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THE ONES THEY LEAVE BEHIND: DEPORTATION OF LAWFUL PERMANENT RESIDENTS HARMS U.S. CITIZEN CHILDREN

Many people believe that only illegal immigrants are deported. However, thousands of long-term **legal** immigrants are deported each year. While some are deported for committing serious crimes, many more are deported for committing minor, nonviolent crimes, and judges have no discretion to allow them to stay in the U.S.—even if they have U.S. citizen children.

Each year the U.S. government admits immigrants into the country as lawful permanent residents (LPRs or green card holders) to live here permanently and work, reunite with their families, and pursue the American dream. Some have parents, children, or spouses in the United States who sponsored them. Others have been admitted to fill jobs. Still others arrive as refugees or asylees, fleeing persecution in their home country. Just like U.S. citizens, LPRs [work and pay taxes](#). Large numbers of them are currently serving in the U.S. military.

Just because someone is an LPR, however, doesn't mean they can't be deported. Every year the U.S. deports thousands of LPRs—in fact, **10% of all people deported each year are LPRs**. And 68% of them are deported for committing minor, nonviolent crimes.

Many LPRs live in “mixed-status families” which include U.S. citizen children. When LPRs are deported, their children are deeply affected, and families must choose between leaving the children in the U.S. or taking them to a foreign country—effectively deporting the children as well.

[In the Child's Best Interest](#), a new report by the International Human Rights Law Clinic and the Warren Institute at UC Berkeley School of Law, and the Immigration Law Clinic at the UC Davis School of Law finds that:

More than 100,000 children were affected by parental deportation between 1997 and 2007.

- At least 88,000 of these children were U.S. citizens.
- 217,000 other immediate family members were affected by the deportation of LPRs.

The deportation of a parent has a negative impact on their U.S. citizen children.

- According to a [report](#) from the Urban Institute, many families losing a parent to deportation experience housing instability and food insufficiency because of lost income.
- Many parents also observed significant, adverse changes in their child's behavior, such as changes in eating and sleeping habits, as well as increased crying.

- Children's grades in school also declined when faced with the loss of a parent to deportation.

68% of the LPRs who are deported are deported for minor, non-violent offenses.

- LPRs have always been subject to deportation if they commit certain crimes. However, the 1996 Illegal Immigrant Reform and Immigrant Responsibility Act (IIRIRA) expanded the list of crimes for which LPRs can be deported, called "aggravated felonies." The expanded definition of an "aggravated felony" includes non-violent, minor crimes. And the law is retroactive, meaning LPRs can be deported for crimes they committed years ago.
- The expanded definition of "aggravated felonies" includes non-violent theft offenses, non-violent drug offenses, forgery, receipt of stolen property, perjury, fraud or deceit, and tax evasion.

LPRs have no right to challenge their deportation before a judge.

- Until IIRIRA, most LPRs with criminal convictions who were facing deportation were entitled to a hearing before an immigration judge who would balance an individual's criminal convictions against the LPR's positive contributions to the U.S. and the impact deportation would have on the LPR's family.
- The 1996 immigration laws eliminated such hearings for LPRs facing deportation based on convictions classified as aggravated felonies.
- LPRs convicted of "aggravated felonies" are now ineligible for most forms of discretionary relief, such as cancellation of removal, even if they do receive a hearing with an immigration judge.¹

The Warren Institute report recommends that:

- Congress should restore judicial discretion in all cases involving the deportation of LPRs who have U.S. citizen children and allow parents to present evidence of the adverse impact that their deportation will have on their U.S. citizen children.
- Congress should revert to the pre-1996 definition of aggravated felony, reserving it for the most serious offenses.
- The U.S. government should collect data on U.S. citizen children impacted by deportation of an LPR parent.
- The Executive Office for Immigration Review should establish guidelines for the exercise of discretion in cases involving the deportation of LPRs with U.S. citizen children.

¹ See *Aggravated Felonies and Deportation*, Transactional Records Access Clearinghouse, <http://trac.syr.edu/immigration/reports/155/>.