[40] Thus, the changing face of Georgia's school population includes an increasing number of Latino children, many of whom are vulnerable and at risk of suffering the traumatizing impact of family separation.

B. GEORGIA'S CHANGING POPULATION AND LAWMAKERS' RESPONSE TO THIS CHANGE

Since 1990, Georgia, like many other "Sun Belt" states, experienced a large increase in the Latino population due to increased job opportunities in the construction, retail and services sectors.[41] During the 1990's, Georgia's foreign-born population increased 233 % — the second largest percentage increase in the country.[42] This growth continued after the 2000 Census. For example, Atlanta was ranked ninth among the top 10 metropolitan areas with the greatest Hispanic population growth from 2000 to 2007.[43] As of 2009, the total number of foreign-born residents in Georgia was 577,273.[44] Foreign-born residents now account for 7 % of the total state population, with 43.7 % of those residents reporting Hispanic or Latino origin.[45]

This tremendous and sudden shift in the foreign-born population has also made immigration an increasingly controversial issue in a number of southern states, including Georgia. The rapid population change in areas which have not previously experienced new immigrant residents has resulted in the "upending" of traditional notions of population growth.[46] This phenomenon, in combination with the ongoing national economic crisis and the lack of comprehensive immigration reform at the federal level has led to the passage of numerous state and local laws that severely restrict the rights of immigrants.[47] For example, in 2009, state legislatures considered and enacted record levels of immigrant-related legislation, with 222 laws enacted and 131 resolutions adopted in 48 states.[48]

Georgia is no exception to this trend. In 2006, the Georgia General Assembly passed SB529, entitled the "Georgia Security and Immigration Compliance Act." At the time, this law was one of the harshest immigration-related state laws enacted.[49] Since 2006, legislators at both the state and local level in Georgia have continued to propose, and, in some cases, enact legislation that restricts the rights of immigrants

living in the state and imposes additional and sometimes costly requirements on businesses operating in the state.[50] Most recently, the Georgia Assembly proposed legislation restricting limited English proficient (LEP) citizens' and legal residents' ability to take the driver's exam and obtain a license.[51] All of the leading candidates (R) for Governor of Georgia have expressed their desire to pass a law in Georgia similar to Arizona's SB1070.[52] One of these candidates, who is a former United States Congressman, has also proposed federal legislation to deny citizenship to children born in the United States if the children's parents do not have legal status.[53]

**GEORGIA STATE DIVISION OF FAMILY AND CHILD SERVICES' (DFCS)
RESPONSE TO THE GROWING IMMIGRANT POPULATION IN GEORGIA:
CULTURAL COMPETENCY MANUALS AND TRAINING**

As the Georgia foreign-born population was growing in the 1990's, social workers in the state's foster care system began to see an increase in cases that required them to address the needs of immigrant children and families, including Latino families.[1] DFCS responded with the publication of a training manual entitled "Culturally Competent Practice with Latino Clients." [2] The manual and related training were intended to provide DFCS workers (trainees) with the tools to understand Latino client populations and cultures in order to successfully

respond to these clients' needs.[3] In 2006, the broader issue of immigrant children's needs came to the attention of DFCS, as did the need to address issues related to implementation of SB529. DFCS formed a working group to evaluate its policies and procedures to include cross-culture service delivery to immigrant families and to identify strategies and train DFCS case workers to work cross culturally while maintaining the protection, safety, and permanency of the children they serve. [4] After several years of research and working with DFCS focus groups across the state, the group

concluded with a recommendation to address the challenges and barriers immigrant children and families experience when navigating the child welfare system.[5] It also recommended specialized training for social services staff to address cultural and language barriers, practice and service delivery, and community engagement. The efforts of the group culminated in DFCS's publication of a comprehensive training manual (and training modules) entitled "Working with Immigrant Children and Families," which was published in 2009.

[1] March 16, 2010 interview with Renee Ivis King, MSW, PhD, the former DFCS Program Planning and Development Unit specialist. Ms. King, along with a number of others, developed the "Working with Immigrant Children and Families" manual, *infra*, n. [4], for DFCS service providers. April 12, 2010 Interview with David Boyle, retired Dean of the Dalton State School of Social Work, and co-author of a manual on Latino cultural competence issues, *infra*, n. [2],

[2] Tammy Rice-Rodriguez, David Boyle, *Culturally Competent Practice with Latino Clients* (A training manual for child welfare workers developed for the Georgia Division of Family and Children's Services (DHR)), 2006, available at: http://docs.google.com/viewer?a=v&q=cache:S90J6N8cdFgJ:www.dhr.state.ga.us/DHR-DFCS/DHR_DFCS.

[3] *Id.* at 5.

[4] State of Georgia, Department of Human Resources, Participant Guide for Working with Immigrants, Division of Family and Children Services (DFCS), at 2, 2009, Atlanta, Georgia. The committee included federal, state, regional, and county staff and community partners.

[5] March 16, 2010 interview with Renee Ivis King.

V. FINDINGS

A. HOW CHILDREN OF ARRESTED AND/OR DETAINED PARENTS COME TO THE ATTENTION OF DFCS

Based on the research and interviews conducted for this study, whether a child comes to the attention of DFCS when the child's immigrant parent is arrested and detained in Cobb, Gwinnett, and other counties

surrounding metropolitan Atlanta depends on several factors, including:

- (1) the location of the child at the time of the parent's arrest;
- (2) whether the child's other parent or another relative is immediately available to assume caregiving responsibilities for the child; and
- (3) the extent to which the family has taken precautionary measures in the event of an emergency (i.e., signed power of attorney forms, guardianship or temporary custody papers; and/or provided children's school with updated family emergency contact information, including names and telephone numbers).

Several individuals interviewed for this study explained that if a parent was arrested with her minor child (or children), the police officer may provide the parent with the opportunity to contact another family member or friend to pick up the children before the parent was formally arrested.[54] For example, in March of this year, Maria was stopped at a road block/checkpoint in Cobb County at 9 p.m. with her three children (all under seven).[55] The police officer who stopped her told her if she did not have someone come to pick up her three children within 30 minutes, he would call DFCS.[56] Maria asked the officer if she could walk her children to her house, which was close. The officer told her no, and asked her to talk to her six-year old daughter because her daughter was crying so much. Maria explained that the officer told her, "It's my job to arrest you," and treated the situation like it was a joke. She then telephoned a friend of the family, who was able to come within 30 minutes. Several public school educators explained that school policies require the school to contact all available emergency contacts listed for a student before contacting DFCS.[57] Some individuals also noted that: (1) the local police may not ask parents if they have children at home (when a parent is arrested during school hours), and (2) if the children's attendance at school is not at issue, the child will generally not come to the attention of DFCS.[58]

As noted below, in the majority of cases collected for this report, the children of detained parents did not come to the attention of DFCS. However, the research also revealed the difficulty of concretely tracking the number of children who come to the attention of DFCS as a result of immigration enforcement; there is currently no consistent tracking of this information by ICE, local agencies partnering with ICE or DFCS.[59] Those individuals who work closely with the community and other affected family members and neighbors interviewed for this study reported some cases in which children of detained parents came to the attention of DFCS. These cases illustrate the problematic interplay between immigration enforcement and family unity. In one such case, the mother of a 10 year old U.S. citizen boy and his 12 year old U.S. citizen sister had been deported, and their father had abandoned them.[60] DFCS was unable to locate the children's relatives before parental rights were terminated; however, when the Court Appointed Special Advocate (CASA) became involved, CASA located family members in Texas. [61] According to CASA, when the ten-year old boy received news that he would be moving to Texas to live with his aunt, he dropped the phone because he was so happy.[62] Advocates working with the community also noted other cases involving DFCS which do not involve the detention or deportation of an immigrant parent. For example, one advocate[63] mentioned a case in which an undocumented child was adopted.[64] After the adoption, it was discovered the child was not a U.S. citizen, and DFCS began to investigate the possibility of deporting the child.

Some individuals explained that families take precautions, either informally or formally, to ensure that children do not become part of the DFCS system. Carlos and Maria, a couple living in Cobb County, explained that after their next door neighbor Lydia was arrested (for driving without a license) and detained, her husband believed that DFCS was planning to get involved in the case.[65] He immediately contacted the children's uncle in Chicago; within several days after Lydia's arrest, her brother arrived and returned to Chicago with Lydia's three children. Another community advocate noted that the use of power of attorney

forms has helped many families prepare in case a parent is arrested and detained.[66]

Several individuals interviewed explained that the police routinely park their patrol cars in particular neighborhood near a church or a school, and in one location in particular in Cobb County, where there is both a Catholic Church and a school.[67]

B. SUMMARY OF FINDINGS: IN MOST CASES, FAMILIES WERE SEPARATED, AND THE CHILDREN OF DEPORTED PARENTS REMAINED IN THE UNITED STATES

The author collected information related to 34 cases (involving approximately 40 families and approximately 85 children)[68] in which one or both parents had been detained and/or deported in the State of Georgia.[69] In 24 of the 34 cases (approximately 71%), the children stayed in the United States after at least one parent had been deported. In seven of those 24 cases in which the children remained in the United States, the children spent some time in DFCS custody. In four of the seven cases involving DFCS custody, the children were reunited with family members.[70] In one case involving DFCS, an undocumented child has a step-father who is a potential family placement but the immigrant child may be eligible for Special Immigrant Juvenile Status (SIJS) (see Text Box).[71] Possible placement with his step-father is therefore being delayed in order to explore fully the opportunity of gaining SIJS.[72] In one of the cases in which the children stayed in the United States after the father was deported, the economic condition of the remaining family members (mother and three U.S. citizen daughters, two of whom were under the age of 10) severely declined, and the teenaged girl developed substance abuse problems; she is now in juvenile detention.[73] In two of the 10 cases in which the children will follow (or have followed) a deported parent, the remaining family members (one family with two U.S. citizen children under age five and the other family with two U.S. citizen children under age five and an undocumented 14 year-old) are still in the

SPECIAL IMMIGRANT JUVENILE STATUS (SIJS)

Special Immigrant Juvenile Status (SIJS) is a form of protection for children who do not have lawful status and who have been abused, abandoned or neglected in the U.S. or abroad.[1] To qualify in Georgia, a child must be under 18 years of age.[2] SIJS also requires: (1) the child is

declared dependent on a juvenile court according to State law; (2) a juvenile court finding that the child is eligible for long-term foster care; (3) a finding that it is not in the child's best interest to return to his/her home country, and (4) a finding that reunification with one or both parents is not viable

due to abuse, neglect, abandonment or a similar basis found under State law.[3] A child must be unmarried to be eligible.[4] SIJS protects abandoned, abused and neglected children from deportation and can eventually place them on a path to U.S. citizenship.

[1] Immigration and Nationality Act, Section 101 (R)(27) (J), 8 U.S.C. 1101 (R)(27) (J).

[2] Although eligibility under federal law extends to age 21, 8 C.F.R. 204.11(c)(1), in Georgia, Juvenile Court jurisdiction extends only to age 18. O.C.G.A. 15-11-2 (2007); March 17, 2010 Georgia State Bar, Continuing Legal Education presentation by Rebeca Salmon, Attorney, Immigrant Children's Advocacy Project, Catholic Charities, handout at 3.

[3] 8 U.S.C. 1101 (R)(27) (J) (i)-(iii); 8 C.F.R. 204.11(a), (c) (3)-(6). The child applying for SIJS must remain under the juvenile court's jurisdiction while the immigration application is pending. 8 CFR 204.11(c)(5).

[4] 8 C.F.R. 204.11(c)(2).

process of making appropriate arrangements (such as securing a passport) to travel back to the deported parent's country of origin.[74]

C. THE EFFECT OF IMMIGRATION ENFORCEMENT ON CHILDREN AND YOUNG ADULTS

1. National Studies

Recent national studies demonstrate that family separation based on a parent's detention and/or deportation significantly impacts children's physical and emotional health as well as their educational and social development.[75] In March of this year, the University of California, Berkeley, and the University of California, Davis issued a report documenting the harmful effects that deportation of lawful immigrant parents has had on nearly 88,000 citizen children in just one decade.[76] The report finds that forced removal of lawful permanent resident parents (or green card holders) convicted of relatively minor crimes can lead to psychological harm, behavioral changes, and disruptions in the health and education of tens of thousands of citizen children.[77] Another recent report issued from First Focus and the Migration and Child Welfare Network examines the impact immigration enforcement has on the thousands of children of undocumented immigrants, 73% of whom are U.S. citizens. [78] The report finds, among other things, that immigration enforcement results in risks to child safety and well-being.[79] Finally, in two comprehensive studies assessing the impact of immigration enforcement on children, the Urban Institute researched short and long-term impacts on children.[80] In the most recent of these two studies, the Urban Institute examined the consequences of parental arrest, detention and deportation on 190 children in 85 families in six locations across the country.[81] This study provides extensive documentation demonstrating that immigration enforcement affects children's lives in a number of ways including widespread changes in child behavior (e.g., regular crying, anxiety, withdrawal, clinginess, anger, and aggression) and disruptions in school such as missed days and problems with academic performance.[82] To date, these studies have focused mainly on the effects of worksite and home raids rather than on local law enforcement efforts, which is the focus of this study.

2. The Real Impact of Immigration Enforcement on Children in Georgia: Their Stories

Consistent with the findings in the national studies, many individuals interviewed for this study noted that elementary aged school children often cried, and displayed anxious, distrustful and/or rebellious behavior in the context of parental separation caused by an arrest and/or deportation.[83] As one advocate recently explained, "Children are internalizing the anti-immigrant sentiment" reflected in law enforcement's overzealous focus on immigration.[84] One teacher reported that some of her grade-school students who do not have legal status feel "out of place." [85] When asked why they do not want to tell her where they live, they responded, "[W]e're not supposed to be here." [86] At the middle and high school levels, public educators and other service providers explained that students often drop out of school to take care of the family (not because of a lack of interest in school); others noted some teenagers: (1) experienced a sense of hopelessness, depression; and (2) increased discussion and threats of suicide.[87]

The following stories provide a more complete picture of how immigration enforcement efforts significantly (and negatively) impact the health, life and education of Latino children in Georgia.

A. Mario from Cobb County and Gerardo from Gwinnett County

One public school educator in Cobb County described the case of Mario, who is in fifth grade.[88] Mario was concerned and worried that his father would be stopped by the police. His anxiety problem developed into a physical bladder condition that causes him to use the restroom facilities constantly. Mario has talked about his fears with the school psychologist so that the school can help him and possibly place him in a special education class. Mario's worst fear recently became a reality when his father was arrested for driv-

ing without a license in Cobb County. The school is continuing to assist Mario with his anxiety problem; he receives therapy and is permitted to leave the classroom whenever he needs to. Mario will be assigned to a special education/special needs program with a teacher in a smaller classroom setting. As a result of this situation, Mario will be repeating fifth grade. The educator also described an incident when Mario recently came into the office crying because his mother had dropped him off at school, and there was a police car stationed next to the school that day. He was upset and ran out of the school to make sure the police did not arrest his mother.[89]

A health-care provider in Gwinnett County shared a similar story about Gerardo, a six-year old client.[90] Gerardo's parents have not been deported, but he is traumatized by the possibility that his parents may be deported. His mother was arrested (for driving without a license) in Gwinnett, and Gerardo witnessed the event. He was having nightmares about the incident and now is terrified of policemen. At first the health-care provider believed the source of Gerardo's trauma was witnessing his mother's arrest but then discovered that the fear of deportation was the actual trauma, and the sight of policemen was a visual trigger to that fear. Gerardo became anxious, never wanting his parents out of his sight. He now considers all policemen bad.

B. Eva and Juan

Eva has a seven-year old son in elementary school in a county located in northern Georgia.[91] One day while she was at work, Eva received an urgent phone call from her son's school. The school's bilingual family advocate called Eva to inform her that her son was suffering from a severe asthma attack and needed immediate attention. Eva immediately drove to her son's school and went directly to the school office to check in so that she could take her son home for medical home-care breathing treatment or to a doctor to receive medical treatment. When she spoke to the school secretary, the secretary and school office staff demanded that Eva produce a form of identification, which she was unable to do. (Eva had left work in the middle of the day and borrowed a car to get to the school.) Because Eva did not have a form of identification with her, the school secretary tried to prevent her from picking up her son. In the meantime, another secretary went out to the parking lot to take down the tag number of the car Eva had driven.[92] The bilingual advocate and school nurse eventually convinced the secretary to permit Eva to pick up her son.[93]

While she was taking her son home to get his breathing treatment for his asthma attack, the school notified the police of the tag number. [94] Three police cars followed Eva to her home and stopped her just as she was pulling into her apartment complex.[95] The police instructed her to leave her son with a neighbor.[96] The officers then proceeded to handcuff and arrest her in front of her son, who was crying and traumatized by seeing his mother in handcuffs.[97] Although the asthma attack abated, Juan was unable to receive his breathing treatment and was left in the custody and care of a neighbor. As a result of this incident, the advocate in the school who was responsible for notifying Eva resigned several months later in protest.

C. Eight Children in Northern Georgia County

In 2008, a public educator[98] who worked in an elementary school in a county north of Atlanta routinely passed the same mobile park both on her way to and from school. One day early in the spring of 2008, at approximately 3 p.m., she was coming home from school and saw eight students from the school (who had been dropped off) waiting in front of the mobile home park. The school bus had just dropped them

off there and none of the children's parents was home. The teacher stopped in front of the park to wait with the children. All of the children were crying and distressed. None of them knew what had happened. While she was waiting with the students, the teacher called the school principal. He informed her there was nothing the school could do -- the school's responsibility ended once the school bus dropped the children off at home. The teacher waited for 30 minutes. Finally, the uncle of one of her students arrived and explained that someone had "taken away" all their parents. The uncle then drove the children to his house and to the house of other relatives and friends.

The following day, the teacher e-mailed the principal to follow up on the issue to ensure that the school would provide assistance, if necessary, in support of the children in this situation. The principal responded that the school would investigate the situation. The eight children stayed in school for the remainder of the school year, but, according to the teacher, the school did not address the issue. When she approached the school counselor about this matter, he was indifferent. According to the teacher, when she asked him about the situation, he was unconcerned and responded, "It's not our problem." As a result of this incident, the educator resigned from the county school system at the end of the school year.

3. OTHER CASES

Each of the following stories presents scenarios in which the child may have been eligible to apply for SIJS but the circumstances did not provide an opportunity to do so.

a. Patricia

Patricia is an undocumented immigrant who was brought to the United States by her mother.[99] When she was 11, she was sexually abused by her uncle; at 12, neighbors began giving her drugs and alcohol, and at 13, she was raped by her mother's boyfriend. When Patricia reported the assault to her mother, her mother became angry and sent her back to Mexico. When in Mexico, she was sexually abused by her uncle, physically abused by her father, and in and out of several rehabilitation centers. After she turned 16, Patricia started attending school regularly and also started working to help earn money for her family. At the time, her brother became extremely sick, and Patricia called her mother in Georgia for assistance.

Patricia came back to Georgia (with the help of her mother). In July 2008, Patricia went back to school in Gwinnett County, and her mother's boyfriend began sexually abusing her again. Rather than tell her mother, Patricia confided to her friends, who reported the abuse to the Gwinnett County DFCS office. She moved out of the house and reported the abuse to a DFCS caseworker. Patricia's mother told the caseworker that there was no need for further investigation because the family was returning to Mexico. However, the family remained in Georgia for several months and the abuse continued.

The family eventually decided to move from Georgia. In November 2008, while they were at the bus station in Texas, Patricia's mother abandoned Patricia and her brother. Patricia decided to come back to Georgia. She called DFCS to ask for help. DFCS placed Patricia and her brother in foster homes. While in foster care, Patricia experienced serious behavior problems such as self-mutilation, and suicidal thoughts. However, DFCS focused on reunifying Patricia with her family rather than addressing her psychological and substance abuse issues.[100] Before she turned 18, Patricia attempted suicide. She was taken into emergency care and finally received the medication and counseling she needed. Several months later, in February 2009, the Juvenile Court of Gwinnett County found that Patricia and her brother were deprived (without a parent or legal guardian in Gwinnett County) and ruled that the permanency plan for them remained reunification with their family in Mexico. The court specifically rejected Patricia's argument that it was not

in her best interest to return to her native country.[101]

When she turned 18, DFCS released Patricia without any treatment plan or medications. [102] She became homeless, had one episode which required a three-day hospital stay, and continued to suffer from severe psychological problems. Patricia eventually obtained legal status by securing a U visa and has since moved out of state.[103]

b. Ana

Clarisa, a domestic violence survivor living in northern Georgia, had finally obtained legal status. [104] She decided to live with Rosa and Ana, her two sisters. Rosa is married to Leo, is a well-known businessman in the community who runs an office that serves the Latino community. He is also a part-time pastor. Ana is Clarisa's and Rosa's younger teenage (minor) sister, who also lives in Rosa's house. Ana is undocumented.

After Clarisa and her daughter moved into Rosa's house, she realized that Leo was sexually abusing her minor sister Ana. On a number of occasions, Leo declared his love for Ana publicly, in front of friends and family (including his wife). Clarisa called DFCS to report the abuse. Although DFCS came to the home to conduct an interview, Ana was too scared to confirm the abuse, and to date, no further interviews have been conducted by DFCS. Clarisa felt unsafe living in the house because Leo had threatened her on a number of occasions. Although Clarisa had been planning to move to her own apartment in a nearby town (with both her daughter and Ana), she and her daughter moved out of the state on short notice. Ana continues to live in Clarisa's house, and continues to be subjected to her brother-in-law's sexual abuse.[105]

c. Luis

The case of Luis, a homeless, honors high-school student in Cobb County, Georgia, fully illustrates the harmful and life-altering impact of overzealous "zero tolerance" policies in the educational system and immigration enforcement. Luis came to the United States and lived with his uncle, who was an alcoholic.[106] Luis was unable to continue living with his uncle because of his uncle's alcoholism and became homeless.[107] He continued to attend school and maintain high grades in addition to working two after-school jobs.[108] In early 2009, the school found a tool from one of Luis's after-school jobs in his backpack when conducting a search of students' bookbags.[109] Based on the state's zero tolerance law,[110] the school reported Luis to the police, who in turn reported him to federal immigration authorities. Soon after, Luis was deported.

VI. RECOMMENDATIONS

As the research and findings contained in this study indicate, immigration enforcement efforts severely impact Latino children in the State of Georgia. In addition to focusing on the passage of comprehensive immigration reform at the federal level, all stakeholders in the immigration and child welfare system need to take effective steps to institute procedures and policies that ameliorate the potentially traumatic and life-altering impact of immigration enforcement on children. The following recommendations set forth an initial starting point for such action:

(1) State and local law enforcement agencies should adopt guidelines that strictly prohibit stationing checkpoints and road blocks near schools, churches, day care centers and health clinics.

(2) State, county and local law enforcement officers should adopt ICE humanitarian guidelines regarding sole caregivers, which provide for specific consideration of children's needs.

(3) Humanitarian policies should be adopted for all types of immigration enforcement activities that may result in family separation. As explained above (supra, first Text Box, n. [1]) currently, ICE humanitarian guidelines only apply to workplace raids involving 25 or more individuals.

(4) Law enforcement officers deputized under the 287(g) program should receive specific training in cultural competency and how to handle arrests where a minor child is present so as to minimize trauma to the child. Such training should be done in collaboration with qualified social service agencies.

(5) Community groups, legal service providers, lawyers and all others working with the community should continue to engage in public education campaigns to assist families to prepare powers of attorney and other appropriate documents to ensure their children have trusted adults who are legally authorized to make decisions on behalf of their children in the event that a parent is detained and/or deported.

(6) Additional studies specific to Georgia should be supported and conducted and should extend to all immigrant families impacted by immigration enforcement efforts.

(7) DFCS and its partner agencies (at the local, county, state and federal level) should continue their efforts to strengthen the cultural competency of the foster care system in Georgia through training and continued development of materials related to the needs of immigrants and through recruitment of bilingual and bicultural members of the workforce. As part of this effort, all stakeholders in the foster care system in Georgia should collaborate to strengthen cultural competency.

(8) DFCS training should incorporate specific methods for caseworkers to conduct adequate screening to identify early in the process possible SIJS applicants.

(9) The various local, state and federal agencies involved in the child welfare and immigration enforcement system should institute a cooperative system of mandatory reporting that tracks information related to immigrant families. To the extent feasible, these agencies should collaborate with the Mexican Consulate and other Consulates to create accurate and comprehensive statistics related to immigrant families and children in the child welfare system.

XII. CONCLUSION

This report underscores the vital need for our nation’s policymakers and leaders to address comprehensive immigration reform. As Michelle Obama recently told a young girl asking about her mother’s undocumented status, “We have to work on [comprehensive immigration reform], we have to fix that, in that everybody’s got to work together in Congress to make sure that happens.”[111]

Comprehensive immigration reform should ensure a legal and orderly system that humanely and justly serves the needs of all families living in the United States.

APPENDIX I

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Andria Simmons, "Report Critical of Immigration Detention Program," Atlanta Journal Constitution, April 25, 2010, available at: <http://www.ajc.com/news/gwinnett/report-critical-of-immigration-492623.html>

State of Georgia, Department of Human Resources, Participant Guide for Working with Immigrants, Division of Family and Children Services (DFCS), Atlanta, Georgia, 2009.

Steve Suitts, "A New Diverse Majority, Students of Color in the South's Public Schools," Southern Education Foundation Research Report, January 2010, Atlanta, Georgia, available at: <http://www.southerneducation.org>.

Ernie Suggs, "Groups Lobby Against English-only Driver's License Test," Atlanta Journal Constitution, April 8, 2010 available at: <http://www.ajc.com/news/georgia-politics-elections/groups-lobby-against-english-443985.html>

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APPENDIX II

ABOUT THE AUTHOR

Elise Sandra Shore is a legal consultant to the Sapelo Foundation and the North-Carolina based Southern Coalition for Social Justice. Originally from Cleveland, Ohio, Ms. Shore began her legal career as a law clerk to the Honorable Jaime Pieras, Jr., in the United States District Court for the District of Puerto Rico. She then served as an Honors Program Trial Attorney in the United States Department of Justice, Civil Division. Ms. Shore was a Fulbright Scholar and Professor of Law in El Salvador and a Visiting Professor in Venezuela, where she lectured and presented seminars on oral advocacy and the U.S. legal system. She returned to the U.S. Department of Justice as a Trial Attorney in the Civil Rights Division, where she enforced a variety of civil rights statutes. Most recently, Ms. Shore served as Regional Counsel for the Mexican American Legal Defense and Educational Fund's (MALDEF) Southeast Regional office (based in Atlanta). As Regional Counsel, she was responsible for determining advocacy strategies and positions, and initiating investigations and litigation in MALDEF's twelve-state Southeast region during a period of explosive immigration issues.

Ms. Shore received her B.A. in English Language and Literature (with Distinction) from the University of Michigan and her J.D. (cum laude) from Georgetown University Law Center. She was a Dean Rusk Fellow in the University of Georgia's Brussels Seminar on the Law and Institutions of the European Community.

APPENDIX III

ADDITIONAL RESOURCES

Associations, Organizations and Other Entities Addressing Immigration/Child Welfare Issues and/or Providing Services to the Latino Community in Georgia

NATIONAL ORGANIZATIONS

American Bar Association

Center on Children and the Law

Chicago, Illinois

<http://www.abanet.org>

321 N. Clark St.

Chicago, IL 60654-7598/ Tel. 800.285.2221

American Immigration Lawyers Association (AILA)

Washington, D.C.

<http://www.aila.org>

1331 G St., NW Suite 300

Washington, DC 20005-3142/ Tel.202.507.7600

Annie E. Casey Foundation

Baltimore, Maryland

<http://www.aecf.org>

701 St. Paul Street,

Baltimore, MD 21202/ Tel. 410.547.6600

Brookings Institution

Washington, D.C.

<http://www.brookings.edu>

1775 Massachusetts Ave, NW

Washington, DC 20036/ Tel. 202.797.6000

First Focus

Washington D.C.

(Focus on advocacy for children)

<http://www.firstfocus.net>

1110 Vermont Ave. NW, Suite 900

Washington, D.C. 20005/ Tel. 202.657.0670

Migration & Child Welfare Network

American Humane Society

Englewood, Colorado

<http://www.americanhumanesociety.org>

63 Inverness Drive East,

Englewood, Colorado 80112/ Tel. 800.227.4645

Migration Policy Institute

Washington D.C.

<http://www.migrationpolicy.org>
1400 16th Street NW, Ste 300,
Washington D.C. 20005/Tel. 202.657.0670

National Council of La Raza

Washington, D.C.

<http://www.nclr.org>
Raul Yzaguirre Building
1126 16th Street, NW
Washington, DC 20036/ Tel. (202) 785-1670

Pew Hispanic Center

Pew Research Center

Washington, D.C.

<http://pewhispanic.org/about/>
Pew Research Center
1615 L Street, NW, Suite 700
Washington, DC 20036-5610 /Tel. 202.419.3600 main telephone

Urban Institute

Washington, D.C.

<http://www.urban.org>
2100 M Street, N.W.
Washington, DC 20037/ Tel. 202.833.7200

Women's Refugee Commission

Detention & Asylum Program

New York, New York

<http://www.womenrefugeecommission.org>
122 East 42nd Street
New York, New York 10168/Tel. 212.551.3115

GEORGIA-BASED ORGANIZATIONS

Alternativa Community

LaGrange, Georgia

Anton Flores-Maisonet
P.O. Box 4043
LaGrange, Georgia 30241/Tel. 706.302.9661
www.alternacomunity.com
www.youtube.com/alternamedia

American Civil Liberties Union of Georgia

Atlanta, Georgia

<http://www.aclu.org/>
1900 The Exchange SE, Building 400, Suite 425,

Atlanta, GA 303398 /Tel. 770.303.9966
Executive Director, Debbie Seagraves

Atlantans Building Leadership for Empowerment (ABLE)

Atlanta, Georgia

(Interfaith grass-roots coalition)

<http://www.gamaliel.org/ABLE>

Tel. 770.366.3681

Leader organizer, Sherita M. Edwards

Caminar Latino Inc.,

Atlanta, Georgia

(Latino community-based organization focusing on issues related to domestic violence)

<http://www.caminarlatino.org/>

PO Box 48623, Doraville, Georgia 30362 /Tel. 404.413.6348

Executive Director, Jessica Nunan

Catholic Charities of Atlanta

Atlanta, Georgia

<http://www.catholiccharitiesatlanta.org/>

680 W. Peachtree St. NW

Atlanta, Georgia 30308 /Tel. 404.885.7483 or 404.885.7237

Executive Director, Sue Colussy

CETPA, Georgia

(Professional Mental Health Counseling Services for Latino Community)

Norcross, Georgia

<http://www.cetpa.org/>

6020 Dawson Boulevard, Suite i

Norcross, Georgia 30093 /Tel. 770.662.0249

Executive Director, Pierluigi Mancini

Coalición de Líderes Latinos (CLILA)

Dalton, Georgia

<http://www.lidereslatinos.org>

911 E Morris St, Suite K

Dalton, Georgia/Tel. 706-529-9216

Director, America Gruner

Court Appointed Special Advocates, Georgia

Atlanta, Georgia

<http://www.gacasa.org/> or <http://www.fultoncountycasa.org/>

1776 Peachtree Rd. NW, Suite 219, South Tower

Atlanta, GA 30309 /Tel. 404.874.2888

Or 395 Pryor Street, SW, Suite 4116

Atlanta, Georgia 30312/Tel. 404.224.4720

Executive Director, Iris Thomas Ross

Culture Connect Inc.

Decatur, Georgia

<http://www.cultureconnectinc.org/>

4151 Memorial Drive Suite 207E, Decatur, Georgia 30032/Tel. 404.292.8457

Executive Director, Alexis Dumas

Division of Family & Children Services (DFCS), Georgia

Atlanta, Georgia

www.dfcs.dhr.georgia.gov

Central City North Service Center, 84 Walton Street, NW,

Atlanta, Georgia 30303/Tel. 404.657.8000 or 404.657.8100

Georgia Appleseed

Atlanta, Georgia

<http://www.gaappleseed.org/>

1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309 /Tel. 404.685.6750

Executive Director, Sharon Hill

Georgia Association of Latino Elected Officials

Atlanta, Georgia

<http://www.galeo.org/>

1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309 /Tel. 404.745.2580

Executive Director, Jerry Gonzalez

Georgia Campaign for Adolescent Pregnancy Prevention, Georgia

Atlanta, Georgia

<http://www.gcapp.org/home>

1450 West Peachtree Street, NW Suite 200

Atlanta, Georgia 30309/Tel. 404.524.2277

President and CEO, Michele Ozumba

Georgia Latino Alliance for Human Rights

Atlanta, Georgia

<http://www.glahr.org/>

2215 Perimeter Park Dr, Suite 6

Atlanta Georgia 30341 /Tel. 770.457.5232

Executive Director, Adelina Nicholls

Georgia Legal Services

Atlanta, Georgia

<http://www.glsp.org>

104 Marietta Street, 250, Atlanta, Georgia, 30303 /Tel. 404.206.5175

Homero León, Jr., Attorney

Hispanic Health Coalition of Georgia

Atlanta, Georgia

PO Box 450005

Atlanta, Georgia/Tel. 678.843.8905

President, Olga Lucia Jimenez

Interfaith Children's Movement

Atlanta, Georgia

<http://www.interfaithchildrensmovement.org>

info@interfaithchildrensmovement.org/Tel: 770-498-2141

JUSTGeorgia

Atlanta, Georgia

<http://www.justga.org/>

100 Edgewood Avenue N.E., Suite 1580, Atlanta, Georgia 30303 /Tel. 404.521.0311

Program Manager, Julia Day Neighbors

Latin American Association

Atlanta, Georgia

<http://www.thelaa.org/>

Atlanta Outreach Center

2750 Buford Hwy.

Atlanta, Georgia 30324/Tel. 404.638.1800

Chief Executive Officer, Millie Irizarry

Latinos for Education and Justice Organization, Inc

Calhoun, Georgia

1289 Curtis Parkway

Calhoun, Georgia/Tel: 706-625-0658

President, Roberta (Bobbie) Warmack

Mundo Hispanico

Norcross, Georgia

<http://www.mundohispanico.com/>

6455 Best Friend Rd.

Norcross, Georgia 30071/Tel. 404 881.0441

Raksha, Inc.

Atlanta, Georgia

<http://www.raksha.org/>

P.O. Box 12337

Atlanta, Georgia 30355 /Tel. 404.876.0670

Executive Director, Aparna Bhattacharyya

Refugee Family Services

Atlanta, Georgia

<http://www.refugeefamilyservices.org>

5561 Memorial Dr.

Stone Mountain Georgia, 30083-3237 /Tel. 404.299.6217

Executive Director, Alan Shaklan

Sapelo Foundation, Georgia

Brunswick, Georgia

<http://www.sapelofoundation.org/>

1712 Ellis Street, 2nd Floor

Brunswick, Georgia 31520/Tel. 912.265.0520

Executive Director, Phyllis Bowen

Southern Education Foundation

Atlanta, Georgia

<http://www.sefatl.org>

35 Auburn Ave NE, 2nd Floor

Atlanta, Georgia 30303/Tel: 404.523.0001

Executive Director, Lynn Huntley

Southern Poverty Law Center

Immigrants Justice Project/Proyecto de Justicia Inmigrante

Atlanta, Georgia

<http://www.splcenter.org/>

233 Peachtree Street Northeast, Atlanta, Georgia, 30303-1504 /Tel. 404.521.6700

Legal Director, Mary Bauer

ACADEMIC INSTITUTIONS

Emory School of Law

The Barton Child Law and Policy Center

Atlanta, Georgia

<http://www.ChildWelfare.net/>

Gambrell Hall

Atlanta, Georgia 30322/Tel. 404.727.6664

Hunter College School of Social Work,

New York, New York

<http://www.hunter.cuny.edu/socwork/>

129 East 79th Street

New York, NY 10075 /Tel. 212.452.7302

Jane Addams College of Social Work, University of Illinois

Chicago, Illinois

<http://www.socialwork.uic.edu/>

1040 West Harrison Street

Chicago, Illinois 60607-7134/Tel. 312.996.0044

School of Social Work, Dalton State College

Dalton, Georgia

<http://www.daltonstate.edu> and <http://www.daltonstate.edu/socialwork>

1650 College Drive

Dalton, Georgia 30720/Tel. 706.272.2682

School of Social Work, Georgia State University

Atlanta, Georgia

<http://chhs.gsu.edu/socialwork/>
Urban Life Building, 12th Floor
Atlanta, Georgia /Tel. 404.413.1050

CONSULATES LOCATED IN GEORGIA

Consulate General of the Argentine Republic

<http://www.consuladoargentinoatlanta.org/>
245 Peachtree Center Avenue Suite 2101, Atlanta, GA 30303 /Tel. 404.880.0805
Marcelo Gerschenfeld, Consul General

Consulate General of the Bahamas

2970 Clairmont Road, Suite 690, Atlanta, GA 30329 /Tel. 404.214.0492
Katherine Smith, Consul General

Consulate General of the Federal Republic of Brazil

3500 Lenox Road, Suite 800, Atlanta, GA 303269 /Tel. 404.949.2400
Adalnio Senna Ganem, Consul General

Consulate General of the Republic of Colombia

<http://www.consuladodecolombiaatlanta.com/>
5901 B Peachtree Dunwoody Rd, Suite 405, Atlanta GA 30328 /Tel. 1.888.764.3326
Camilo De Bedout Herrera, Consul General

Consulate General of the Republic of Costa Rica

<http://www.costarica-embassy.org/consular/consulates/default.htm>
1870 The Exchange, Suite 100, Atlanta, GA 30339 /Tel. 770.951.7025 or 770.951.7026
Manuel Dobles, Consul General

Consulate General of the Republic of El Salvador

<http://www.elsalvador.org/>
9740 Main St., Suite 120, Woodstock, GA 30188 /Tel. 770.591.4140
Asdrubal Aguilar, Consul General

Consulate General of the Republic of Guatemala

http://www.consulado-guatemala.org/pplk_en.asp
2750 Buford Highway , Atlanta, GA 30324 /Tel. 404.320.8804
Beatriz Illescas Putzeys, Consul General

Consulate General of the Republic of Honduras

http://www.consulado-guatemala.org/pplk_en.asp
6825 Jimmy Carter Boulevard, Building 1400, Suite 1490, Norcross, GA 30071 /Tel. 770.645.8881
Rosa Pineda, Consul General

Consulate General of Mexico

<http://portal.sre.gob.mx/atlanta/>

1700 Chantilly Dr. NE Atlanta, Georgia 30324 /Tel. 404.266.2233
Salvador de Lara Rangel, Consul General

Consulate General of the Republic Peru

<http://www.consuladoperu.com/>

4360 Chamblee Dunwoody, Suite 580, Atlanta, GA 30341 /Tel. 678.336.7010
Francisco Rivarola, Consul General

ENDNOTES

- [1] The author also thanks Ms. Cervantes for her review of and comments to draft portions of this report.
- [2] The author also thanks Ms. Lincroft for her review of and comments to a draft interim report related to this study.
- [3] Aaron Terraza, Jeanne Batalova, Frequently Requested Statistics on Immigration and Immigration in the United States, October 2009, Migration Policy Institute, Washington, DC, available at: <http://www.migrationinformation.org/feature/display.cfm?ID=747>
- [4] January 4, 2010, Interview with Adelina Nicholls, Executive Director, Georgia Latino Alliance for Human Rights (GLAHR).
- [5] Id.
- [6] Charles Kuck, Esq., "I have read the Arizona law and it still stinks," June 15, 2010 blog entry, available at: <http://www.immigration.net/Blog>. Mr. Kuck is managing partner of Kuck Immigration Partners LLC and former President of the American Immigration Lawyers Association (AILA).
- [7] Robbie Brown, "Student's Arrest Tests Immigration Policy," May 14, 2010, New York Times, available at: <http://www.nytimes.com/2010/05/15/us/15student.html>.
- [8] Id.
- [9] Leah Finnegan, "Jessica Colotl: Kennesaw State Student Ignites Illegal Immigration Debate," May 17, 2010, Huffington Post, available at: http://www.huffingtonpost.com/2010/05/17/jessica-colotl-kennesaw-s_n_578767.html.
- [10] Jim Galloway, "The Unauthorized Alien and the Republican Meat-Grinder," May 15, 2010, Atlanta Journal Constitution, available at: <http://blogs.ajc.com/political-insider-jim-galloway/2010/05/15/the-unauthorized-alien-and-the-republican-meat-grinder>.
- [11] Terraza, et al., supra n. 3.
- [12] Mark Mather, Patricia Foxen, "America's Future: Latino Child Well-Being in Numbers and Trends," at iii, 2010, National Council of La Raza, Washington, DC, available at: www.nclr.org/section/audience/researchers/latino_child_well_being.
- [13] Natalie Hernandez, Lynn Shaul, Liany Elba Arroyo, "The Health of Georgia's Latino Children: Causes for Concern," 2008, NCLR Statistical Brief No. 9, at 1, 2 and n. 1, 6. (The authors calculated percentages based on data from the U.S. Census Bureau, 2006 American Community Survey, "Sex by Age (Hispanic or Latino)," Table B010011." Conducted by U.S. Census, Bureau, Washington, D.C. 2007).
- [14] Id.
- [15] David B. Thronson, "Choiceless Choices: Deportation and the Parent-child Relationship," 6 Nev. L.J. 3 at 1188 (2006).
- [16] Id.
- [17] In 2009, over 1.1 million individuals became legal permanent residents of the United States, and nearly 66% of those individuals were granted this status based on a family relationship with a U.S. citizen or legal permanent resident of the United States. Randall Monger, Annual Flow Report, "U.S. Legal Permanent Residents: 2009," at 1, Table 2, April 2010, DHS, Washington, DC, available at: http://www.dhs.gov/xlibrary/assets/statistics/publications/lpr_fr_2009.pdf.
- [18] For purposes of this report, the terms "child foster care system" and "child welfare system" are used interchangeably.
- [19] See ICE, Annual Report, Fiscal Year 2008, Last Modified April 6, 2009, available at: http://www.ice.gov/pi/reports/annual_report/2008/ar_2008_page7.htm. According to this report, ICE removed 356,739 individuals in 2008, which represented a 23.5 % increase over the previous year's total. Id. In 2008, ICE issued 221,085 charging documents to start removal proceedings against "criminal aliens" (according to ICE's report) incarcerated in federal prisons, which represented a 46 % increase over the previous year's total.

[20] Spencer S. Hsu, Andrew Becker, "ICE Officials Set Quotas to Deport More illegal Immigrants," March 27, 2010, Washington Post, available at: <http://www.washingtonpost.com/wp-dyn/content/article/2010/03/26/AR2010032604891.html>. See also ICE, "ICE Statement in Response to March 27 Washington Post Article," March 27, 2010 Press Release (stating that criminal and non-criminal removals/returns increased by 5% between 2008 and 2009, while criminal removals/returns alone increased by 19%); Spencer S. Hsu, NC Aizenman, "DHS Corrects Report that Overstated ICE Deportation under Obama," March 8, 2010, Washington Post, available at: <http://voices.washingtonpost.com/44/2010/03/dhs-corrects-report-that-overs.html>.

[21] 8 U.S.C. 1357(g).

[22] ICE, "Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act," January 8, 2010 Fact Sheet, available at: http://www.ice.gov/pi/news/factsheets/section287_g.htm.

[23] Id.

[24] In March 2010, the DHS Office Inspector General (OIG) issued a report which documents serious problems related to the 287(g) program. The report, entitled, "The Performance of 287(g) Agreements," identifies a number of problems and raises important questions about the continued viability of the program. Some of the report's findings include the following: (1) the 287(g) program is poorly managed and supervised, and ICE has not instituted sufficient controls to promote effective program operations; (2) the program lacks strict guidelines for implementation, thus resulting in inconsistent implementation depending on the jurisdiction; (3) the program lacks an adequate and consistent vetting process for jurisdictions that apply for the program, as well as for officers applying to be deputized under the program; and (4) the program does not gather data necessary to track how the program is being implemented. The report is available at: www.dhs.gov/xoig/assets/mgmtrpts/OIG_0-63_mar10.pdf. ICE's primary response to this report appeared in the form of an updated ICE Fact sheet, which noted that ICE reformed the program and revised the 287(g) agreements it signs with local law enforcement officials in July 2009, after the time period covered by OIG's investigation. ICE Fact Sheet, "Updated Facts on ICE's 287(g) Program," April 12, 2010, available at: www.ice.gov/pi/news/factsheets/section287_g-reform.htm. For examples of non-governmental organizations' critiques of the 287(g) program, see e.g., Mai Thi Nguyen, Hannah Gill, "The 287(g) Program, the Costs and Consequences of Local immigration Enforcement in North Carolina Communities," February 2010, Latino Migration Project, Institute for the Study of the Americas and the Center for Global Initiatives, Chapel Hill, NC; Aarti Shahani, Judith Greene, "Local Democracy on Ice: Why State and Local Governments have no Business in Federal Immigration Law Enforcement," February 2009, Justice Strategies, New York, New York; Immigration Policy Center, "Local Enforcement of Immigration Laws through the 287(g) Program, Time, Money and Resources Don't Add Up to Community Safety," April 2, 2009, available at: http://immigrationpolicy.org/sites/default/files/docs/287g_fact_sheet_4-1-09.pdf.

[25] See, e.g., Cristina Rodríguez, Muzaffar Chishti, Randy Capps, and Laura St. John, "A Program in Flux: New Priorities and Implementation Challenges for 287(g)," at 8, n. 24, March 2010, Migration Policy Institute, Washington, D.C. (citing, inter alia, International Association of Chiefs of Police (IACP), "Police Chiefs Guide to Immigration Issues," 2007, IACP, Alexandria, VA, available at www.theiacp.org/Portals/0/pdfs/Publications/PoliceChiefsGuidetoImmigration.pdf, and Deborah Weissman, Rebecca Headen, Katherine Lewis Parker, "The Police and Politics of Local Immigration Enforcement Laws," at 32-35, 2009, ACLU and University of North Carolina, Chapel Hill School of Law, Chapel Hill, NC).

[26] See Aarti Shahani, Judith Greene, *supra* n. 24 at 1-2 (documenting the failures of the 287(g) program, which include: (1) ICE's "over marketing" the program as a safety measure but focusing on non-criminal aliens; (2) the 287(g) program's focus on areas with high Latino populations and the programs are disproportionately located in the South; and (3) ICE has delegated to "ill-equipped" local law enforcement deportation powers.); Mai Thi Nguyen, Hannah Gill, *supra* n. 26 (documenting, among other things, the high cost of implementing the 287(g) program in North Carolina as compared to the low rates of crime incidence in the context of an increasing population of Latino immigrants).

[27] *Id.*; Aarti Shahan, et al, “Local Democracy on Ice: Why State and Local Government have no Business in Federal Immigration Law Enforcement.” *supra* n. 24 at 1-2 (See also Royce Bernstein Murray, Esq. and Mary Giovagnol, Esq, DHS Progress Report, “The Challenge of Reform, An Analysis of Immigration Policy in the First Year of the Obama Administration,” at 15, n.52, March 2010, Washington, DC. (citing Immigration Policy Center, *supra*, no. 24).

[28] ICE, “Updated Facts on ICE’s 287(g) Program,” April 12, 2010 Fact Sheet available at: www.ice.gov/pi/news/factsheets/section_287_g-reform.htm.

[29] ICE, “Secretary Napolitano and ICE Assistant Secretary Morton Announce that the Secure Communities Initiative Identified more than 111,000 Criminal Aliens in its First Year,” November 12, 2009 Press Release, Washington, DC. Secure Communities was recently activated in all Virginia counties. ICE, June 21, 2010 Press Release, available at: <http://www.ice.gov/pi/nr/1006/100621washington.htm>.

[30] ICE, “New ICE Initiative launched in 3 Georgia Counties, Uses Biometrics to identify and enhance removal of criminal aliens arrested in Gwinnett, Clayton and DeKalb counties,” November 17, 2009 Press Release, Washington, DC.

[31] A study of Cobb County arrests made after implementation of the 287(g) program indicates a disproportionate number of arrests were based on low-level traffic violations. See ACLU Foundation of Georgia, “Terror and Isolation in Cobb: How Unchecked Police Power under 287(g) Has Torn Families Apart and Threatened Public Safety,” at 10, October 2009, Atlanta, Georgia. According to the report, in 2008 Cobb County jail processed 3,180 inmates for ICE detention, 2,180 of which were arrested for traffic offenses; and in January and February of 2009, 255 of the 434 persons held in the Cobb County jail on ICE detainees were arrested on minor traffic offenses not related to DUIs *Id.*

[32] The Migration and Child Welfare National Network was formed in 2006 to raise awareness and provide technical assistance to public child welfare systems. Jorge Cabrera, “Immigrant Children and Families in the Child Welfare System: Translating Research into Practice.” Casey Family Programs, Power Point presentation, Seventeenth National Conference on Child Abuse and Neglect, DHHS-The Children’s Bureau, Atlanta, Georgia, March 30 – April 9, 2009. In 2009, the Migration and Child Welfare National Network published a toolkit for child welfare practice with immigrant families. See Yali Lincroft, Ken Borelli, and Angie Junck, “A Social Worker’s Tool Kit for Working with Immigrant Families, Immigration Status and Relief Options,” Migration and Child Welfare National Network, June 2009.

[33] Federal Interagency Forum on Child and Family Statistics, *America’s Children: Key National Indicators of Well-Being, 2009*, at xiv, Washington, D.C., U.S. Government Printing Office.

[34] *Id.* at xv.

[35] *Id.*

[36] Natalie Hernandez, Lynn Shaul, et al, *supra* n. 13 at 1, n. 1. (The authors calculated percentages based on data from the U.S. Census Bureau, 2006 American Community Survey, “Sex by Age (Hispanic or Latino),” Table B010011.” Conducted by U.S. Census, Bureau, Washington, D.C. 2007.).

[37] Steve Suitts, “A New Diverse Majority, Students of Color in the South’s Public Schools,” Southern Education Foundation Research Report, January 2010, Atlanta, Georgia.

[38] *Id.* These numbers are based on the State Department of Education’s enrollment data. *Id.*

[39] *Id.*

[40] *Id.* at 12.

[41] William H. Frey, Alan Berube, Audrey Singer, and Jill H. Wilson, “Getting Current, Recent Demographic Trends in Metropolitan America,” at 12, The Brookings Institution, Metropolitan Policy Program, 2009, Washington, DC.

[42] *Id.*

[43] U.S. Immigration Support, “Immigration to Georgia,” 2009 available at: <http://www.usimmigration-support.org/georgia.html>.

[44] Migration Policy Institute, Georgia Fact sheet at 1, available at www.migrationinformation.org/data

hub/state.cfm?ID=GA.

[45] *Id.* at 3. At the national level, 46.9% of the foreign-born population reported Hispanic or Latino origin. *Id.*

[46] Rachel L Swarns, “In Georgia, Immigrants Unsettle Old Sense of Place,” *New York Times*, Aug. 4, 2006.

[47] The push for such anti-immigrant legislation derives in part from a number of national groups, including the Federation for American Immigration Reform (FAIR), and its legal arm, the Immigration Reform Law Institute (IRLI). IRLI writes and promotes the passage of such legislation. See Immigration Reform Law Institute website, “About IRLI,” available at: <http://www.irli.org/about.html>.

[48] National Council of State Legislatures (NCSL), 2009 Immigration Policy Report, “State Laws Related to Immigrants and Immigration, January 1, 2009 to December 31, 2009,” available at: <http://www.ncsl.org/default.aspx?tabid=19232>. Not all of these legislative initiatives restricted the rights of immigrants. See, e.g., *id.* (noting that some resolutions recognized programs serving immigrants and refugees or supported travel to the United States).

[49] Farm Press Editorial Staff, “Georgia passes one of the Nation’s Toughest Immigration Laws,” *South-east Farm Press*, July 25, 2006 available at: <http://www.printhis.clickability.com/pt/cpt?action=cpt&title=Georgia+pass+one+of+nation’s+toughest+immigration+laws>. SB529 included a number of provisions affecting the immigrant population. The provisions include: (1) verification of the legal status of certain individuals who are detained; (2) mandatory participation of designated state law enforcement officers in the 287(g) program; (3) electronic verification of lawful status for receipt of state benefits and for state public employment purposes (including those contracting with state public employers). A copy of the text of the law is available at: http://www.legis.ga.gov/legis/2005_06/versions/sb529_AP_19.htm.

[50] For example, in 2009, the Georgia General Assembly passed HB2, which requires, among other things, all businesses obtaining a business license to submit a notarized affidavit verifying legal status/citizenship. See Don Nelson, “Law Change Catches Businesses Off Guard,” *Online Athens*, January 12, 2010, available at: http://www.onlineathens.com/stories/011210/new_545698236.shtml.

In 2008, the legislature passed SB350, which, under certain circumstances, makes driving without a license a felony. See http://www.legis.state.ga.us/legis/2_07_08/versions/sb350_SB_350_HCSFA_6.htm.

[51] Proposed Senate Bill 67 was designed to prevent anyone from taking the Georgia driver’s license test in any language other than English. The bill never became law. The text of the bill is available at: http://www.legis.state.ga.us/legis/2009_10/fulltext/sb67.htm. The sponsor of the bill has stated its purpose is “public safety” (i.e., those who cannot read English present a public danger because they are unable to read road signs although illiterate individuals in the State of Georgia are permitted to have the test read to them and make up 15% of those with drivers licenses). See John Carlos Frey, “Georgia: Making a Scapegoat of Immigrants,” *Huffington Post*, April 19, 2010, available at: http://www.huffingtonpost.com/john-carlos-frey/georgia-tries-to-drive-im_b_541311.html.

[52] Ernie Suggs, “GOP Governor Debate Puts Focus on Immigration,” *Atlanta Journal Constitution* May 22, 2010 available at: <http://www.ajc.com/news/georgia-politics-elections/gop-governor-debate-puts-533323.html>; Jim Galloway, “Nathan Deal Says He’d Implement Arizona-style Immigration Laws,” *Atlanta Journal Constitution Political Insider*, April 28, 2010, available at: <http://blogs.ajc.com/political-insider-jim-galloway/2010/04/27/nathan-deal-says-hed-implement-arizona-style-immigration-laws>.

[53] Associated Press, “Georgia Lawmaker Wants to End Birthright Citizenship,” *Atlanta Journal Constitution*, May 25, 2009, available at: http://www.huffingtonpost.com/2009/05/26/nathan-deal-georgia-lawma_n_207485.html.

[54] March 30, 2010 Interview with Cobb County service provider; April 8, 2010 Interview with Maria, affected family member and resident of Cobb County; June 3, 2010 Interview with Eva, affected family member; March 30, 2010 Interview with Gwinnett County public educator.

[55] April 8, 2010 Interview with Maria, *supra* n. 54. (All of the facts of Maria’s story are based on this interview.)

[56] Id.

[57] March 30, 2010 Interview with Gwinnett County public educator; April 1, 2010 Interview with Cobb County public educator.

[58] January 1, 2010 Interview with Adelina Nicholls, supra n. 4.; March 30, 2010 Interview with Gwinnett County public educator; February 4, 2010 Interview with officials from the Mexican Consulate.

[59] March 29, 2010 Interview with DFCS Permanency Supervisor; March 16, 2010 Interview with Renee Ivis-King. See generally Yali Lincroft, Alan Detlaff, "Children of Immigrants in the U.S. Child Welfare System," at 1, 3, First Focus, Washington, DC, 2006, available at: http://www.firstfocus.net/sites/default/files/ChildrenofImmigrants_1.pdf (discussing, inter alia, the limited data existing about the number of immigrant children and families under the care and emphasizing the need for more research in this area); Yali Lincroft, Jena Resner, "Undercounted. Underserved. Immigrant and Refugee Families in the Child Welfare System," at 2, Annie E. Casey Foundation, 2006, available at: <http://www.aecf.org/upload/publicationfiles/ir3622.pdf> (discussing the lack of reliable data about number of immigrant children and families in the child welfare system and the need for the collection of data on a national, regional and local basis).

[60] April 8, 2010 Interview with CASA representative, Cobb County.

[61] In 1997, Congress passed the Adoption and Safe Families Act (ASFA), one goal of which is expedite permanent placement of children in foster care in order to avoid "foster care drift" (long periods of time spent in different foster care homes). Danette Joselyn-Gaul, "Georgia's Responsibility Toward Children In Foster Care, A Reference Manual, at 19-20, Emory University School of Law, Barton Child Law and Policy Clinic, Atlanta, Georgia, 2004. A key provision of this law shortened the timeframe for having a permanency hearing -- the law imposes a strict timetable so that child welfare agencies are required to file termination of parental rights (TPR) petitions for children who had been in care for 15 of the previous 22 months. Yali Lincroft, Bill Bettencourt, "The Impact of ASFA on Immigrant Children in the Child Welfare System," Intentions and Results, A Look Back at the Adoption and Safe Families Act, at 116, Center for the Study of Social Policy, Urban Institute, Washington, DC, 2009. This shortened timetable may disadvantage children by hindering their ability to be placed with kin caregivers, as demonstrated in the story described in the text above. Id.

[62] According to the CASA representative, the boy and his sister had been living in a group home and had not been adjusting well to the group home, which was located outside of their county (Cobb) and did not have many other Latino children living there. The CASA representative also explained that the children were not doing well in school and were experiencing other behavioral problems. April 8, 2010 Interview with CASA representative, Cobb County.

[63] January 4, 2010 Interview with Adelina Nicholls, supra n. 4.

[64] The dilemma of adopting undocumented children is not specific to Georgia. See, e.g., Leslie Berestein and David Hasemyer, "Foreign Adoptees are Living in Legal Limbo-Immigration Status Unresolved before Children's Arrival," October 20, 2008, Union-Tribune, available at: <http://www.signonsandiego.com/news/metro/20081020-9999-1n20adopt.html> (documenting the story of the Zizzo family, who adopted a girl through the San Diego foster care system when she was five months old. Before the adoption, county officials assured Stephanie's parents that there were no immigration problems; 17 years later Stephanie applied for a passport to travel with the high school choir and found out she was not a U.S. citizen. The Zizzos and one other family sued San Diego County for damages and were awarded \$37,900.).

[65] April 7, 2010 Interview with Carlos and Maria.

[66] April 9, 2010 Interview with Bobbie Warmack, Executive Director, Latinos for Education and Justice Organization, Inc. (LEJO). See also, Associated Press, "Illegal Immigrants Arrange for Child Care If parents Get Detained in Raids," May 16, 2007, available at: <http://www.foxnews.com/story/0,2933,273016,00.html?sPage=fnc.specialsections/immigration>

[67] April 7, 2010 Interview with Carlos and Maria (both of whom noted that police cars park near the Catholic Church and school); April 1, 2010 Interview with Cobb County public educator; March 30, 2010

Interview with Gwinnett County public educator; March 30, 2010 Interview with Cobb County service provider; April 23, 2010 Interview with service provider, some of whose clients reside in Cobb County; April 9, 2010 interview with Paul Miller. Reverend Antonio Masongo of the Ministerio Pentecostal Central Church in Norcross (Gwinnett County) has also reported that a number of his parishioners are scared to attend services because of the frequent road blocks and police stops near to his church; as a result, he provides bus service to transport some of his parishioners to church. Maureen Linke (“Multimedia Journalist”), “The Changing Face of Gwinnett County,” May 6, 2010, available at: <http://maureenlinke.com/2010/05/06/the-changing-face-of-gwinnett-county/>. In at least one case, Cobb County police apparently stopped someone (and proceeded to cite and arrest her for, inter alia, not wearing a seatbelt and driving without a license) while she was on the property of (or extremely close to) the mobile home development where she lived. Mario Guevara, “Crónica de un arresto en Cobb,” May 21, 2008, Mundo Hispánico; March 16, 2010 Interview with Rich Pellegrino. This arrest occurred after the Cobb County police had publicly stated they would not arrest undocumented individuals who were driving unless these individuals had a prior criminal record (which was not the case here). See Mario Guevara, “Crónica de un arresto,” supra.

[68] One case involved eight children who were members of six different families in a county north of Atlanta (see Section VI C, infra). An exact breakdown by citizenship of the children involved in these stories is not available as some individuals interviewed did not inquire into the status of the children involved.

[69] The statistics (i.e., 34 collected stories) are based primarily on the following interviews: January 4, 2010 Interview with Adelina Nicholls; April 4, 2010 Interview with Gwinnett County public educator; April 9, 2010 Interview with Bobbie Warmack; April 8, 2010 Interview with CASA (Court Appointed Special Advocate) representative, Cobb County; April 7, 2010 Interview with Cobb County Service provider; March 3, 2010 Interview with Cobb County service provider; April 8, 2010 Interview with affected family member, Cobb County; February 27, 2010 Interview with Legal Service Provider; April 1, 2010 Interview with Cobb County public educator; March 30 and April 6 Interviews with (former) public educator from county in northern Georgia; March 23, 2010 interview with Cobb County public educator; March 26, 2010 Interview with Gwinnett County service provider; April 19, 2010 Interview with Gwinnett County educator; March 29, 2010 Interview with DFCS Permanency Supervisor; April 9, 2010 Interview with Paul Miller, In His Service/A Su Servicio, Director, Advocate Programs; March 16, 2010 Interview with Rich Pellegrino, Cobb Immigrant Alliance; April 7, 2010 Interview with Carlos and Maria, neighbors of affected family members, Cobb County; April 6, 2010 Interview with Cobb County public educator; April 5, 2010 Interview with Susy Martorell, M.S.W., Hispanic Health Coalition of Georgia; April 8, 2010 Interview with Alejandra, affected family member, Cobb County; May 25, 2010 Interview with Alex, with affected family member, Cobb County.

[70] In at least two of these cases, the parents had not yet been deported and attended (or were represented by counsel) at the deprivation hearing. April 7, 2010 Interview with Cobb County service provider; April 8, 2010 Interview with CASA representative, Cobb County.

[71] March 29, 2010 Interview with DFCS Permanency Supervisor.

[72] Id.

[73] April 1, 2010 Interview with educator in Gwinnett County.

[74] April 5, 2010 Interview with Susy Martorell. In cases involving reunification of a Mexican child with a parent living in Mexico, the Juvenile Court will grant the Mexican Consulate temporary custody of the child for one day to facilitate reunification with a parent in Mexico. February 4, 2010 Interview with officials from the Mexican Consulate.

[75] See, e.g., James D. Kremer, Kathleen A. Moccio, Joseph W. Hammell, “Severing a Lifeline: The Neglect of Citizen Children in America’s Immigration Enforcement Policy,” Dorsey & Whitney, LLP 2009, Minneapolis, Minnesota (extensive study discussing, among other things, the long-term impact of home and worksite raids on children, including the emotional trauma caused by family separation and the financial struggles of separated families); Randy Capps, Ajay Chaudry, Rosa Maria Castañeda, Robsert Santos, Molly M. Scott, “Facing our Future, Children in the Aftermath of Immigration Enforcement,” February 2010, Urban Insti-

tute, Washington, DC (focusing on in six communities, four of which had experienced large-scale single-day raids and two others where enforcement action occurred over extended periods of time); Randy Capps, Rosa Maria Castañeda, Ajay Chaudry, and Robert Santos, "Paying the Price, the Impact of Immigration Raids on America's Children," 2007, National Council of La Raza, Urban Institute, Washington, DC (providing first comprehensive study assessing the human costs of enforcement; research based on three large work-site raids).

[76] Jonathan Baum, Rosha Jones, Catherine Barry, "In the Child's Best Interest? The Consequences of Losing a Lawful Immigrant Parent to Deportation," March 2010, International Human Rights Law Clinic, University of California, Berkeley, School of Law, Immigration Law Clinic, University of California, David, Schools of Law available at: http://www.law.berkeley.edu/files/Human_Rights_report.pdf.

[77] *Id.* at 7-9.

[78] Wendy Cervantes, Yali Lincroft, "The Impact of Immigration Enforcement on Child Welfare," March 2010, First Focus, Migration and Child Welfare Network, Washington, DC.

[79] *Id.*

[80] Randy Capps, et al., "Facing our Future, Children in the Aftermath of Immigration Enforcement," *supra* n. 76; Randy Capps, et al., "Paying the Price, the Impact of Immigration Raids on America's Children," *supra* n. 76.

[81] Randy Capps, et al., "Facing our Future, Children in the Aftermath of Immigration Enforcement," *supra* n. 76 at vii.

[82] *Id.* at ix-x, 41-55.

[83] April 8, 2010 Interview with CASA representative; April 1, 2010 Interview with Cobb County public educator; March 23, 2010 Interview with Cobb County public educator; April 7, 2010 Interview with Cobb County service provider; April 8, 2010 Interview with Alejandra. affected family member, Cobb County.

[84] June 8, 2010 statement of Angela Flores, former President of the Mexican American Student's Association (MASA) at Kennesaw State. Ms. Flores participated in a Town Hall Meeting/Educational Forum at Cobb County Public Library; the topic of the forum was immigration reform.

[85] March 30, 2010 Interviews with (former) public educator from county in northern Georgia.

[86] *Id.*

[87] March 30, 2010 and April 1, 2010 Interviews with Gwinnett County public educator; March 30, 2010 Interview with Cobb County service provider; April 5, 2010 Interview with Susy Martorell. NCLR has found that depression among Georgia high school students in the years 2005 and 2007 was highest among Latino students (as compared to Black and White student population). See Natalie Hernandez, Lynn Shaull, et al, NCLR Statistic Brief, *supra* n. 13 at 6-7 (noting that this may in part be attributable to the stresses associated with immigration issues and lack of legal status).

[88] April 1, 2010 Interview with Cobb County public educator. The facts of Mario's story are based on this April 1, 2010 interview.

[89] As previously noted, the research revealed that local police in Cobb and Gwinnett routinely park near schools and churches, and conduct stops/checkpoints in these areas. *Supra* n. 68.

[90] April 9, 2010 and April 14, 2010 follow up communication with health-care provider in Gwinnett County. The facts of Gerardo's story are based on both the April 9, 2010 interview and April 14 2010 follow up communication.

[91] The facts of Eva and Juan's story are based on the following interviews: May 19, 2010 Interview with former bilingual advocate in northern Georgia; April 9, 2010 Interview with service provider in northern Georgia; June 3, 2010 Interview with Eva, affected family member; June 3, 2010 Interview with Juan, affected family member.

[92] Eva's son Juan witnessed the secretary writing down the license plate number on a clipboard. June 3, 2010 Interview with Juan, affected family member.

[93] May 19, 2010 Interview with former bilingual advocate, *supra* n. 92.

[94] Id.

[95] June 3, 2010 Interview with Eva, affected family member.

[96] Id.

[97] Id.; June 3, 2010 Interview with Juan, affected family member.

[98] The facts of this story are based on March 30, 2010 and April 6, 2010 Interviews with former public educator from county north of Atlanta.

[99] The facts of Patricia's story are based on the following: March 16, 2010 Interview with Rebeca Salmon, Attorney, Immigrant Children's Advocacy Project, Catholic Charities; March 17, 2010 Georgia State Bar, Continuing Legal Education (CLE) presentation by Rebeca Salmon, Attorney; Patricia Flores Huerta v. B.J. Walker, Commissioner of Georgia Department of Human Services, et al., case no. 1:09-cv-00761-BBM (N.D. GA), Order dated Nov. 17, 2009, at 2-7. The facts from the November 2009 Court Order were derived from Plaintiff's Amended Complaint. Order dated November 17, 2009 at 2, n. 1.

[100] March 17, 2010 Georgia State Bar CLE presentation, supra n. 100.

[101] Huerta v. B.J Walker, et al, Order dated November 17, 2009 at 5.

[102] After she turned 18, Patricia filed a federal lawsuit against Gwinnett County, Patricia Flores Huerta v. B.J. Walker, Commissioner of Georgia Department of Human Services, et al., case no. 1:09-cv-00761-BBM (N.D. GA), supra n. 100. The lawsuit challenged DFCS's actions under two federal laws, and argued that DFCS could have properly applied an exemption to applicable federal and state law that would have allowed for the support and services Patricia needed. Although the lawsuit was dismissed, Patricia gained protection and legal status by obtaining a U visa. March 17, 2010 Georgia State Bar Presentation, supra n. 100.

[103] Victims of serious crimes such as domestic violence, sexual assault and kidnapping, may be eligible for a U visa (U "nonimmigrant status") if they have suffered significant mental or physical abuse as a result of the crime. See U.S. Citizenship and Immigration Services pamphlet, "Immigration Options for Victims of Crimes," available at: <http://www.visaserveblog.com/tp-090109083643/post-100406060705.shtml>. The U visa applicant must obtain a law enforcement certification (affidavit) and assist in the investigation and/or prosecution of the crime. Id.

[104] The facts of Ana's story are based on the April 9, 2010 Interview with a service provider in northern Georgia.

[105] Other domestic violence victims have been fearful of reporting sexual abuse and domestic violence. April 23, 2010 Interview with Jessica Nunan, Executive Director, Caminar Latino. Because of their undocumented status, these victims fear that local law enforcement officials will be more interested in investigating their immigration status rather than the domestic violence and/or sexual abuse to which they have been subjected. Id. Children who are witnesses to domestic violence are also scared to call the police. Id. Such is the case of Teresa and her daughter Lydia. Teresa experienced violence from her husband for 15 years, which was often-times life-threatening. May 27, 2010 Interview with Teresa; May 20, 2010 Interview with staff members of Caminar Latino. Her daughter Lydia grew up in an atmosphere of constant violence but learned to never call the police because of fear of deportation of her entire family. May 27, 2010 Interview with Lydia; May 20, 2010 Interview with staff members of Caminar Latino. Isabel has been a sexual slave to her husband for years and is in an abusive relationship. May 20, 2010 Interview with staff members of Caminar Latino. However, she is fearful of reporting her husband's ongoing abuse to local authorities (based on her and her daughter's immigration status). Id. Finally, in the case of Marta, her schizophrenic husband has been abusive for many years, and he has gone as far as locking her children in the basement. Id. He was eventually diagnosed as schizophrenic. Marta now wants to receive assistance but is fearful of driving without a license and getting stopped and deported because of her immigration status. Id. Ms. Nunan reported a large decrease (40) in the number of clients Caminar Latino has served on a yearly basis because of their increased fear (based on immigration status) of reporting incidents of domestic violence to the police. Id. April 23, 2010 Interview with Jessica Nunan, supra.

[106] The facts of Luis's story are based on the following interviews: May 12, 2010 Interview with Terrence Boyle, Esq. and April 9, 2010 Interview with Paul Miller.

[107] April 9, 2010 Interview with Paul Miller.

[108] Id.

[109] May 12, 2010 Interview with Terrence Boyle, Esq.; April 9, 2010 Interview with Paul Miller.

[110] During the 2010 Legislative Session, Georgia State Senator Emanuel Jones (D. Decatur) sponsored SB299, which changes Georgia's juvenile criminal code to make a first offense equal to a delinquent act, rather than a designated felony; under SB299, when a student commits an infraction, juvenile court judges can take the circumstances into account before automatically prosecuting them, giving juvenile judges more discretion. May 25, 2010 Press Release, Office of Emanuel Jones, "Bill to Zero Out Zero Tolerance in Schools Signed into Law," available at: <http://senatepress.net/bill-to-zero-out-zero-tolerance-in-schools-signed-into-law.html#more-2835>. The bill was signed into law by Governor Perdue on May 25, 2010. May 25, 2010 Press Release, "Governor Signs Bill Bringing Common Sense to Zero Tolerance Policy," Office of the Governor, available at: http://gov.georgia.gov/00/press/detail/0,2668,78006749_157126503_159832250,00.html.

[111] UK Telegraph, "Girl who asked Michelle Obama immigration question becomes star in Peru," May 25, 2010, available at: <http://www.telegraph.co.uk/news/worldnews/northamerica/usa/7769282/Girl-who-asked-Michelle-Obama-immigration-question-becomes-star-in-Peru.html>.