

Introduction and Historical Context

For the president, I think his legacy is at stake here. . . . We consider him the deportation president, or the deporter-in-chief.

—Janet Murguía, president and chief executive officer of the National Council of La Raza (Epstein 2014)

I think politicians, in particular, have envisioned the immigration system as something that simply can be contained by building a high enough wall or keeping enough people out. What they rarely think about is all of the fallout and all of the unintended consequences. It's ultimately the kids who are suffering because we can't get our act together up front to devise an immigration process that really works for America today.

—Mary Giovagnoli, director of the Immigration Policy Center (interview October 10, 2012)

The lives of undocumented immigrants are filled with dreams and nightmares. Parents dream of better futures for themselves and their children. Young adults who were brought to the United States as children dream of finally becoming US citizens. Alongside these dreams, though, are nightmares. Children awaken from nightmares of immigration raids in which their undocumented parents or siblings are suddenly taken from them. And teenagers who always thought they were American find themselves “awakening to a nightmare” (Gonzales and Chavez 2012) when they discover they are undocumented, cannot get driver’s licenses, obtain college loans, or legally work, and live under the threat of deportation.

Undocumented immigrant José Ángel N. (2014, 77) writes in his memoir of another immigrant who “left his hometown in search of the American Dream. Smuggling himself across the desert, he had walked right into a nightmare.” The journey north is itself a nightmare for children who risk death,

rape, and serious injury as they travel alone from Central America to the United States, hoping to escape violence and poverty and to reunite with parents they have not seen in years. Yet the number of children traveling to the United States by themselves, mostly from Guatemala, Honduras, and El Salvador, increases exponentially each year, reaching what in 2014 was called a “humanitarian crisis” by some and “an influx on top of the influx” by others.

An estimated 11.3 million unauthorized immigrants resided in the United States in March 2013 (Passel et al. 2014). Nearly two-thirds of these immigrants have lived in the United States for more than a decade, and almost half are parents of US-citizen children (Taylor et al. 2011; Passel et al. 2014). The law affects the lives and legal consciousness of undocumented immigrants and their families in multiple ways that are structured and nuanced by gender, age, race, ethnicity, and social position (Abrego 2011; Abrego and Gonzales 2010; Gonzales 2011; Gonzales and Chavez 2012; Kubrin, Zatz, and Martínez 2012; Menjívar and Kanstroom 2013). More than one-fifth of all children in the United States today have at least one parent who is an immigrant. A large subset of these children—4.5 million as of 2012—are US citizens who have at least one parent who is undocumented (Passel and Cohn 2011; Passel et al. 2014).

These families inhabit what Cecilia Menjívar (2006, 2011, 2012) has described as a state of liminal legality in which they are acknowledged but are legally nonexistent (Coutin 2000, 2003, 2007; DeGenova 2002). This liminality requires a hyper-awareness of the law, as their legal status may be uncertain and shifting.

CONTEMPORARY US IMMIGRATION POLICY AND PRACTICE IN HISTORICAL CONTEXT

Throughout its history, the United States has wrestled with its immigration policy and practice. Like law making more generally, immigration policy is characterized by temporary fixes aimed at resolving, at least for a time, conflicts and dilemmas resulting from larger social, political, and economic contradictions (Chambliss 1979; Chambliss and Zatz 1993). Since the country’s founding, the politics of race, ethnicity, gender, and religion have been central to decisions about who should be included in the national fabric and who should be shut out (Calavita 1984, 2007; FitzGerald and Cook-Martín 2014; Gardner 2005; Hing 2004; Johnson 2003; Kanstroom 2012; Kubrin et al. 2012;

Ngai 2004). The needs of agribusiness and other economic sectors for cheap labor have competed with nativist fears that the United States will be overrun by people who look and sound different (Calavita 1992; Chavez 2008; Newton 2008). These debates play out on national and local stages in the form of moral panics about immigration and crime, fear of loss of jobs and other economic woes due to immigration, and concerns about national security and public safety (Longazel 2013; Varsanyi 2010; Zatz and Smith 2012).

The most recent attempt to comprehensively address the political, social, and economic dilemmas underlying US immigration policy was in 1986, with passage of the Immigration Reform and Control Act (IRCA). Though IRCA resolved some immediate problems, legalizing the status of large numbers of immigrants while simultaneously creating an enforcement mechanism that was supposed to deter employers from hiring undocumented workers, it was not a fundamental rethinking of immigration policy, and as result the underlying contradictions remained (Calavita 1989). At least in part as a backlash against the legalization elements in IRCA, a decade later the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and the Antiterrorism and Effective Death Penalty Act (AEDPA) were passed. As a set, these two 1996 laws provided local and state police with unprecedented authority to enforce civil immigration laws, expanded the number of offenses for which immigration detention is mandatory, and severely restricted the discretion of immigration judges.

Following the terrorist attacks of September 11, 2001, the Homeland Security Act of 2002 created the Department of Homeland Security (DHS). The Immigration and Naturalization Services, which had previously been situated in the Department of Justice, was disbanded, and immigration enforcement and integration were separated into three distinct agencies within DHS: US Immigration and Customs Enforcement (ICE), US Customs and Border Patrol (CBP), and US Citizenship and Immigration Services (CIS, or more typically USCIS). Each agency director reports to the secretary of DHS, which was created as a cabinet position.

The move from DOJ to DHS marked a conceptual shift in immigration policy and practice. The Department of Justice was always very aware of due process and equal protection requirements. As a result, immigration enforcement and immigrant integration took place within a context of checks and balances framed by constitutional law protections. In contrast, DHS's mandate is national security and law enforcement is its primary mission. Placing

all immigration services under that umbrella legitimizes a focus on enforcement over all other aspects of immigration policy and risks a collapse of constitutional concerns. In combination with the 1996 laws and massive congressional appropriations for border enforcement, this restructuring has led to increasingly restrictive policies and practices, and to a dramatic increase in deportations.

Efforts by the George W. Bush administration to pass comprehensive immigration legislation in 2006 and 2007 failed. A wave of state and local anti-immigrant bills, ordinances, and ballot initiatives followed, beginning about 2005 and peaking in 2011 with introduction of 1,607 bills and resolutions, 306 of which were enacted into law (National Conference of State Legislatures 2012).

Tens of thousands of immigrants were picked up and deported in immigration raids on meatpacking factories and other worksites across the country, yet these raids also brought attention to the plight of immigrants' children and families. Churches, schools, and other local institutions were forced to confront the sudden arrest, detention, and deportation of parents of young children, many of whom were US citizens (Capps et al. 2007; Chaudry et al. 2010; Human Rights Watch 2007). In some communities the sentiment began to shift, as sympathetic media depicted nursing mothers separated from their babies and families unable to locate loved ones who had disappeared into the detention and deportation apparatus. The vulnerability of young people who came to the United States as children and grew up calling America home also became more visible, and demands to regularize the status of these "Dreamers," as they came to be called, grew more insistent.

Immigration Policy under the Obama Administration

President Barack Obama swept into office in 2008 with the support of 67 percent of the Latino voters and 66 percent of voters under age thirty. The nation's immigration policy was a key election issue, and the newly formed Obama administration anticipated passage of comprehensive immigration reform early in its first term. Once in office, however, the administration determined that the dire economic situation had to be its primary focus. All other domestic policies, with the exception of health care reform, were placed on hold for the first two years of Obama's presidency. As the recession bottomed out and the country slowly started to recover, congressional gridlock set in, with increasingly chilly relations between the White House and House Republicans

making passage of any major domestic legislation unlikely. By 2010, it was clear that comprehensive immigration reform would not be enacted anytime soon, and the Latino and immigrant advocate communities became increasingly frustrated and disappointed by President Obama's unwillingness to follow through with what they saw as a key campaign promise.

Within this highly polarized context, the Obama administration needed to identify some options that could ease the plight of unauthorized immigrants living in the shadows while simultaneously addressing fears of uncontrolled immigration. Prosecutorial discretion emerged as a central mechanism in this balancing act and was initially understood by many as a down payment to Latino voters. Prosecutorial discretion offered a means of prioritizing who should be placed in removal hearings and deported and who should be given at least a temporary reprieve. Cases were prioritized based on assessments of a set of positive factors, such as strong family ties in the United States, including US-citizen children, and negative factors, such as criminal history or security threat.

Very quickly, however, the administration faced serious criticism from all sides. Political opponents calling for stronger immigration enforcement argued that ICE officials were not allowed to do their job, and that prosecutorial discretion amounted to an unofficial form of amnesty. The administration responded to this criticism by consistently filling immigration detention beds at the level appropriated by Congress. This had the effect of increasing the number of deportations, ultimately capping at just over four hundred thousand removals per year in fiscal year 2012. Immigrant communities and advocacy groups were angered by the unprecedented number of deportations. Rather than reducing the number of deportations, prosecutorial discretion just reshaped the population of deportees, and it did little to lessen the devastating effects on families. Parental detentions and deportations continued at high rates through 2012, though they decreased somewhat in 2013. In 2011 alone, more than five thousand children were placed in foster care when their parents were detained or deported (Wessler 2011b). In the face of this rising tide of detained and deported parents and fragmented families, many immigrants and their allies came to see prosecutorial discretion as an increasingly empty promise.

As the 2012 election approached, it became clear to Democrats that some major action was needed to convince Latino communities that they should bother to vote, and to vote for Obama. In this context, Deferred Action for Childhood

Arrivals, or DACA, was announced and quickly implemented in the summer of 2012. DACA is a form of prosecutorial discretion that offers eligible Dreamers relief from deportation and permission to legally work in the United States.

In return, the Latino community came out strongly in support for President Obama and other Democrats in the 2012 elections. Though they were still disappointed by his failure to enact comprehensive immigration reform and by the unprecedented numbers of deportations, they saw DACA as a significant step forward, and Barack Obama as a better bet than Mitt Romney, who had proposed “self-deportation” of Latinos living in the United States.

Following these elections, Senate Republicans realized they needed to act quickly to appease Latinos, and they joined with Senate Democrats to pass a comprehensive immigration reform bill on June 27, 2013, with a strong bipartisan vote of 68–32.

Throughout, the Obama administration took a hard line on immigration enforcement, hoping that this would push open a window of opportunity to make comprehensive immigration reform possible. House Republicans and other opponents were not placated, however, saying that DACA was a *de facto* amnesty program in violation of the law, and President Obama could not be trusted. House Speaker John Boehner made the decision not to allow a vote on the full Senate bill, though for a while he left a door cracked slightly open to the possibility of piecemeal legislation.

Immigration advocates and the Latino community despaired. More than a thousand immigrants were still being deported each day, ripping families apart. Mainstream media outlets such as the *New York Times* and the *Washington Post* regularly chastised the administration. For instance, the *New York Times* editorial board opined, “This enormously costly effort was meant to win Republican support for broader reform. But all it has done is add to the burden of fear, family disruption and lack of opportunity faced by 11 million people who cannot get right with the law” (*New York Times* Editorial Board 2014).

The Latino community called for President Obama to use his executive authority to take additional steps, expanding upon DACA. Yet immigration continues to be an area in which, to borrow from *Washington Post* reporters Phillip Rucker and Peter Wallsten, President Obama “has been skittish,” first saying he did not have authority to halt deportations, then granting relief to those Dreamers qualifying for DACA but saying he could do nothing further (Rucker and Wallsten 2013). Former Principal Deputy General Counsel for the Department of Homeland Security David Martin concluded, “It would

have been better for the administration to state its enforcement intentions clearly and stand by them, rather than being willing to lean whichever way seemed politically expedient at any given moment. . . . It was a pipe dream to think they could make everyone happy” (Thompson and Cohen 2014).

Unaccompanied Minors

By 2011, another dilemma was unfolding in Central America that would propel thousands, and then tens of thousands, of children to undertake the perilous journey to the United States by themselves. Poverty and lack of economic opportunity have historically been important push factors, sending young men, and sometimes women, to the United States in search of jobs that would allow them to remit funds home to their families (Abrego 2014; Boehm 2012; Dreby 2010; Menjívar 2012; Menjívar and Abrego 2009). Two other factors, though, have altered this dynamic in recent years.

First, and of primary importance, violence and accompanying corruption have become widespread in Central America’s northern triangle, and the governments appear incapable of ensuring the safety of their citizenry. Honduras had the highest murder rate in the world in 2012, with 90.4 homicides per 100,000 population (United Nations Office on Drugs and Crime 2014, 24). The history of US military interventions in the region, support for corrupt domestic governments, the drug wars, and trade agreements such as the Central America Free Trade Agreement (CAFTA) that favor the United States at the expense of Central Americans have resulted in widespread poverty, structural inequality, and powerful drug cartels throughout Mexico and northern Central America. Rather than protecting the populace, state actors are complicitous with the cartels, and those who are unwilling to pay homage to the gangs risk not only economic devastation but also their very lives. In many communities, children are no longer able to attend school, and they fear that if they stay at home, they will die. These are the structural causes of the migration.

Second, with parents leaving to find employment in the United States, children also confront more generalized violence, including abuse by caregivers. When the southern border to the United States was more porous and the repercussions of getting caught less dire, young adults typically migrated back and forth, working in the United States but going home to visit with their children and other family members. Enhanced border enforcement makes this untenable, though, as smugglers raised their prices in response to the greater difficulty in bringing migrants across the border and it became too risky to try

to cross alone. Consequently, children are separated from their parents for years, creating a strong pull factor as they seek to reunite with their parents.

These children and adolescents face incredible dangers on their way to the United States. Yet they are willing to risk death, dismemberment, and rape on their journeys, knowing they are at far greater risk if they stay at home. This stark reality was made clear to us when members of a United States Conference of Catholic Bishops delegation reported that mothers and grandmothers, who were waiting with them for the return of children caught by immigration authorities in Mexico, acknowledged that they brought their daughters and granddaughters to the local clinic to obtain birth control injections. These women knew the girls (and some boys) would likely be raped on their journey, but saw no other choice but to send them on their way, protecting them only against becoming pregnant by their rapists. For Catholic mothers and grandmothers to acknowledge this reality to a church delegation, the situation must be horrific.

The number of unaccompanied minors entering the United States has reached crisis levels, growing from a few thousand each year to 13,625 in fiscal year 2012 to 24,668 in fiscal year 2013 to 57,496 in fiscal year 2014. These numbers do not include Mexican youth who are turned around at the border.¹ The “surge,” as it has been called, in unaccompanied youth and young mothers with babies and toddlers entering the United States has drawn extensive media coverage. It must be remembered, though, that the overall number of border crossers is still far lower than it was five or ten years ago, and unaccompanied minors represent only about 5 percent of the total population of children living in the United States without authorization.

Most unaccompanied minors are denied asylum and ultimately repatriated, returning to the very conditions they fled. As Jacqueline Bhabha, a leading authority on human rights and child refugees, asserts, these youth are “returned to the danger they fled. Some die; many live in hiding. This state-induced return migration prompts fundamental questions about state complicity in serious human rights violations against children” (2014, 204).

PROSECUTORIAL DISCRETION AND THE BEST INTERESTS OF THE CHILD

The experiences of children and youth provide a prism through which the interwoven dynamics and consequences of immigration policy become espe-

cially apparent, as many of the policies and practices that are not explicitly directed at children nevertheless reverberate upon them. At the same time, the ramifications for vulnerable children may draw attention to aspects of policy and practice that the administration has the power to change, even in the absence of legislation. We are particularly interested in the mechanisms through which immigration policies and practices affect youth and families. Which mechanisms, we ask, mitigate their vulnerabilities, and which exacerbate harm?

One mechanism stands apart from the others given its overarching nature and potential reach, and it serves as a unifying theme throughout this book. Prosecutorial discretion, we suggest, has potential to help balance such competing goals as public safety and rule of law, on the one hand, and family unity and the best interests of the child on the other. Yet as we shall see, the flexibility of discretion also makes it controversial, and vulnerable to structural impediments and broader political challenges. These limitations are exacerbated by the ability of middle management and rank-and-file officers to disregard the policies, assuming they can wait out a change in administration, and by the fact that ICE attorneys are subject to review, promotion, and discipline by ICE's non-lawyer management.

International conventions and US domestic laws place the best interests of children at the forefront of decision making in most legal arenas. Yet in policy and practice, US immigration law ignores consideration of children's best interests. The prosecutorial discretion policies of the Obama administration clearly state that discretion should be considered in detention cases involving parents of US citizen or legal permanent resident children. But this ideal is not met in practice, as evidenced by the deportations of unprecedented numbers of parents since 2010, when the prosecutorial guidelines were issued (Wessler 2012a).

Prosecutorial discretion could also benefit children and adolescents who came to the United States alone. However, the number of cases of prosecutorial discretion involving unaccompanied minors is minimal. Legal representation might help to make the case for prosecutorial discretion, but, again, contrary to the principle of best interests of the child, few unaccompanied minors are represented by counsel. Efforts are being made by nongovernmental organizations and increasingly by the federal government to provide legal representation for the youth, but unlike in family court or even criminal court, representation is not mandated.

The DREAM Act expresses a clear concern for the best interests of young people who were brought to the US as small children, and thus cannot be held responsible for their violations of immigration law. It focuses on immigrant integration, addressing the problem of how young people who know no other country and identify as American can best participate in and contribute to American society. Although there is substantial public sympathy for Dreamers, the DREAM Act has still not been enacted into law. In its absence, the Obama administration offered Deferred Action for Childhood Arrivals. This form of prosecutorial discretion frees eligible teenagers and young adults from the fear of deportation and allows them to legally work in the United States. However, it is only a two-year reprieve. Youth are stuck in a sort of second- or third-class citizenship and, though their status is renewable, a new president could end the program at any time.

ORGANIZATION OF THE BOOK

Dreams and Nightmares: Immigration Policy, Youth, and Families takes a critical look at the challenges and dilemmas of immigration policy and practice in the absence of comprehensive immigration reform. Others have addressed the nuances of immigration law and the lived experiences of immigrants, and we draw upon their findings as appropriate. Our primary focus, however, is at the systemic level. Based on original interview data and government archives, we examine the bureaucratic processes of implementing these policies, and the interplay and tensions among policymakers, agency heads, street-level bureaucrats, immigration attorneys, community advocates, and grass-roots activists. Looking across the multiple institutions that interact with immigrant families, we consider the specific structural mechanisms available to the administration, examine which of these have the potential to alleviate or exacerbate harm to youth and their families, and whether they are meeting their objectives.

Data and Methods

Our analysis is based on interview, observational, and archival data. During the period from February 2012 to May 2014, we conducted formal interviews with thirty-four immigration attorneys and advocates, child welfare advocates, and former government officials. Informants were selected based on their expertise, established through their publications, presentations on conference

and plenary panels, and recommendations from others working in the field. Interviews were semi-structured and ranged from forty minutes to six hours, averaging one-and-one-half to two hours in length. Almost everyone was re-interviewed a second and often a third or fourth time, sometimes in a formal taped interview and sometimes more informally at meetings or over the phone, and in many cases we engaged in lengthy email dialogues. With their permission, these key respondents are named when we believe doing so will be useful to readers. In other places, when naming our sources does not seem necessary or where it might create difficulties for them, we do not identify our informants. Most interviews were conducted one on one, but in a few instances two or more representatives from the same office were interviewed together.

In addition to these formal interviews, we held lengthy informal conversations with five senior government officials, all of whom were attorneys in positions of authority and insider knowledge within their agencies, and with a representative of a Central American embassy, for a total of forty key informants. We do not identify these individuals by name or position, and though we took copious notes during our conversations, which sometimes took place in their offices and sometimes in coffee shops or restaurants, they were not taped. In most cases, we held second and third long, detailed conversations with these officials, and we also clarified points with them via email. Both our formal and informal respondents were provided opportunities to review those sections of the book in which we explicitly draw on their interviews to ensure accuracy and that we did not take their statements out of context. Thirty-nine of the forty key informants reviewed and provided comments on those sections of the manuscript.

Supplementing these interviews and conversations, spokespersons from two government agencies also provided emailed responses to queries, including statistical data not otherwise available. The first author also participated in five meetings of the Interagency Working Group on Unaccompanied Minors. These two-hour meetings were held in September 2012, January, May, and December 2013, and May 2014. They included representatives of the Departments of Homeland Security (ICE, USCIS, CBP, and the Policy Office), Justice, State, and Health and Human Services, the major nongovernmental organizations and immigration law clinics working with unaccompanied minors, and sometimes a few researchers. These meetings all took place in Washington, DC. We also observed fifteen panels, conferences, network meetings, and report launches involving government officials, policy

analysts, and nongovernmental organizations, either in person in Washington, DC or, in a few cases, via webinars or conference calls. These ranged in length from one hour to a full day. In addition, we reviewed hundreds of archival documents including reports by nongovernmental organizations working directly with immigrant youth and families, government memorandums in the public domain or provided to the authors, published government statistics, and published reports by investigative journalists.

Following transcription of the interviews, the transcripts and notes from meetings and conversations with government officials were reviewed multiple times and thematically coded. When questions or inconsistencies arose, informants were contacted for clarification.

Chapter Summaries

Congress has the sole authority to enact federal legislation, but the executive branch has authority to set priorities as to how those laws should be enforced. The Obama administration identified its broad powers of prosecutorial discretion as a means of prioritizing immigration enforcement in ways that it hoped would keep the citizenry safe while mitigating harm to families. The “Morton Memos,” as the guidelines promulgated by ICE Director John Morton have come to be known, serve as the backbone to prosecutorial discretion under the Obama administration.

In chapter 2, we review the legal history leading up to the Morton Memos and consider the extent to which Morton’s directives diverged from earlier memos. What we call the limits of discretion quickly became apparent, as the administration’s prosecutorial discretion policies were met with challenges from ICE officers and some legislators who saw the guidelines as going too far, and from members of the immigrant and advocacy communities who were disappointed that they did not go far enough. We conclude chapter 2 with an examination of prosecutorial discretion in practice, as we explore who is being deported and why.

In chapter 3 we focus on one form of prosecutorial discretion, deferred action. We discuss the development and implementation of the Deferred Action for Childhood Arrivals program in the context of legislative inaction, including both the failure of Congress to enact comprehensive immigration reform and the more limited and popular Development, Relief, and Education for Alien Minors (DREAM) Act. We analyze the important role of Dreamer social movement activists in development of DACA, and their efforts to

expand DACA into a broader program of administrative relief when it was renewed in 2014.

Dreamers' families typically hold a variety of legal statuses. Often, some family members are undocumented, others are legal permanent residents or US citizens, and in recent years some may be "dacamented" young adults with deferred status. We examine these mixed status families, exploring family dynamics and the effects of growing up in mixed status households on child development and early education. We then look at the teenage years, when many youth learn that they are undocumented and at risk of deportation, and assess the constraints their legal status places on their educational and employment opportunities. We conclude the chapter with explicit attention to the structural mechanisms that help and hinder undocumented youth and youth in mixed status families.

In chapter 4, we explore the ramifications of immigration detention and deportation for families, and particularly families in which some or all of the children are US citizens but a parent is undocumented. If prosecutorial discretion was supposed to help keep families intact, we ask, why are so many parents of US-citizen children still being deported? We review the recent history of parental detention and deportation and assess the extent to which detained and deported parents represent threats to public safety. We next compare parental detention for purposes of immigration enforcement with the growing literature on parental incarceration, identifying points of similarity and divergence in their effects on children and families. We also address the complicated intersections among the immigration enforcement, criminal justice, and child welfare systems. We end the chapter with an assessment of the structural mechanisms related specifically to parental detention and deportation that mitigate and exacerbate harm to youth and families.

Whereas chapter 4 examines the collateral consequences for children when their parents are detained or deported for violations of immigration law, chapter 5 focuses on youth who are themselves caught entering the country without permission. Except in cases when they have been identified as trafficking victims or victims of abuse or neglect, Mexican and Canadian youth who seek to enter the United States are turned around at the border, and are not included in this discussion. Youth from noncontiguous countries who arrive without their parents and who are defined as unaccompanied minors are to be transferred from Customs and Border Patrol to the Office of

Refugee Resettlement (ORR) in the Department of Health and Human Services within seventy-two hours of apprehension.

We examine the exponential increase in the number of unaccompanied minors entering the United States—an increase that has gone from being called a surge to a humanitarian crisis. We ask why so many youth are coming to the United States from Central America and review their horrific experiences along the way. Then, we turn to their placement in ORR shelters, their initial legal and health assessments, family reunification, and their likely repatriation back to their home countries. We explore the types of protective status for which these youth may be eligible, the extent to which legal representation is available to them, and the nature of their immigration court proceedings. Once again, we close the chapter by drawing together various threads to assess the structural mechanisms available to help these youth, and the mechanisms and system stressors that worsen their situation, leaving them even more vulnerable.

We conclude in chapter 6 with an overview of our key findings, highlighting the mechanisms that exacerbate and reduce harm to children and families. We suggest ways in which our work informs related literatures on crimmigration, race and mass incarceration, and transnational family formation, point to factors that will be critical in the application of future immigration policy and practice, and offer a series of recommendations for policymakers.