

## **National Immigration Law Center’s Statement for the Record**

### **Submitted to U.S. Senate Committee on the Judiciary “How Mass Deportations Will Separate American Families, Harm Our Armed Forces, and Devastate Our Economy”**

Tuesday, December 10, 2024 at 10:00AM

Dear Chairman Durbin, Ranking Member Graham, and Members of the Committee:  
Thank you for the opportunity to submit a written statement on behalf of the National Immigration Law Center (NILC). We respectfully request that this statement be made part of the record for the December 10, 2024, Senate Committee on the Judiciary’s hearing.

#### **Introduction**

The National Immigration Law Center (NILC) is a leading advocacy organization dedicated to defending and advancing the rights and opportunities of low-income immigrants and their families. We advocate for laws and policies that allow immigrants and their families to thrive, including access to health care and public assistance programs, education, and workers’ rights.

We applaud Members of the Senate Judiciary Committee for holding this hearing to explore the devastating harms of mass immigration detention and deportation policies. United States history has been marked by shameful episodes of demagoguery and heightened enforcement against immigrants and people of immigrant descent, from the mass raids of the Eisenhower era to the tragic family separation policy of the first Trump administration. We are bereaved to hear the President-elect threatening to unleash such terror again and encourage Members of Congress to be vigilant and robust in opposition.

The incoming administration has loudly announced plans for mass deportations, including using the military and local law enforcement to carry out their efforts.<sup>1</sup> These threats have already created immense fear among immigrant communities, including the nearly six million

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<sup>1</sup> “Inside Trump’s plan for mass deportations - and who wants to stop him,” Ted Hesson and Kristina Cooke, Reuters. November 10, 2024. <https://www.reuters.com/world/us/inside-trumps-plan-mass-deportations-who-wants-stop-him-2024-11-06/>.

U.S. households that include an undocumented family member.<sup>2</sup> The chronic fear generated by threat of mass immigration enforcement operations causes long-lasting physical, psychological, social, and financial consequences for immigrants and their families. Across the country, people are rushing to make impossible decisions as they anticipate what is to come; for many, deportation would force a choice between permanent family separation or life in exile away from their U.S. citizen children.<sup>3</sup>

Mass detention and deportations threaten to destabilize our nation’s economy and undermine the support we all need as communities – health and wellbeing, education and learning, and safety in our workplaces.

### **Fear as a Barrier to a Healthy Family**

Our communities are stronger when everyone is healthy and can access preventative care and medical treatment. The threat of deportation not only exacerbates physical and mental health issues, but also actively discourages people from getting the care they need.<sup>4</sup> All of us should be able to get the care we need without the fear of being uprooted from our families and communities, yet studies repeatedly show that the threat of immigration enforcement – including deportation – is linked to a significant decline in accessing health care services and public benefits.<sup>5</sup>

The chilling effect that enforcement has on accessing care has also been shown to impact enrollment in public benefits programs for children. One study found that enrollment rates in

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<sup>2</sup> “Proposed 2024 Mass Deportation Program Would Socially and Economically Devastate American Families,” Center for Migration Studies. October 14, 2024. <https://cmsny.org/publications/2024-mass-deportation-program-devastate-american-families-101024/>.

<sup>3</sup> “Immigrants Across U.S. Rush to Prepare for Trump Crackdown,” Miriam Jordan, The New York Times. November 24, 2024. <https://www.nytimes.com/2024/11/24/us/trump-immigrants-deportations.html>.

<sup>4</sup> “Mixed-Status Families and Immigrant Families with Children Continued Avoiding Safety Net Programs in 2023,” Urban Institute. August 7, 2024. <https://www.urban.org/research/publication/mixed-status-families-and-immigrant-families-children-continued-avoiding>.

<sup>5</sup> Maria-Elena De Trinidad Young et al. Beyond “Chilling Effects”: Latinx and Asian Immigrants’ Experiences With Enforcement and Barriers to Health Care. *Med Care*. 2023 May 1;61(5):306-313. <https://pubmed.ncbi.nlm.nih.gov/36939228/>; Kevin H. Nguyen, Nicole C. Giron, and Amal N. Trivedi. Parental Immigration Status, Medicaid Expansion, and Supplemental Nutrition Assistance Program Participation. *Health Affairs*, Volume 42 No. 1, 2023. <https://doi.org/10.1377/hlthaff.2022.00288>; Carol L. Galletly, Timothy L. McAuliffe, Julia B. Dickson-Gomez, Laura R. Glasman, Dulce M. Ruelas, Latino migrants’ healthcare use in the US and perceived immigration laws and consequences: A multivariable analysis, *Travel Medicine and Infectious Disease*, Volume 56, 2023. <https://doi.org/10.1016/j.tmaid.2023.102664>.

the Supplemental Nutrition Assistance Program (SNAP) dropped significantly from 2017-2019, when anti-immigrant rhetoric and policies were overt.<sup>6</sup>

The mental health impacts of deportations are long-lasting for both adults and the children of immigrants. Research has found that the risk of mental and emotional trauma and severe psychological distress in children greatly increases after a parent has been detained or deported.<sup>7</sup>

Deportations and the anxiety they cause exacerbate existing health concerns and can lead to new ailments. For example, one study found that implementation of 287(g) contracts in North Carolina – agreements that empower local law enforcement to engage in federal immigration enforcement – was correlated with poor pre-natal conditions for immigrant mothers and worse health outcomes for their babies.<sup>8</sup>

Mass deportations and immigration enforcement actions directly jeopardize the health of millions of immigrants and their families, making our communities weaker and at risk.

### **Worksite Raids Upend Entire Communities**

Worksite raids are one of the most visible and harmful enforcement tactics at Immigration and Customs Enforcement (ICE)'s disposal. Raids terrorize entire communities and plunge families into chaos and fear. Upending communities through militarized raids, mass arrests, and deportations have long-lasting and devastating consequences and make it all but impossible for families to thrive.

The National Immigration Law Center (NILC) bore witness to worksite raids executed during the first Trump administration, and we fear their resurgence in the coming months and years. In 2017, the Trump administration undertook one of the largest worksite raids in history at an

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<sup>6</sup> Kevin H. Nguyen, Nicole C. Giron, and Amal N. Trivedi. Parental Immigration Status, Medicaid Expansion, And Supplemental Nutrition Assistance Program Participation. *Health Affairs*, Volume 42 No. 1, 2023.

<https://doi.org/10.1377/hlthaff.2022.00288>.

<sup>7</sup> “Deferred Action for Unauthorized Immigrant Parents: Analysis of DAPA's Potential Effects on Families and Children,” Migration Policy Institute. February 2016. <https://www.migrationpolicy.org/research/deferred-action-unauthorized-immigrant-parents-analysis-dapas-potential-effects-families>.

<sup>8</sup> Tome R, Rangel MA, Gibson-Davis CM, Bellows L. Heightened immigration enforcement impacts US citizens' birth outcomes: Evidence from early ICE interventions in North Carolina. *PLoS ONE* 16(2): e0245020. (2021).

<https://doi.org/10.1371/journal.pone.0245020>.

East Tennessee meat processing plant. Martha Pulido was one of the workers who was a victim of the militarized raid that day. She described her traumatizing experience as a plaintiff in a lawsuit filed by NILC, the Southern Poverty Law Center, and the law firm of Sherrard, Roe, Voigt & Harbison:

“I showed up to work that morning just like I had every day for more than a year, ready to do my job and provide for my family. Instead, I had a gun pointed in my face and saw my coworkers get punched in the face and shoved to the ground by federal agents.”<sup>9</sup>

Raids devastate communities, creating an environment of extreme fear that has led to prolonged health and psychological issues among workers and their families.<sup>10</sup> The loss of income caused by an arrest or deportation has a domino effect on families, creating or further entrenching housing instability, food insecurity, and deepened economic hardship.<sup>11</sup> One study of six locations in the United States found that families reported losing from 40 to 90 percent of their income following the arrest or deportation of a parent.<sup>12</sup> Children are also victims in worksite raids. The prospect of coming home from school one day only to find their mom or dad suddenly torn away from them has led children of immigrant parents to live in constant fear, anxiety, and depression.<sup>13</sup>

### **Schools Should be a Place for Children to Grow, not Fear**

Schools are supposed to be safe places for children and young people to grow academically, socially, and fulfill their full potential. The overwhelming fear of deportation turns all of that on its head. In the last Trump administration, the threat of raids and mass deportations loomed heavily over immigrant communities – including school-aged children. This fear has grave consequences for the health of a learning environment, even if a raid is only rumored but does

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<sup>9</sup> *Isabel Zelaya, et al. v. Robert Hammer*, (United States District Court, E.D. Tennessee, Knoxville Division).

<https://www.nilc.org/wp-content/uploads/2019/02/Zelaya-v-Miles-complaint-2019-02-21.pdf>.

<sup>10</sup> “Nearly two years after ICE came to town, trauma still haunts these Iowa families,” Christopher Walljasper, USC Annenberg Center for Health Journalism. March 17, 2020. <https://centerforhealthjournalism.org/our-work/reporting/nearly-two-years-after-ice-came-town-trauma-still-haunts-these-iowa-families>.

<sup>11</sup> “Facing Our Future: Children in the Aftermath of Immigration Enforcement,” The Urban Institute. February 2010. <https://www.urban.org/research/publication/facing-our-future>.

<sup>12</sup> “U.S. Citizen Children Impacted by Immigration Enforcement,” American Immigration Council. June 24, 2021. <https://www.americanimmigrationcouncil.org/research/us-citizen-children-impacted-immigration-enforcement>.

<sup>13</sup> “Don’t Be Fooled: Funding for ICE Homeland Security Investigations (HSI) Is Funding for Trump’s Anti-Immigrant Agenda,” National Immigration Law Center. February 8, 2019. <https://www.nilc.org/articles/dont-be-fooled-funding-for-ice-homeland-security-investigations-hsi-is-funding-for-trumps-anti-immigrant-agenda/>.

not in fact occur. One Oregon school superintendent shared what that environment felt like in a recent Associated Press article:

“Word spread that immigration agents were going to try to enter schools. There was no truth to it, but school staff members had to find students who were avoiding school and coax them back to class.”<sup>14</sup>

In a mass raids environment, being the immigrant parent of a school-age child is overwhelming. Along with preparing for the first day of school by purchasing school clothes and supplies, immigrant parents must also develop an emergency plan in case they are arrested or deported and separated from their child.<sup>15</sup> These emergency plans must include an identified caretaker to step in and support their children should they get caught up in enforcement activity. Following immigration law enforcement presence at or near schools, children tend to stay home from school, their academic performances plunge,<sup>16</sup> and rates of anxiety and post-traumatic stress disorder rise.<sup>17</sup> Children simply cannot grow and advance when their chief concern is hiding from immigration officials or wondering if their parents will still be there when they come home.

Schools have long been deemed “protected areas” or “sensitive locations,” and therefore protected from enforcement activities.<sup>18</sup> Such agency guidance is critical to protect families and children but is also not enough to prevent arrests or deportations around schools. In 2017, a father named Romulo Avelica Gonzalez was dropping his child off at a Los Angeles school one morning. Despite government guidance that designated schools as “sensitive locations,” Romulo was stopped and violently arrested by ICE agents while his wife and teenage daughter

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<sup>14</sup> “Schools are bracing for upheaval over fear of mass deportations,” Bianca Vazquez Toness, Associated Press. November 27, 2024. <https://apnews.com/article/immigration-school-deportation-9747be35d2eb109693930f114f148b94>.

<sup>15</sup> “Creating a family immigration raid emergency plan,” American Federation of Teachers. [https://www.aft.org/sites/default/files/im\\_emergplan\\_020817.pdf](https://www.aft.org/sites/default/files/im_emergplan_020817.pdf).

<sup>16</sup> Kirksey, J. J., & Sattin-Bajaj, C. (2021). Immigration Arrests and Educational Impacts: Linking ICE Arrests to Declines in Achievement, Attendance, and School Climate and Safety in California. AERA Open, 7. <https://doi.org/10.1177/23328584211039787>.

<sup>17</sup> “The Day That ICE Came: How Worksite Raids Are Once Again Harming Children and Families,” The Center for Law and Social Policy. July 14, 2020. <https://www.clasp.org/publications/report/brief/day-ice-came-executive-summary/>.

<sup>18</sup> “Guidelines for Enforcement Actions in or Near Protected Areas,” Alejandro Mayorkas, Department of Homeland Security. October 27, 2021. [dhs.gov/sites/default/files/publications/21\\_1027\\_opa\\_guidelines-enforcement-actions-in-near-protected-areas.pdf](https://dhs.gov/sites/default/files/publications/21_1027_opa_guidelines-enforcement-actions-in-near-protected-areas.pdf).

watched in horror from inside their car.<sup>19</sup> This kind of trauma pervades communities for years and ultimately spreads the message that it isn't safe for parents to take their kids to school. Parents should never be placed in a situation where they must choose between their children's education or keeping their family together. Yet, rumors and promises of mass deportation foster this existential fear.

Every child should be able to go to school to learn and grow without fear. Communities are ready to stand up and defend the constitutional right to a free public education for all students and protect their immigrant neighbors. In May 2024, NILC was joined by more than 30 organizations in launching the Education for All campaign, including leading education, immigrant rights, and civil rights organizations aiming to ensure all children have access to a free K-12 public education, as mandated by law.<sup>20</sup>

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NILC urges the incoming administration to abandon plans to engage in mass immigration enforcement efforts. Mass deportations will weaken and destabilize our communities and undermine the institutions and services that keep us all safe and healthy. We commend the Senate Judiciary Committee for engaging in this proactive oversight hearing.

**We urge Members of Congress to take the following critical actions to protect communities against the worst harms to come:**

- 1. Use the power of the purse to mitigate the incoming Trump administration's ability to engage in mass deportations:** Reject increases in funding for Immigration and Customs Enforcement (ICE) detention and removal operations and Customs and Border Protection (CBP) agents and enforcement. Limit the Department of Homeland Security's ability to transfer and reprogram funds into immigration detention and enforcement. Ensure that Department of Defense's resources and infrastructure are not

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<sup>19</sup> "School Settings Are Sensitive Locations That Should Be Off-Limits to Immigration Enforcement," National Immigration Law Center. May 3, 2017. <https://www.nilc.org/articles/school-settings-are-sensitive-locations-that-should-be-off-limits-to-immigration-enforcement/>.

<sup>20</sup> "National Immigration Law Center Announces Campaign to Protect K-12 Public Education Access for All Children," National Immigration Law Center. May 22, 2024. <https://www.nilc.org/press/national-immigration-law-center-announces-campaign-to-protect-k-12-public-education-access-for-all-children/>.

available for immigration enforcement purposes.

2. **Defend protected areas:** Engage in intensive oversight to ensure ICE is not undertaking enforcement actions at schools, hospitals and health care facilities, courthouses, and other sensitive locations.
3. **Protect against abuses in immigration detention facilities:** Engage in rigorous oversight of ICE and CBP facilities and any new facilities the administration constructs or utilizes to implement detentions and deportations. Regularly visit facilities in your state or district and meet with legal service and advocacy organizations on the ground to develop a nuanced understanding of issues confronting immigrant communities and those subject to enforcement.
4. **Stand with immigrant communities:** Be prepared to show up and stand in solidarity with communities who are impacted by enforcement actions.
5. **Defend against the illegal use of the military or other authorities to supplement ICE and CBP's deportation authorities:** Be prepared to provide amicus briefs in support of litigation and provide comments on rulemaking procedures as appropriate to resist the administration's illegal and harmful use of the military to expand immigration enforcement.

Thank you for the opportunity to submit this statement for the record.

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