

Deportees Will Risk Harsh Penalties to Return to Families in the U.S.

By Erin R. Hamilton, UC Davis

Despite significant efforts to deter unauthorized immigration, repeat migration to the United States following deportation is common. In a new study,² my co-authors and I examined how having family in the U.S. affects the intent to return among migrants deported to El Salvador. We found that being separated from their families in the U.S. is the most important factor in the intent to return, even despite the severe penalties if caught.

Key Facts

In 2013, the U.S. Immigration and Customs Enforcement agency deported 72,000 parents of children who are U.S. citizens. These parents make up one-fourth of all deportees.¹

Deportees with children in the U.S. have spent, on average, six years longer in the U.S., are more likely to be employed and more likely to speak English.

Salvadoran deportees with both a spouse and children in the U.S., and those whose children are U.S. citizens, are especially likely to intend to return despite severe penalties that can include from two to 20 years in prison and losing the chance to qualifying for legal immigration status.

In the two-year period between July 2010 and September 2012, the U.S. Department of Homeland Security deported 204,810 parents of U.S.-citizen children, who made up one-fourth of all removals.³ In 2013, the U.S. Immigration and Customs Enforcement agency deported 72,000 parents of children who are U.S. citizens.

Deported parents face no good solutions to forced separation from their children. To keep their families intact, these parents must choose either to take their children with them or to leave them behind and risk harsh penalties in attempts to return.

Department of Homeland Security (DHS) data show that while 21 percent of all deportees in the U.S. are caught and deported multiple times, this is true for more than a third of those with children who are U.S. citizens.⁴ These data are limited to those apprehended and may therefore undercount repeat migration.

Those who return after deportation face harsh penalties if caught. A second illegal-entry violation is a felony subject to up to two years in prison. With a criminal record, the penalty can be up to 20 years in prison, depending on the prior conviction. Criminal penalties also mean that the vast majority of repeat violators will not qualify for legal status. Our study finds that the majority of deported parents will still risk these penalties to reunite with their families in the U.S.

Deportees Returning to El Salvador

The data for our study come from a survey of deportees conducted by the Salvadoran deportee-reintegration program, “*Bienvenido a Casa*” (“Welcome Home,” or BAC). The data include the location of spouses and children and the deportees’ intention to return to the U.S. Our analysis is based on a sample of 186 cases.

Drawing from the sociological and demographic literature on return and repeat migration, in our regression analyses we controlled for factors that have already been shown to be associated with repeat migration. These include age, time in the U.S. prior to deportation, whether the deportee was employed prior to deportation, whether the deportee speaks English and the deportee’s level of education.

Fathers with Families in the U.S.

Our study finds that being apart from families in the U.S. is the most significant factor influencing the deportees’ intent to return. Among deportees with children in the U.S., the majority (89.1%) had at least one child who is a U.S. citizen. A majority were also separated from a spouse (62.4%).

Deportees with children in the U.S. are more likely to intend to return than deportees without children, at 52.5 percent compared to 32.9 percent. Deportees with a spouse and children in the U.S. are 3.8 times more likely to intend to return than

¹ Wessler, Seth. 2012. “Nearly 205K Deportations of Parents of U.S. Citizens in Just Over Two Years.” *Colorlines*.

² Cardoso, Jodi Berger; Erin Randle Hamilton, et al. 2014. “Deporting Fathers: Involuntary Transnational Families and Intent to Remigrate among Salvadoran Deportees.”

International Migration Review.

³ Wessler, *Colorlines*.

⁴ Immigration and Customs Control (ICE). 2012. “Enforcement and Removal Statistics.”

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unmarried and childless deportees.

We found that deportees with children in the U.S. have greater U.S.-specific human capital than deportees without them. They have spent, on average, six years longer in the U.S. prior to deportation, were more likely to be employed and to speak English. These factors may motivate deportees to return, but our results showed that these factors were not significantly associated with the intent to return, whereas family was.

We examined whether family structure mattered for deportees who were deported for criminal offenses. We find that even among those with criminal records, deportees with a spouse and dependent child are four times more likely to intend to return than those without families in the U.S., despite the serious penalties if caught.

in 2011, between 18,676 and 31,126 will return without documentation to rejoin their families.

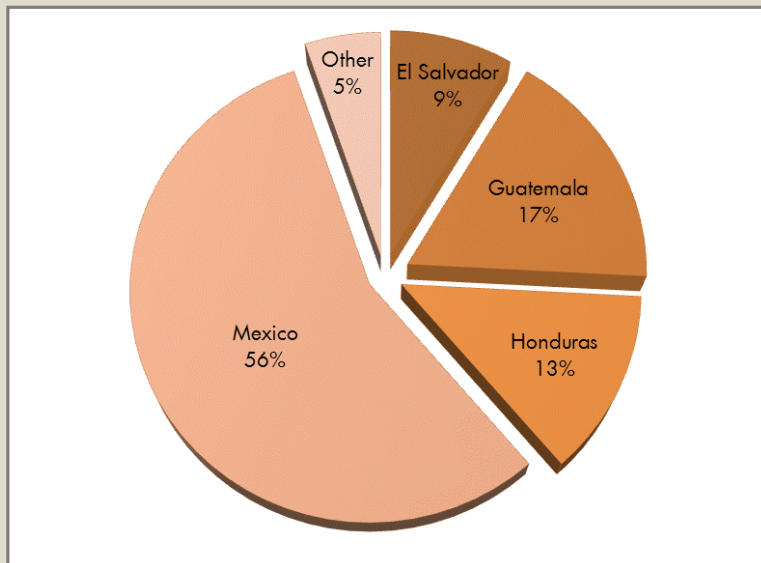
The actual number could be much larger. Studies of Central American and Mexican transnational families show that remigration is more common among Mexicans than Central Americans.⁶ Remigration is easier from Mexico because of the shorter distance and a history of circular migration between Mexico and the U.S. By far the majority of deportees are Mexican immigrants.

Rethinking Penalties for Re-entry

Our study raises questions about the logic and cost-effectiveness of deporting parents who have children in the U.S., especially given the psychological and financial consequences of deportation on families.⁷ In addition to these consequences, immigration detention and removal

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2014 Removals by Country of Origin



This chart shows the most common countries of origin of people deported by U.S. Immigration and Customs Enforcement in 2014. That year there were a total of 315,943 removals.

Source: U.S. Immigrations and Customs Enforcement, “FY 2014 ICE Immigration Removals.”

Estimates on How Many Will Return

Research shows that the intention to migrate strongly predicts actual migration. Prior studies have found that from 45 to 75 percent of those who intend to migrate actually do.⁵

Using this prior work in conjunction with results from our study and DHS data on deportations, we estimate that out of the 9,346 Salvadoran parents deported in 2011, between 2,208 and 3,679 will actually return. Applying this same logic to all 79,052 parents of U.S.-citizen children deported

operations cost roughly \$2.9 billion annually.⁸

Harsh penalties designed to deter re-entry, even for deportees with criminal records, clearly do not work when families are involved. Further steps to reduce the deportation of parents of U.S. citizen children, as in providing greater prosecutorial and judicial discretion in deportation hearings, should be considered.

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⁵ Card, J.J. 1982. “The Correspondence between Migration Intentions and Migration Behavior: Data from the 1970 Cohort of Filipino Graduate Students in the United States.” *Population & Environment*; Lu, M. 1999. “Do People Move When They Say They Will? Inconsistencies in Individual Migration Behavior.” *Population & Environment*.

⁶ Dreby, J. 2010. *Divided by Borders: Mexican Migrants and their Children*. Berkeley: Univ of California Press.

⁷ Dreby, 2012. “The Burden of Deportation on Children in Mexican Immigrant Families.” *Journal of Marriage and Family*.

⁸ U.S. Department of Homeland Security. 2011. “ICE Fiscal Year (FY) 2012 Enacted Budget.”

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