PROTECTING ASSETS & CHILD CUSTODY IN THE FACE OF DEPORTATION

A GUIDE FOR PRACTITIONERS ASSISTING IMMIGRANT FAMILIES

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FOREWORD

Dear Friends,

Can you imagine being abruptly ejected from the United States — and leaving behind your home, your children, your job, your bank account, and everything else you’ve spent years to build? Can you imagine what your children would feel when they arrived home and you’re gone?

Deportation can be a cataclysm for families and communities, destroying decades of hard-earned assets and rupturing family development. But with advanced planning, immigrant families can prevent an enormous amount of this damage.

That’s why Appleseed is proud to present an updated version of its 2012 Manual, “Protecting Assets and Child Custody in the Face of Deportation.” This one-of-a-kind resource is designed for immigrants and those who work with them; the host of attorneys, nurses, social workers, religious workers who are stepping up in challenging times.

Appleseed’s Manual will help families develop plans in advance to deal with critical financial and family issues in the event of deportation, arrest, and other family emergencies. It will help immigrant families deal with child custody and related children’s issues, personal finances, assets and personal property, remittance payments, wages and benefits, business issues, and taxes. And it includes special guidance for family and children’s issues, including professional advice for parents to help their families deal with painful psychological issues, and for immigrant survivors of domestic violence and sexual assault.

Make no mistake: for vulnerable immigrant families, advance planning can make all the difference. Once an immigrant is detained or deported from the United States, navigating a legal proceeding or managing assets is much more difficult, or even impossible, especially since immigration laws bar immigrants from reentering the United States after deportation for several years.

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Immigrants come to the United States to build a better future and to unite with family members. Most have lived in the United States for many years, paying taxes and joining the daily life of their communities. Over time, immigrants buy homes, start businesses and build personal assets. When they build better lives, they make our country stronger.

That’s why this Manual is a labor of love for all who worked on it. We are committed to fairness and compassion for the millions of immigrants living in our country. Our hope is that you can use this resource to help them build better lives.

Sincerely,

Annette LoVoi, Director, Financial Access and Asset Building, Appleseed
Disclaimers

Each Chapter is intended to provide generalized information on a particular topic. In many cases, laws may differ from state to state. Therefore, this information is not intended to replace state-specific legal assistance. Nothing in this manual is intended to create an attorney-client or fiduciary relationship.

Appleseed recognizes and understands the legal term “alien,” used to describe any person born in another country to parents who are not American and who has not become a naturalized citizen, but is living or staying in the United States. However, throughout this Manual, we will primarily use the term “immigrant” in place of the term “alien” based on AP Stylebook guidance and the recommendations of our partners. The exception will be when citing laws, codes, or regulations that specifically use the term “alien.”
4. MANAGING THE PSYCHOLOGICAL ASPECTS OF DEPORTATION AND CHILD CUSTODY

Family is the building block of a healthy society and the environment where children develop their sense of security and belonging. Many immigrants came to the U.S. to give their children a better life and future than the one they had in their homeland. Deportation shatters that dream and all they managed to create during their time in the U.S. This is difficult for parents and children alike because it destroys the sense of safety and security they have worked so hard to construct. When safety and security are lost it is very stressful because of the uncertainty it creates. Children need a safe and secure environment to thrive physically, emotionally, socially and academically. Stress has a negative impact on a child’s healthy development. Having conversations to address a child’s worry can help alleviate their stress. This chapter addresses the following issues:

- Why Talking About Deportation is So Stressful
- Why it is Important to Talk About Deportation
- Ways of Monitoring Stress to Allow for Conversations
- Children of Different Ages Will Have Different Reactions and Concerns
- Strategies for Having Conversations with Children About Deportation
- How to Cope with Deportation by Helping Your Children Feel Safe

Why Talking about Deportation is So Stressful

Stressful events interfere with our ability to think. As human beings, we have an automatic response to moments when we feel scared or under threat. When we are very stressed, our natural tendency is to take flight, fight, freeze or faint. In many situations, when there is an immediate threat, this is very helpful for survival. In other situations, like the threat of deportation, when stress is not momentary but can last for long periods, it is important to find ways reduce stress. Because the topic of deportation is very stressful, it will take an active effort to think and plan.

In the past, many immigrants have managed stress by avoiding conversations about deportation. Some people may have chosen not to speak about their immigration status for protection and to feel safer. Others have not spoken about deportation because it brings up memories that are
too painful. It is hard to be close to painful feelings. Talking about one’s immigration status can be emotionally painful. It may make a person feel afraid of deportation and the people they will lose if they have to leave. It may also bring to mind the difficult journey they made to come to the U.S., all they sacrificed, as well as the life and people they left behind.

Why it is Important to Talk About Deportation

Despite our natural tendency to do the opposite, having conversations about our fears can actually reduce stress. When we are stressed, having the support and love of those around us can help us feel better. In talking to each other we feel connected and this helps reduce stress. Children are very sensitive to what goes on around them. Think of them as emotional sponges that can soak up tensions. Even if emotionally charged topics like the fear of deportation are not discussed, many children are perceptive enough to pick up on the tension and fear and will be affected. It can be beneficial to help children find ways to talk about their feelings so they will feel less burdened. If families can talk about deportation together, children and parents will feel less alone.

Ways of Monitoring Stress to Allow for Conversations

Our brain and body tell us when we are stressed. Here are some of the ways you might notice you are stressed:

- Difficulty thinking
- Difficulty planning
- Difficulty remembering
- Rapid heartbeat
- Shortness of breath

- Sweaty palms
- Dry mouth
- Muscular tension
- Butterflies in stomach or upset stomach

It is important for parents to listen to their bodies to be able to manage their stress before taking on difficult conversations. It is helpful for parents to be aware of their own feelings before and during conversations with their children. Listening to our body’s response can be a way of knowing about difficult feelings. When you are stressed, it might be helpful to practice deep breathing, take a slow walk, listen to comforting music or share your feelings with another supporting adult. It is important for parents to take care of themselves so they can take care of their children. Just like in the event of an airplane emergency, adults should put the oxygen mask on themselves first so they can take care of their children. When parents are able to manage their own stress successfully, they are then better able to listen and be open to their children’s worries.
Children of Different Ages Will Have Different Reactions and Concerns

Young children may not be able to put their questions or feelings into words. However, silence and behavior are forms of communication. A baseline principle that might be helpful to keep in mind as you think and talk about this in your families is that there is no such thing as non-communication. We are always communicating whether in words, behavior or silence. Did you ever hear the phrase that “silence is a powerful statement?” Even not saying something verbally can be making a powerful point. Along these same lines, babies, children and adults communicate something all the time. We just need to learn how to be sensitive to the message. But the important message here is that there might actually be a message that warrants attention.

Some Behaviors to Look for In Young Children

- **Increased restlessness at bedtime or naptime:** Bedtime for children can be a time when many fears creep into their thoughts. They can also come up in the form of nightmares. For young children, nightmares of monsters, loss, and separation can be a way of expressing what they can’t quite come to terms with, or what they are afraid of. Toddlers for example, might be very unnerved with a bad dream, and need the comfort of a parent or trusted caretaker to fall back asleep, because the lines between dreams and reality are still a little blurry. Do you remember what it felt like to wake up in the middle of a bad dream? It is likely you realized quickly where you were, and that it was a dream, and then hopefully you fell back asleep. Children struggle with this, because they still need their parent(s) for comfort.

- **Fussiness or tantrums:** Children at very young ages can become fussy and have more tantrums. It can be their way of telling you of their distress, that they are nervous too, and that they need you to help them calm down.

- **Themes of sadness and loss** in drawings and pretend play.

Some Behaviors to Look for In Older Children at Home and at School

Children might be:

- Withdrawn;
- Distractible;
- Angry; or
- Sad.
You may find that they are:

- **Demonstrating poor school performance, or seeming less motivated in general;**
- **Less social and having more conflicts with peers;**
- **Refusing to go to school, resulting in absenteeism;**
- **Conveying physical complaints: stomach aches, headaches etc.; or**
- **Having sleep problems and nightmares.**

All of these behaviors are examples of ways that children communicate that they are stressed and perhaps overwhelmed. When parents can address their children’s stress, it will help them be calm and their behavior will improve.

**What to Look for In Teenagers**

Teenagers may feel the burden of increasing responsibilities. They may feel not yet ready or able to take on parental roles and responsibilities. Sometimes when people feel afraid or overwhelmed it is expressed as anger. It may be too difficult for them to feel sad and afraid. Anger can help people feel strong and empowered. It is important to recognize that when teenagers are angry the root is often fear.

Parents should also look for changes in their teenager. Are there big changes in how their teenager behaved at home or performed at school? These changes may be a sign that the teenager is stressed and something needs to be addressed.

**Strategies for Having Conversations with Children About Deportation**

Stress about deportation affects everyone. Even if your family is not facing the threat of deportation, you may be living in a community where others are. Your children may be affected by what is happening to other children around them, many of whom may be their friends. Children may be sad about friends who have left, afraid of losing more friends and afraid that what is happening to their friends, might happen to them. It is important for parents to listen and be open to what their child is feeling. It is natural to be sad and afraid at times. Having space to express feelings can help children cope. Ignoring or bottling up feelings may seem helpful in the short run, but in the long run, keeping feelings in may lead to outbursts or more negative behaviors. Having a safe outlet for feelings is very important.

Here are a few tips to help make these conversations less stressful:
• **Listen attentively.** A guiding principal for all conversations is to listen sensitively and thoughtfully to your child’s questions and concerns.

• **Seek an appropriate setting.** When having a conversation it is important to have a quiet space, without interruptions and with adequate time, so you don’t feel pressured or rushed. Depending upon the ages of the children, it might be helpful to have all family members present.

• **Be prepared.** Before beginning a conversation, have a plan in mind for what would happen if your family faced deportation. It is comforting to children to feel that their parents are in control and have a plan to take care of them.

• **Keep it simple.** If your children have questions, it is best to answer simply. Provide enough information to address their concerns, but not too much that they would be overwhelmed.

• **Make a stress meter.** As a way to gauge your family’s stress, it might be helpful for each member to make a stress meter where green is calm, yellow is slightly stressed and red is very stressed. Older children might prefer a scale of 1-10. Think of it like a speedometer on a car that goes from soft soothing colors to strong colors or 1-10. The meter could be hung on the child’s bedroom door or above the bed. Parents can let their child know that they will offer comfort when they see their child is stressed. This will also help parents feel that they are in touch with their children and able to help them feel better.

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**How to Cope with Deportation by Helping Your Children Feel Safe**

Regardless if your plan is for your children to remain in the U.S. or go with you to your native country, the goal is to keep relationships alive. How can we bridge the gaps that physical separation creates? Throughout our lives human beings need to have the continuity of relationships to help us feel secure. Deportation can shatter the physical closeness of a family.

Here are a few strategies that can bring you closer and help your family feel connected if you are deported and your children remain in the U.S.:

• **Older children should know what the plan for the family’s care will be if you are deported and they remain in the U.S.** It is important to tell them the basics. Where will they live? Will they go to the same school? How will they reach their parents? Who will be taking care of them? It is important to maintain a sense of predictability in times of great fear and stress.
Having a plan makes your children feel cared for. If you know what will happen and have a plan, it reduces stress and makes it less overwhelming.

- Audio messages can be a way for a child to feel that they are not alone by hearing a parent’s voice whenever they need to. The message should be uplifting and soothing. Think of a message that is meant to be comforting when your child or adolescent is distressed. For example, parents can sing a lullaby for a younger child, read a story, tell a joke or give an inspiring message to a teenager.

- Telephone and video conference. If possible, it is important to have regular and frequent times to talk.

- Create a photo book or scrapbook of times shared together.

- Encourage the child to write letters, draw pictures or send photos that the parent receives and then shares with the child on live video showing that they received it. This might be a very tangible way for the child to feel that they are reaching parents across the border.

- If finances permit, the children might visit their parents for vacations or summers.

If your child is accompanying you to your country of origin, you will need strategies for helping you and your child cope with the huge transition and loss of life in the U.S.

It is possible that you will not know the details of where you will be living. However, it is important to convey as much information as you can about your country to your child. It would be helpful to convey even general information about your homeland and culture. Making as much as you can known and predictable will help children feel calm, safe and secure.

If your children will be accompanying you, they will be leaving behind their home, their school, their friends and their country. They might need to learn a new language. There will be huge changes ahead. Your goal is to help them manage the change and to help them cope with the losses they are suffering. These will be challenging times and it is important to listen with eyes and ears. You can help them with strategies for keeping in touch with their friends in the U.S. Families who are deported often feel stigmatized. Families and children may have challenges being accepted in their new home by other children and local residents. If your entire family leaves the U.S., the strategies mentioned above for listening and having conversations will help you maintain connections and face challenges together.
CHECKLIST: MANAGING THE PSYCHOLOGICAL ASPECTS OF DEPORTATION AND CHILD CUSTODY

- Learn to recognize signs of stress
- Practice strategies for managing stress
- Be aware of the needs of children of different age groups
- Recognize signs of stress in your children
- Know strategies for helping children reduce stress
- Listen sensitively and thoughtfully to your child’s questions and concerns
- Create a safe space for the conversations to occur
- Have a safe outlet for feelings
- Answer questions simply
- Know your plan if deportation affects your family
- Share your plan with your children
- Learn strategies to maintain connection with your children after deportation
- Listening and having conversations will help your child manage loss and change if they leave the U.S. with you