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## Undocumented Youth in Limbo: The Impact of America's Immigration Enforcement Policy on Juvenile Deportations

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**Undocumented Youth in Limbo:  
The Impact of America's Immigration Enforcement Policy on Juvenile Deportations<sup>1</sup>**

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**Abstract**

The surge in unaccompanied minor crossings between 2011 and 2014 led to an overwhelming increase in the number of juvenile deportation proceedings, which coincided with a peak in intensified immigration enforcement at the state and local levels. Using data on juvenile deportation proceedings, we examine how tougher immigration enforcement might have influenced judicial rulings on these cases and, ultimately, these youths' ability to stay in the country. We find that the average increase in immigration enforcement over that period is associated with a 15 percent reduction in the share of juvenile cases ending with permission to stay. The result underscores the importance of the immigration policy context in which courts operate on their rulings, even if immigration law is within the jurisdiction of the Federal government. Given the gravity of the circumstances these children are escaping, further attention to how the piecemeal approach to immigration enforcement might impact the protection of their humanitarian rights is warranted.

**Keywords:** Interior immigration enforcement, unaccompanied minors, juvenile deportation proceedings, United States.

**JEL Codes:** F22, K37, Z18.

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*“Children don’t travel over 1,000 miles alone on a whim...  
‘The gangs wanted me to hurt people and, if I didn’t, they would hurt me’ Luis, 15. El Salvador.  
‘Someone was making me pay a monthly fee to stay alive’ Mia, 16. Guatemala.  
‘I was kidnapped by the cartel. They raped me many times’ Nicole, 15. Honduras.”*<sup>2</sup>

## **I. Introduction**

Since 9/11, the United States has witnessed an unprecedented escalation of immigration enforcement at the local and state levels, partially in response to the impasse on comprehensive immigration reform. A number of studies have explored the intended and unintended consequences of such a piecemeal approach to immigration policy and enforcement. In this paper, we look at another unexplored, yet timely consequence of intensified enforcement given the contentious implementation of the Deferred Action for Childhood Arrivals (DACA) program in 2012,<sup>3</sup> the surge in unaccompanied minors around the same period, and the ongoing drastic change in immigration policy with President Donald Trump’s Administration. Explicitly, we examine how the fragmented immigration policy approach might be affecting the consistency of juveniles’ immigration court outcomes.

As noted recently in the press (Santos 2016), every week, thousands of children pleading for asylum or other type of relief report to immigration courts to face charges from the government. Most of the children are from Central America. Many arrived to the United States during the surge in unaccompanied minors crossing the border between 2011 and 2014, which caught the attention of academics, policy-makers and the public at large. Since the vast majority of the children originate from non-contiguous countries, such as El Salvador, Guatemala and Honduras, they are

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<sup>2</sup> Available at: <http://www.refugees.org/our-work/child-migrants/i-am-solo.html> [Last accessed July 3, 2015]. Children’s testimonies from the “I am solo” campaign –an online advocacy campaign to educate the public on the plight of the thousands of unaccompanied refugee children crossing the U.S. southern border every week. More at [refugees.org/iamsolo](http://refugees.org/iamsolo)

<sup>3</sup> First among President Obama’s executive orders, DACA offered eligible immigrants a renewable two-year reprieve from deportation proceedings and work authorization.

subject to distinct legal procedures than children from Mexico or Canada. They have to be transferred from the Border Patrol (BP) offices to the Office of Refugee Resettlement (ORR), and placed in removal proceedings with the Executive Office for Immigration Review (EOIR) in the Department of Justice (DOJ) within 72 hours from their apprehension (TVPRA 2008). The ORR is responsible for caring for the child until they find a suitable family member or organization the minor can be placed with while their court proceedings go forward.<sup>4,5</sup>

Immigration law in the United States is within the jurisdiction of the Federal government. For this reason, federal statutes and regulations of the federal agencies responsible for the administration of immigration law should be the ones taken under consideration in judicial decision-making, not local or state-level immigration enforcement initiatives. Yet, since 9/11, there has been an unprecedented growth in local and state-level immigration enforcement, which significantly contributed to the 1.8 million deportations during President Obama's Administration (Vaughan 2013). The surge in unaccompanied minor crossings and deportation cases brought to the attention of immigration courts with the toughening up of interior enforcement might have placed pressure on immigration judges.<sup>6</sup> Has the intensification of interior immigration enforcement in the locations where the courts are situated influenced the judicial outcomes of youth seeking refuge in the United States? Moreover, even though immigration law is within the jurisdiction of the Federal government, is the share of youth who are granted permission to stay lower in less "immigrant friendly" areas with tougher immigration enforcement measures?

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<sup>4</sup> In contrast, children from Mexico or Canada are first screened by Customs Border Protection (CBP) officers. If the child is able to make independent decisions, is not a victim of trafficking or does not fear persecution in her/his home country, s/he is immediately sent back to their home country through a process called "voluntary return".

<sup>5</sup> Appendix B details how unaccompanied minor cases are processed.

<sup>6</sup> Immigration courts have been seriously overwhelmed by the growing number of juveniles in deportation proceedings in recent years. Figure 1 shows the rising trend after 2011, as well as the mounting number of pending cases.

Using Transactional Records Access Clearinghouse (TRAC) data from Syracuse University on juvenile immigration court proceedings, we examine the link between the intensification of immigration enforcement at the local level and the share of undocumented youth in deportation proceedings granted permission to stay in the United States. The legal literature has, for a long time, identified a wide range of determinants of judicial rulings.<sup>7</sup> Of particular interest to us is the role of the immigration policy context in which the immigration court is immersed –as epitomized by the intensity of interior immigration enforcement. According to existing theories on the determinants of judicial behavior, immigration judges’ rulings are influenced by the environment in which they live and work, which reasonably shapes their experiences and beliefs (Hagle and Spaeth 1991, Gillman and Clayton 1999). Therefore, it is reasonable to hypothesize that, *ceteris paribus*, immigration judges in courts located in less immigrant-friendly areas might have rulings that significantly differ from those received by their counterparts in areas where immigration enforcement has not been severely intensified.

We find that the average level of interior immigration enforcement over the 2005 through 2014 period is associated with a 15 percent reduction in the share of juvenile cases ending with permission to stay in the United States. Therefore, the immigration policy context in which immigration judges operate seems to play a significant role in their rulings on juvenile deportation proceedings, even if immigration law is within the jurisdiction of the Federal government. An alternative explanation for this finding could be these youth’s prior involvement in criminal activities or gang affiliation. Because we do not have information on each juvenile’s case or on

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<sup>7</sup> Focusing on juveniles, they have pointed to individual child characteristics (sex, age, race, educational attainment, socio-economic status and residence), aggravating circumstances (especially gang membership, prior records, use of weapons, illegal drug use), alleviating circumstances (history of child abuse and maltreatment, familial instability), as well as the internal dynamics of the courtroom, which are, in turn, dependent on its size and ideology (see, for example, D’Angelo 2009).

individual characteristics, we cannot reject this possibility, especially if referred to criminal engagement in their countries of origin. However, since the vast majority of unaccompanied minors during this period were turning themselves in as they crossed the border to Customs Border Patrol (CBP), their criminal engagement chances in the United States prior to their arrest should be marginal.

Learning about the impact that the fragmented approach to immigration policy is having on the share of undocumented youth that are allowed to stay is crucial in ensuring the humanitarian rights of the record number of children from Central America that have arrived to the United States since 2011. Is the piecemeal approach to immigration getting in the way of ensuring the humanitarian rights of these children? Is this, yet, another unintended consequence of the fragmented approach to interior immigration enforcement that has developed in response to a failed comprehensive immigration reform? At a time when the world is paying close attention at how European nations are reacting to refugee inflows, understanding how U.S. immigration policy might be influencing the welcoming of a vulnerable population, as is the case with migrant children seeking refuge, is opportune and important. Awareness of the consequences of the current fragmented approach to immigration enforcement is vital if we wish to have an informed debate on immigration policy and the relevance of specific programs oriented to undocumented youth, as DACA and its predecessor: the Dream Act.

## **II. Background**

Since 9/11, there has been an extraordinary proliferation of interior immigration enforcement. At the state-level, a number of omnibus immigration laws have called for police to make an effort to determine the immigration status of any person suspected of being an

undocumented alien during a lawful stop. According to the NCSL,<sup>8</sup> by June 2011, thirty states had considered 53 omnibus bills. Of these, six had become laws in Arizona, Alabama, Georgia, Indiana, South Carolina and Utah. Twenty-one other bills were pending, and 26 had failed. Some of these bills had been modeled following Arizona's SB1070. They sought to expand state actions to enforce immigration law within their jurisdictions. The laws typically included provisions that required law enforcement to attempt to determine the immigration status of a person during a lawful stop; to allow state residents to sue state and local agencies for noncompliance with immigration enforcement, and to make it a state violation not carrying proper alien registration. Some omnibus immigration laws also mandated the use of E-Verify –an online employment verification system intended to curtail the hiring of unauthorized workers– for all employers, as was the case with Georgia's HB87. In addition, others, like Alabama's HB56, went even further, initially requiring schools to verify students' immigration status. However, legal challenges based on preemption and civil rights were brought in each state, wholly or partially barring some of these laws from taking effect.

Aside from omnibus immigration laws, a number of states and communities have signed 287(g) agreements with Immigration and Customs Enforcement (ICE). The 287(g) agreements were regulated in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), which added Section 287(g) on the performance of immigration officer functions by state officers and employees to the Immigration and Nationality Act. That section allowed a state and local law enforcement entity to enter into a partnership with ICE in order to receive delegated authority for immigration enforcement within their jurisdiction. Specifically, the program authorized the state and local police to screen people for immigration status, to issue detainers to

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<sup>8</sup> See: <http://www.ncsl.org/research/immigration/state-laws-related-to-immigration-and-immigrants.aspx#2013JanJune> [Last accessed April 18, 2016].

hold them until ICE takes custody, and to begin the process of their removal. Although 287(g) agreements were first introduced in 1996, the first 287(g) agreement between ICE and state/local officers was not signed until 2002 by the state of Florida. Since then, the program quickly expanded. From January 2006 through the end of 2011, the 287(g) agreements were credited with identifying more than 304,678 potentially removable migrants (ICE 2012). Despite the emphasis placed by President Barack Obama's Administration on the identification and removal of serious criminals, about half of the detainees had only committed misdemeanors or traffic offenses (Rosenblum and Kandel 2011). Increased discontent about racial profiling, its high implementation cost, minimal oversight and support from ICE, and accusations that the agreements were being used as political tools that interfered with protecting and serving communities (Immigration Policy Center 2010), led to the progressive phasing out and replacement of the 287(g) agreements with the Secure Communities program during the period under examination.

Like its predecessor, the Secure Communities program involved the cooperation of local police with ICE with the goal of identifying criminal aliens; prioritizing enforcement actions to ensure apprehension and removal of dangerous criminal aliens; and transforming criminal alien enforcement processes and systems.<sup>9</sup> Since its creation in 2008, the Secure Communities program was a data based program implemented in practically all of the nation's jails and prisons. The program established a fingerprinting check process that started with a local or state law enforcement agent taking the fingerprints of an arrested individual. The process ended with ICE's Law Enforcement Support Center generating a report that may include a criminal-level

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<sup>9</sup> See: U.S. Immigration and Customs Enforcement (2009).



classification.<sup>10</sup> Overall, the purpose of the program was to identify non-citizens who had committed serious crimes by using biometric information that was checked against the immigration and criminal records in the Department of Homeland Security (DHS) and Federal Bureau of Investigation (FBI) databases. As noted by Meissner *et al.* (2013), the total number of fingerprints submitted through the Secure Communities program neared 7 million by 2011. The program also issued a growing number of detainees. Although individuals classified under Priority 1 were the main target of the program, arrestees classified as Priority 3 made up more than half of those ordered to be removed since 2010 (ICE 2012, Kohli *et al.* 2011). Several communities were initially opposed to the implementation of the program on the basis that it would undermine cooperation between the immigrant community and law enforcement agents (Strunk and Leitner 2011, 2013). Moreover, the Secure Communities program was criticized for not sticking to its original goals of deporting criminals (The Huffington Post 2013). As a result, on November 20, 2014, DHS discontinued it.<sup>11</sup>

In sum, in the absence of a comprehensive immigration reform, localities and states have taken immigration matters into their own hands. A growing literature has explored the immediate impacts of such policy actions. The findings differ depending on the enforcement initiative examined, as well as the data and methodology employed. For instance, O’Neil (2013) finds no systematic relationship between the 287(g) agreements and annual growth of local immigrant, Hispanic and Hispanic non-citizen populations, whereas Kostandini *et al.* (2014) notice that the 287(g) agreements reduce the number of immigrants. Good (2013) focuses on the population

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<sup>10</sup> ICE distinguishes between criminals in Priority 1, 2 and 3 based on the charge for which they were arrested and their criminal history. Priority 1 are individuals convicted of an aggravated felony or multiple felonies, Priority 2 are individuals convicted of a felony or three misdemeanors, and Priority 3 are individuals convicted of, at least, one misdemeanor.

<sup>11</sup> See: [http://www.dhs.gov/sites/default/files/publications/14\\_1120\\_memo\\_secure\\_communities.pdf](http://www.dhs.gov/sites/default/files/publications/14_1120_memo_secure_communities.pdf). Last accessed: June 29, 2015. President Donald Trump has revived the program in February 2017.

outflows of groups more likely to contain unauthorized immigrants, as well as of citizens, generated by omnibus immigration laws; whereas Bohn *et al.* (2014) explore the impact of the universal employment verification (E-Verify) mandate adopted in Arizona as part of the 2007 Legal Arizona Workers Act (LAWA). Their analyses document outflows of individuals more likely to be unauthorized. In addition, extending this line of research, Amuedo-Dorantes and Lozano (2015) explore the effect of LAWA and Arizona's omnibus immigration law (SB1070) on population flows. They confirm findings by Bohn *et al.* (2014), but are unable to document further reductions in the share of Hispanic non-citizens in the state after SB1070.

In addition, a growing literature has explored the unintended consequences of intensified immigration enforcement. For example, Capps *et al.* (2007), Berger Cardoso *et al.* (2014) and Amuedo-Dorantes *et al.* (2015) all document how tougher immigration enforcement increases family separations –ironically intensifying deportees' intent to re-migrate to the United States and reunite with family. In addition, a number of authors have documented how the intensification of immigration enforcement over the past two decades has deeply affected many U.S. citizens living in mixed-status households. This is especially true of many American youth, who despite being U.S.-born, experience the same hardships faced by their unauthorized family members. The latter include increased stress and anxiety over family separation, geographic relocation to evade the apprehension of family members, or a significant drop in household income when the main earner is deported (Chaudry *et al.* 2010, Landale *et al.* 2011, Dreby 2012, and Rosenblum *et al.* 2014). Given all these negative impacts, it is not surprising that tougher enforcement is also associated with increased deportation fears among immigrants and, unfortunately, with a larger number of mistreatment reports from deportees (*e.g.* Amuedo-Dorantes *et al.* 2013, Amuedo-Dorantes and Pozo 2014). This last finding is also consistent with prior reports by Phillips *et al.* (2002, 2006)

when examining the arrest and detention experiences of Salvadorian deportees. The diminished tendency to report any law enforcement abuses has been corroborated by the United Nations, the Organization of American States Special Rapporteurs, the Mexican Human Rights Commission, and numerous NGOs (United Nations 2002, Organization of American States 2003, and Fernandez 2011). This is a worrisome consequence of heightened deportation fears –namely, limited cooperation with authorities at a time of increased terrorist alerts. As noted by Koper *et al.* (2013) and Nguyen (2016), the 287(g) program increased fear and distrust of law enforcement among migrants, leading to limited crime reporting, cooperation with the police and public safety.

In light of the still pending comprehensive immigration reform, the focus on child/youth initiatives (such as DACA), and the continued proliferation of immigration enforcement initiatives at the local and state levels, we pay attention to yet another unexplored unintended consequence of the piecemeal approach to immigration enforcement. Specifically, we exploit the geographic and temporal variation in interior immigration enforcement in an attempt to identify and learn about its impact on juveniles' deportation proceedings ending with permission to stay. The judicial literature has pointed out a number of key determinants of judges' decision-making. Judges might make decisions that take into account their preferences (Hagle and Spaeth 1991), but also institutional factors in place (Landes and Posner 1975, Gillman and Clayton 1999, Hanssen 2004). While this bias might be particularly acute in the case of elected judges, immigration judges are also likely to respond to the institutional environment in which they live and work as exemplified by local immigration enforcement initiatives. Moreover, immigration judges may be especially sensitive to local sentiments and pressures during the surge of unaccompanied minors. Therefore,

in addition to federal pressures given their appointment by the Attorney General,<sup>12,13</sup> immigration judges are likely responsive to their local environment. Hence, in what follows, we account for a number of potential determinants of judicial decision making in juvenile immigration cases, including aggravating and attenuating circumstances related to the child's origin, as well as fixed and time-varying county-level characteristics capturing the socio-economic environment in which the courts are immersed. Our focus will be on the role played by institutional factors, such as the immigration policy environment in which judges operate as captured by the intensification of interior immigration enforcement.

At a time when the future of undocumented youth temporarily protected by executive action programs (*e.g.* DACA) and refugee crises abound worldwide, gaining a better understanding of the links between the fragmented approach to immigration enforcement and judicial decisions potentially affecting the ability of children in vulnerable situations to seek refuge in the United States seems pertinent and imperative.

### **III. Data**

#### **A) TRAC Data**

We collect data on juveniles' deportation proceedings from the Transactional Records Access Clearinghouse (TRAC) research center's website. TRAC systematically requests these

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<sup>12</sup> See, for example: [http://www.washingtonpost.com/wp-dyn/content/article/2007/06/10/AR2007061001229\\_2.html](http://www.washingtonpost.com/wp-dyn/content/article/2007/06/10/AR2007061001229_2.html), <http://www.usatoday.com/story/news/politics/2014/08/27/immigration-judges-reform/14704039/>

<sup>13</sup> Unlike federal and state courts, which are part of the judiciary, *immigration courts are at the mercy of the executive power*. The Attorney General, a cabinet appointment, acts as the arbitrator between the U.S. Department of Homeland Security and the immigrants the agency prosecutes. S/he is in charge of the Justice Department and its Executive Office for Immigration Review (EOIR). S/he appoints and, importantly, has the discretion to dismiss immigration judges. The lack of protections for immigration judges, such as life appointments that would give them freedom to do their job without fear of retribution if their rulings prove unpopular with the Administration in place, is a main weakness. As noted by Dana Leigh Marks, president of the National Association of Immigration Judges union: "Immigration judges can be disciplined or downgraded in a performance review for insubordination to a supervisor and thereby punished for their good faith interpretation of the law" (International Affairs Forum, Winter 2016).

data from the Executive Office for Immigration Review (EOIR) –a unit within the Department of Justice, under the Freedom of Information Act (FOIA).<sup>14</sup> We focus on the outcomes of immigration cases of juveniles from three Central American countries responsible for most of the surge in deportation proceedings during recent years, *i.e.* El Salvador, Guatemala and Honduras. For each of those countries, we gather data on numbers of juvenile deportation proceedings by court location for the period spanning from 2005 –the first year when such data are available– through 2014.<sup>15</sup>

The information provided by TRAC’s database distinguishes between cases that are still pending and completed cases (non-pending cases). In the latter case, it informs on the outcome of the case. We distinguish between the number of juvenile deportation proceedings that end with a permission for the youth to stay in the United States –namely: granted relief, termination of proceedings, prosecutorial discretion and other case closures, and those that end otherwise, typically with a removal order or voluntary departure. Table 1 provides information on the number of cases ending with permission for the youth to stay in the United States (see Table A1 in Appendix A for detail on what the various rulings mean).<sup>16,17</sup> The number of cases ending with permission for the youth to stay in the United States fluctuated over time, peaking in 2013 and dropping significantly in 2014.

Note, however, that the number of juvenile deportation proceedings also grew substantially during the same period, along with the number of pending cases (see Figure 1). To account for such parallel trends, our focus is on the share of non-pending cases ending with permission to stay

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<sup>14</sup> Please see <http://trac.syr.edu/aboutTRACgeneral.html> for detailed information on data collection process by TRAC for details.

<sup>15</sup> Our data spans over 10 years, 3 countries of origin, and 50 court locations. We lose a few observations when, for the year in question, there were no juveniles in deportation proceedings.

<sup>16</sup> Since the final outcome is the same, we lump the various rulings together to look at juvenile deportation proceedings in which the youth is allowed to stay in the country.

<sup>17</sup> Table A2 in Appendix A also provides information on the number of cases ending otherwise.

in the United States. According to Table 2, between 2005 and 2014, roughly 27 percent of non-pending cases ended with permission for the youth to stay. Figure 2 further displays that share for youth from the Central American countries in our sample over the time period under consideration. Aside from their common upward trend until 2014, there are some notable country-level differences in those shares. For instance, youth from El Salvador were allowed to stay at a rate up to 15 percentage points higher during 2012 and 2013 than their counterparts from Guatemala or Honduras. We will be taking into account these differences by juveniles' country of origin when modeling the determinants of juvenile immigration court proceedings through a number of time-varying characteristics of migrants' countries of origin, along with country of origin fixed-effects and time trends.

TRAC provides aggregated data. It does not contain individual case information. Therefore, we do not know the characteristics of minors across courts,<sup>18</sup> the personal circumstances surrounding each case or the characteristics of the immigration judge hearing each case. However, it informs on the overall volume of cases in each immigration court and some key aggregate characteristics. For instance, we know the number of cases in which youth had legal representation –an important indicator of the availability of legal service providers. An average of 49 percent of the non-pending juvenile immigration cases had legal representation, although that share fluctuated considerably according to the youth's nationality. In 2013, the share of cases that had legal representation at the immigration court in Atlanta fluctuated from 51.11 percent for Salvadoran juveniles, to 36.24 percent for Honduran juveniles, and to 29.67 percent for

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<sup>18</sup> We do not have data on the characteristics of minors and, therefore, cannot assess if the latter significantly differ across courts. Appendix B provides a more detailed picture of how unaccompanied minors flow through the U.S. Immigration System. At any rate, in our most complete model specification, we include county fixed-effects indicative of the court's location, as well as county-specific time trends. If youth characteristics were to systematically vary with the court's location, the aforementioned controls should effectively capture that variation.

Guatemalan juveniles –once more underscoring non-negligible differences by country of origin, to which we turn next.

Juveniles’ origin is crucial in understanding judicial rulings owing to the relationship between a migrant’s origin and a number of aggravating/ameliorating circumstances key in judicial decision-making. Take, for instance, violence in the home country, which can prove to be an important factor in explaining judicial rulings on deportation proceedings as some of the children fleeing persecution may qualify for asylum, U visas and T visas (American Immigration Council 2014). Children in those circumstances should not be on deportation proceedings.<sup>19</sup> Because their cases should be terminated, violence should be associated with a higher share of cases ending with permission to stay in the United States. However, it could also be that immigration judges fear that admitting youth coming from violent countries might lead to the replication of alike criminal outcomes in the United States –as it occurred with MS-13 in Los Angeles.<sup>20</sup> Alternatively, it is also possible that immigration judges, burdened with an ever-growing number of cases with similar circumstances, experience “case fatigue” and decide that none should get permission to stay. In those two instances, violence should be associated with a reduced share of cases ending with permission to stay.

Likewise, high unemployment rates and, overall, poverty can be associated to family abandonment and neglect –situations that would allow for Special Immigrant Juvenile Status (SIJS). To account for these factors, we gather for each juvenile’s country of origin yearly data on homicide rates from United Nations Office on Drugs and Crime (UNODC), as well as on unemployment rates and real GDP per capita from the World Bank database.<sup>21</sup>

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<sup>19</sup> See [https://www.dhs.gov/xlibrary/assets/dhs\\_u\\_visa\\_certification\\_guide.pdf](https://www.dhs.gov/xlibrary/assets/dhs_u_visa_certification_guide.pdf) [Last accessed on July 1, 2015].

<sup>20</sup> The violent gang MS-13 (Maras Salvatrucha) was created, for the most part, by Salvadorians who immigrated to the United States after the Central American civil wars of the 1980s.

<sup>21</sup> Further detail on the data sources can be found in Appendix A.

Finally, knowledge of each court’s location allows us to account for the political, socio-economic and immigration policy environment in which the court operates. Where the court is located has been shown to be an important factor in shaping individual-level outcomes in immigration cases (Ramji-Nogales *et al.* 2007). While our primary focus is on the policy environment as epitomized by immigration enforcement, knowledge of the court’s location allows us to incorporate a number of important socio-economic and political factors possibly impacting judges’ decision-making through the context in which they live and work. The latter include the state’s unemployment rate and income per capita, which can shape how “immigrant-friendly” a location is (*e.g.* Hopkins 2010, O’Neil 2011). Similarly, we account for the composition of the state’s population (*e.g.* the share of Hispanics, the population share with a college degree) –also a key factor in predicting how welcoming a location might be (*e.g.* Portes and Rumbaut 2001, Chavez and Provine 2009, Steil and Vasi 2014, to name a few). Finally, we control for whether the state’s governor –often a crucial figure in the passage of tougher immigration laws– is Republican (see, for instance, Creek and Yoder 2012, Massey and Pren 2012, or Wong 2012 for evidence on how politics also matter).

## **B) Enforcement Data**

Of particular interest to us is the role of immigration policy, as exemplified by the intensification of immigration enforcement at the state and local levels, on juvenile immigration court proceedings’ decision-making. To that end, we gather data on the timing and geographic scope of immigration enforcement policies adopted in the state and locality in which the court is situated. Specifically, data on the enactment of state-level employment verification (E-Verify) mandates –often a key element in the Omnibus Immigration Laws (OIL)–and data on OIL are gathered from the National Conference of State Legislatures (NCSL) website. Data on the



implementation of 287(g) agreements and Secure Communities (SC) at the state and local levels are collected from the Immigration and Customs Enforcement (ICE) 287(g) Fact Sheet website, from Kostandini *et al.* (2014), and from the ICE's *Activated Jurisdictions* document, respectively.<sup>22</sup>

We then construct an index of the intensity of interior immigration enforcement at each court and year in our sample. As opposed to individual policy indicators, the index allows us to better capture the “intensity” of immigration enforcement likely impacting the environment in which immigration judges operate by encompassing all measures in place. Our index is the sum of five variables signaling the existence of an E-Verify mandate at the state level, a state level OIL, a local 287(g) agreement, a state-level 287(g) agreement and participation in the Secure Communities program, respectively. Each of those five variables equals one if the county where the court is located pursued the measure in question that year. Each variable takes the value of zero if the county/state where the court is located did not pursue the policy measure in question in that particular year. When the measure was in effect for only part of the year, we use information on the starting and ending dates to calculate the fraction of covered months over that year. Table 2 shows the mean and standard deviation of the index, which fluctuates between 0 and 5.

Table 3 provides a better sense of the proliferation of interior immigration enforcement over the period examined and across the various court locations. The intensity of interior enforcement fluctuated notably by court location over time. We exploit this geographic and temporal variation in immigration enforcement to isolate the effect of immigration enforcement policy on juvenile immigration court proceedings' decision-making. On average, across the entire United States, immigration enforcement rose steadily during the period of our analysis, with the

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<sup>22</sup>ICE (2013).

index rising from 0.11 in 2005 to 1.72 by 2014. Additionally, there was a significant degree of regional variation in immigration enforcement, with the latter reaching higher levels in states like Arizona and lower levels in states like New Jersey, New York or Washington, to name a few.

#### IV. Methodology

Our primary purpose is to learn how intensified immigration enforcement in the area where the juvenile’s immigration case is heard might help shape judicial decision-making and the share of youth that are allowed to stay. To that end, we first estimate the following model:

$$(1) \quad \text{Share of Cases Ending with Permission to Stay}_{ocst} = \\ = \alpha + \beta EI_{ct} + \gamma LR_{oct} + X_{st}\delta + Z_{ot}\theta + \mu_c + \vartheta_s + \rho_o + \varphi_t + \mu_o t + \vartheta_s t + \rho_o t + \varepsilon_{ocst},$$

where  $EI_{ct}$  is the enforcement index at *time*(year) ‘*t*’ in *county* ‘*c*’ where the immigration court assigned to the juvenile case is situated. The variable  $LR_{oct}$  is the share of cases of juveniles from *country of origin* ‘*o*’ that had legal representation at the immigration court in county *c* in year *t*. The vector  $X_{st}$  includes a number of time-varying characteristics of the state in which the immigration court is situated, including: the state’s unemployment rate, income per capita, share of Hispanics, share of college graduates, and whether the state’s governor is Republican. In turn, the vector  $Z_{ot}$  contains time-varying characteristics of the youths’ countries of origin, such as their homicide rates, unemployment rates and real GDP per capita. In addition, we include a number of: (a) county fixed-effects ( $\mu_c$ ), (b) state fixed-effects ( $\vartheta_s$ ), (c) juveniles ‘countries of origin fixed-effects ( $\rho_o$ ), and (d) year fixed-effects ( $\varphi_t$ ) to account for unobserved time-invariant characteristics possibly influencing judicial decision-making on juvenile cases.<sup>23</sup> The aforementioned time-invariant characteristics allow us to address, respectively, a number of circumstances including:

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<sup>23</sup> We estimate a number of specifications that progressively add controls. County fixed-effects (and the corresponding county-specific time trends, are included last. When doing so, state-fixed effects (and their corresponding state-specific trends) are absorbed by the county-fixed effects (and time trends).

(a) whether the court is situated in a county that has traditionally favored tougher immigration enforcement measures, *e.g.* Maricopa county; (b) whether the court is situated in a state with a historically tougher stand on immigration enforcement, *e.g.* Arizona, (c) whether youths assigned to a particular court originate from a country with a longer tradition of emigration to the United States and a larger network of countrymen, *e.g.* El Salvador,<sup>24</sup> or (d) an election year in the United States during which politicians are trying to court voters with enforcement measures or initiatives. To conclude, we also include county-specific ( $\mu_c t$ ), state-specific ( $\vartheta_s t$ ) and country of origin-specific ( $\rho_o t$ ) time trends to capture other unobserved time-varying characteristics that might be playing a role and that are not being explicitly controlled for in equation (1). The latter include some of the factors pointed out by the literature as potential determinants of courts' decision-making. For instance, the various local and state-specific time trends allows us to control for changing socio-economic conditions, such as media coverage of cases (Lim 2015). Similarly, country-of-origin time trends can help us account for demographic or policy changes in countries where these children originate from that could be potentially impacting their migrating circumstances and, in turn, the ruling on their cases.

Our interest relies on  $\beta$ , which captures the link between intensified immigration enforcement and the share of non-pending juvenile deportation cases ending with permission to stay in the United States. Equation (1) is estimated as a linear probability model to facilitate convergence. We estimate a number of model specifications that progressively add controls to address concerns regarding omitted variable biases. We also test for serial correlation and use

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<sup>24</sup> An estimated 1.6 million Salvadorians resided in the United States in 2014, relative to 1 million Guatemalans and half a million Hondurans (authors' tabulations using the American Community Survey).

Baltagi-Wu's Generalized Least Square method to remove the AR (1) component.<sup>25</sup> Standards errors are clustered at the (country, county) level to allow for within-group correlation in the share of juveniles allowed to stay in the United States depending on their origin and court location.<sup>26</sup> To conclude, we perform a number of identification and robustness checks that we discuss in what follows to assess the validity of our findings.

## **V. Interior Immigration Enforcement and Juvenile's Ability to Stay**

### **A) Main Findings**

Our main goal is to assess whether the immigration enforcement environment in which the court operates influences juvenile deportation proceedings' rulings once we account for having legal representation, socio-economic and political traits of the area in which the court is located, and features of the countries of origin of juveniles' whose cases are being heard at a particular court. To that end, Table 4 displays the estimated coefficients from a number of model specifications that progressively add controls to a baseline model that only includes the enforcement index in the court's location in a given year (see column 1). Specifically, column 2 controls for the share of cases with legal representation for juveniles from a particular country of origin  $o$  in a court situated in county  $c$  at time  $t$ . Column 3 adds year fixed-effects, which prove to be particularly crucial in capturing the countrywide intensification of immigration enforcement. Column 4 further includes time-varying characteristics from juveniles' countries of origin –such as the homicide rate, the unemployment rate and GDP per capita– as well as country of origin fixed-effects, and country of origin-specific time trends. Column 5 incorporates time-varying

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<sup>25</sup> We use Wooldridge (2002)'s test for autocorrelation in panel-data model which suggests that we have first-order autocorrelation in our specifications. We then correct for the autocorrelation problem using Baltagi-Wu's GLS method. See details in <http://www.stata.com/manuals13/xtxtregar.pdf>.

<sup>26</sup> See details about multi-way clustering in Cameron *et al.* (2011).

socio-economic and political characteristics of the area where the immigration court is located – such as the state’s unemployment rate, income per capita, share of college graduates, share of Hispanics and a dummy variable for whether the state has a Republican governor– as well as state fixed-effects and state-specific time trends. Lastly, in our most complete specification (column 6), we add a number of county-specific fixed-effects and time trends to address unobserved time-invariant and time-varying characteristics of the county in which the court is located that could be shaping the rulings on juvenile deportation proceedings in that location.<sup>27,28</sup>

Focusing on the most complete specification (column (6)), a one standard deviation increase in immigration enforcement (equivalent to 1.3 ~ close the average level of immigration enforcement across all courts: 1.2) is associated with a 4 percentage point (or 15 percent) reduction in the share of juvenile deportation proceedings ending with permission to stay.<sup>29,30</sup>

Another result worth discussing in Table 4 pertains to the role of legal representation –a factor that has been allegedly described as crucial in the youth’s ability to stay in the United States. A one standard deviation increase in the share of cases without legal representation (equivalent to 28.5 in Table 2) is associated with a 4.3 percentage point (or 8.7 percent) reduction in the share of

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<sup>27</sup> We experiment with alternative definitions of our dependent variable (*i.e.* Share of Cases Ending with Permission to Stay). Specifically, we try (1) excluding cases with ‘other closures’, and (2) excluding both cases with ‘other closures’ and those ending through prosecutorial discretion. The main findings in Table 4 prove robust to these alternative definitions. Results are available from the authors.

<sup>28</sup> County fixed effects and county-specific time trends in the last model specification absorb state fixed effects and state-specific time trends.

<sup>29</sup> The association between intensified immigration enforcement and a reduction in the share of juvenile proceedings ending with permission to stay is robust to the inclusion of the number of pending cases as an additional regressor. Results are available from the authors.

<sup>30</sup> As mentioned earlier, immigration judges are likely sensitive to local sentiments and pressures during surge like conditions. To show that is the case, we re-estimate the models in Table 4 excluding the period corresponding to the surge in unaccompanied minors and the peaking of intensified immigration enforcement –namely, the years 2013 and 2014. Results, shown in Table A4 in the Appendix A, confirm the hypothesis that immigration judges are sensitive to surge like conditions and to local sentiments potentially captured by tougher local immigration enforcement, as decisions no longer seem responsive to immigration enforcement in that case.

juvenile cases ending with permission to stay. This result confirms the importance of legal representation in the rulings on juvenile deportation proceedings.

In addition to legal representation, violence in the youth's country of origin appears to play a role in judicial decision-making. A one standard deviation increase in the homicide rate per 100,000 (equivalent to an additional 16 deaths per 100,000) is associated with a drop in the share of cases ending with permission to stay of 3.7 percentage points (or 6.6 percent). As explained earlier, a possible explanation for this result is that immigration judges might fear that allowing youth coming from violent countries might replicate the observed behaviors in the United States. Alternatively, judges, burdened by a growing number of juvenile deportation cases of youth originating from the same countries and similar circumstances, might suffer of "case fatigue" and decide that it is best to deny permission to stay to most of them.

Lastly, none of the remaining time-varying country of origin or state level descriptors appears to play a significant role in shaping judicial decision-making on these cases. Likewise, country of origin does not appear to play a significant role. However, county fixed-effects prove highly significant, underscoring the role of unobserved time-invariant characteristics related to the location of the court on the resolution of juveniles' cases.

## **B) Identification Checks**

### *B.1. Pre-Existing Impacts*

One of the key concerns in most policy analyses is whether the impact attributed to the policy was pre-existing. This would be the case if the share of juvenile deportation proceedings ending with permission to stay was already decreasing in courts situated in locations that later on adopt tougher immigration enforcement measures, relative to the share in locations that do not. In that instance, we would be unable to attribute the decrease in the share of juvenile cases ending with permission to stay in the United States to the intensification of immigration enforcement itself.

To assess whether this should be a matter of concern in our case, we re-estimate our model with two additional placebo variables that falsely adopt the value of the enforcement index one and two years prior to the enforcement index turning positive in a particular court location. In the absence of anticipation effects or pre-existing trends, the placebo enforcement terms should be non-statistically different from zero. The results of this test are shown in Table 5. It is worth noting how the association between intensified interior immigration enforcement and the share of juvenile deportation proceedings ending with permission to stay prevails despite the inclusion of the placebo terms leading up to the true period with intensified immigration enforcement. Furthermore, none of the placebo terms is statistically different from zero once we go beyond the baseline specification, reassuring us about the lack of an anticipatory or pre-existing effect.

### *B.2. Endogeneity of Interior Immigration Enforcement*

Another concern stemming from this type of research design refers to the endogeneity of immigration enforcement. While the adoption of tougher immigration enforcement measures is not likely to be random, it needs to be uncorrelated with the share of juvenile cases ending with

permission to stay in the United States in a given court prior to the intensification of immigration enforcement for our identification to be valid. To assess if that is the case, we limit our sample to a period prior to the intensification of immigration enforcement in most courts' locations. According to Table 3, most immigration courts are situated in counties that had not yet implemented any of the interior immigration enforcement being examined back in 2005. Therefore, we restrict our attention to those counties in 2005.<sup>31</sup> We then collapse the data at the court level and estimate the timing of adoption of tougher immigration enforcement in the county where the court is located based on the share of juvenile cases ending with permission to stay at the court (*Share of Cases Ending with Permission to Stay*<sub>c</sub><sup>2005</sup>), as well as other controls (*LR*<sub>c</sub><sup>2005</sup>, *X*<sub>s</sub><sup>2005</sup>), back in 2005. Our interest is on the  $\beta$  coefficient in the following equation:

$$(2) \quad \textit{Year when } EI_{cs} > 0 = \alpha + \beta \textit{Share of Cases Ending with Permission to Stay}_c^{2005} + \gamma LR_c^{2005} + X_s^{2005} \delta + \vartheta_s + \varepsilon_{cs}^{2005},$$

Table 6 displays the results from estimating a number of specifications that progressively add all the controls shown in equation (2), including state fixed-effects. Standard errors are clustered at the state level. In the first two specifications, we find some preliminary evidence of a positive link between the share of juvenile immigration proceedings ending with permission to stay in 2005 and the timing of adoption of tougher immigration enforcement at any given court. However, that link vanishes once we account for state-level characteristics and fixed-effects. Hence, even if not random, the adoption of tougher interior immigration enforcement measures in the state and county where a court is situated does not appear to have been significantly linked to pre-existing shares of juvenile cases ending with permission to stay at that court.

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<sup>31</sup> We exclude a few immigration courts in Arizona, California and Florida, that had already implemented some of these more stringent immigration enforcement measures by 2005.



### C) Robustness Checks

To conclude, we also perform a couple of robustness checks intended to explore the sensitivity of our findings to the measure of interior immigration enforcement being used. To that end, we first consider splitting the immigration enforcement index in two according to the type of enforcement in question. Specifically, we distinguish between what we refer to as *police-based* immigration enforcement initiatives, which involve the state or local police and are more directly linked to apprehension and deportation (*e.g.* OILs, 287(g) and Secure Communities),<sup>32</sup> and *employment-based* measures (*e.g.* E-Verify). The latter are exemplified by employment verification mandates and do not involve the state or local police but, rather, the employer. For that reason, other than through workplace raids, they are less likely to be associated to apprehension and deportation. The police-base index is the sum of four variables indicating the presence of an OIL, a 287(g) state-level agreement, a 287(g) local level agreement and/or participation in the Secure Communities program. As a result, its value fluctuates between 0 and 4 (see Table A3 in Appendix A). In contrast, the employment-based immigration enforcement index is simply capturing the enactment of an E-Verify mandate at the state level. Its value fluctuates between 0 and 1.

Table 7 displays the results from estimating the model in equation (1) using these alternative enforcement indexes. Not surprisingly, the association between intensified immigration enforcement and the share of youth in juvenile deportation proceedings allowed to stay in the United States appears to be primarily driven by the intensification of police-based

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<sup>32</sup>All these measures (287(g), SC and OILs) rely on the same resources (namely, local and state law enforcement) to detect, apprehend and detain undocumented immigrants. They frequently overlap and, jointly, help us better capture the intensity of police-based enforcement that we are trying to encapsulate.

immigration enforcement.<sup>33</sup> A one standard deviation increase in that type of enforcement is associated with a 3.5 percentage point (or 12.8 percent) reduction in the share of juvenile deportation proceeding cases ending with permission to stay. However, tougher immigration enforcement in the labor market does not appear to play a statically significant role in juvenile deportation proceedings' rulings.

Next, we also consider using a simplified measure of intensified enforcement that equals one if the immigration enforcement in the court's location is above the average level of immigration enforcement across all courts in the country, and 0 otherwise. The results from such an exercise are displayed in Table 8. Exposure to a higher level of interior immigration enforcement is associated with a 5.5 percentage points or 20 percent reduction in the share of juvenile deportation proceedings ending with permission to stay.

In sum, the role played by intensified immigration enforcement in the area where the immigration court is located proves robust to the use of a simplified measure of immigration enforcement and seems to be primarily driven by immigration enforcement initiatives involving the local and state police.

## **VI. Summary and Conclusions**

From 2011 through 2014, the United States experienced an unprecedented growth in inflows of unaccompanied minors from three Central American countries: El Salvador, Guatemala and Honduras. Because these children were originating from non-contiguous countries, they had to be transferred from the Border Patrol offices to the Office of Refugee Resettlement and placed

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<sup>33</sup>We also estimate a model that includes all immigration enforcement policies separately. The results, available from the authors, show that the Secure Communities program, which came to replace the 287(g) agreements in many locations and gained nationwide coverage by the end of 2014, was the main confounder of the police-based immigration enforcement impact.

in removal proceedings with the Executive Office for Immigration Review in the Department of Justice within 72 hours from their apprehension (TVIRA 2008). The number of juveniles waiting in limbo for their court hearings escalated, as did the number of pending cases in immigration courts and the Administration's subsequent request to process them quickly. At the same time, the intensification of immigration enforcement at the state and local levels peaked, with a variety of initiatives and measures intended to curtail undocumented immigration that resulted in an unprecedented increase in immigration cases and deportations.

While immigration law in the United States is within the jurisdiction of the Federal government and, as such, only federal statutes and regulations of the federal agencies responsible for the administration of immigration law should be the ones taken under consideration by immigration judges, a number of judicial decision-making theories suggest otherwise. Immigration judges' beliefs and attitudes and, consequently, their rulings are likely to be partially shaped by the socio-economic, political and policy environment in which they work and live. Has the intensification of interior immigration enforcement influenced immigration judges' rulings on juvenile deportation proceedings? Is the piecemeal approach to immigration enforcement affecting the judicial system and, in turn, who gets to stay or immigrate?

Using TRAC data on juvenile deportation proceedings from 2005 onwards, we explore the link between the intensity of immigration enforcement at the county and state levels and the outcomes of deportation proceedings of youth emigrating from El Salvador, Guatemala and Honduras. We find that a one standard deviation increase in interior immigration enforcement (similar to the average level of interior immigration enforcement during the period under consideration) is robustly associated with a 15 percent reduction in share of juvenile cases ending with permission to stay in the United States. This result is in line with the legal literature, which

suggests that judges' decisions depend on the preferences of political actors and institutions, as would be the case with heightened immigration enforcement. More importantly, our finding hints on the very important role of the immigration policy environment in which the courts are immersed on juvenile deportation proceedings' rulings. This is true despite the fact that immigration law is within the jurisdiction of the Federal government.

From an economic and immigration policy perspective, understanding the role that the fragmented approach to immigration enforcement can play in which immigrants get to stay seems crucial. Even more so in the case of children, who have a long horizon and are likely to be educated, work and contribute to the national economy over a long period, just as other natives. At a time when immigration policy is hotly debated following the failure to enact a comprehensive immigration reform and the temporary fixes of programs approved by executive action, such as DACA, understanding how the progressive adoption of a piecemeal approach to immigration enforcement might be influencing immigration judges' rulings on juvenile deportation proceedings seems imperative.

In addition, from a judicial and moral perspective, understanding the role that adopted policies might be having on immigrants, especially more vulnerable youth, is necessary. For many youth escaping persecution, torture or death, the decisions made on these deportation proceedings will decisively shape their lives. The fact that the share of juveniles allowed to stay in the United States significantly varies according to the policy environment in which the courts hearing their cases operate, while understandable, instills insecurity about the availability of a fair and consistent judicial review.

In sum, the findings underscore the need for careful consideration of how the piecemeal approach to immigration enforcement might endanger the humanitarian rights of these children,

especially at a time when the world is critically evaluating how nations are responding to ongoing refugee crises elsewhere.

## **Compliance with Ethical Standards**

Conflict of Interest: The authors declare that they have no conflict of interest.

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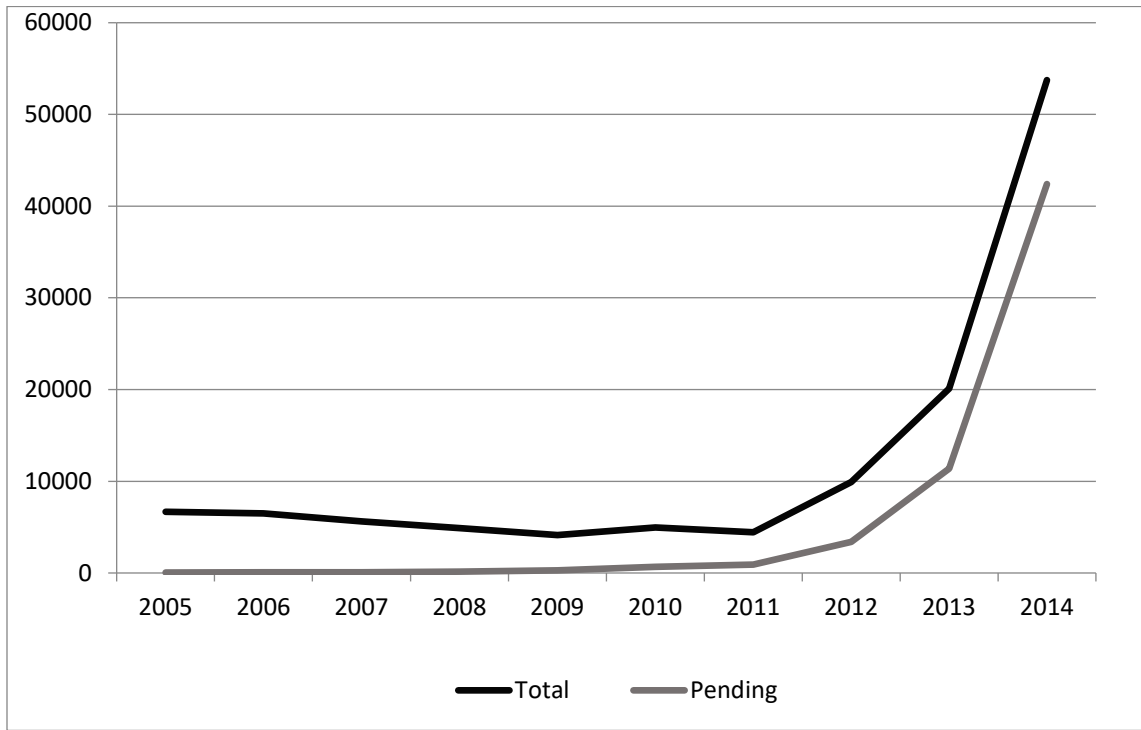
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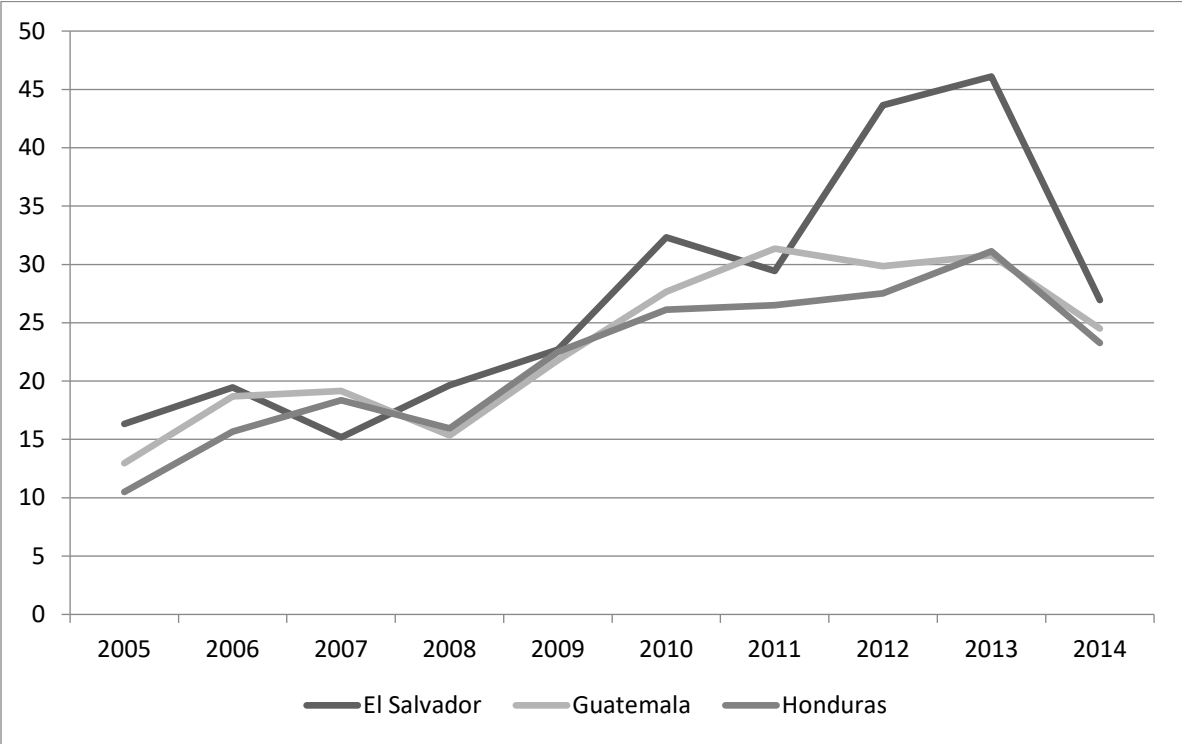
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**Figure 1**  
**Trends in Juvenile Deportation Proceedings**



**Figure 2**  
**Share of Juvenile Deportation Proceedings Ending with Permission to Stay by Country of Origin**



**Table 1: Juvenile Deportation Proceedings Ending with Permission to Stay in the United States**

<b>Year</b>	<b>Cases with Grant Relief</b>	<b>Terminated Cases</b>	<b>Cases with Prosecutorial Discretion</b>	<b>Cases with Other Closure</b>	<b>Cases Ending with Permission to Stay in the U.S.</b>
2005	198	375	48	245	866
2006	242	312	114	271	939
2007	271	360	162	205	998
2008	230	397	143	208	978
2009	202	539	139	194	1,074
2010	172	792	171	319	1,454
2011	139	784	162	289	1,374
2012	158	1,375	326	775	2,634
2013	96	1,698	599	1765	4,158
2014	44	823	102	2035	3,004

**Table 2: Summary Statistics**

<b>Variable Names</b>	<b>Observations</b>	<b>Mean</b>	<b>Std. Dev.</b>	<b>Min</b>	<b>Max</b>
<i>Dependent Variable:</i>					
Share of Cases Ending with Permission to Stay	1,259	27.189	26.355	0	100
<i>Independent Variables:</i>					
No Legal Representation Rate	1,259	49.344	28.486	0	100
Homicide per 100,000 at Origin	1,259	56.013	16.380	31.000	91.400
Unemployment Rate at Origin	1,259	4.379	1.607	1.8	7.3
Real GDP per capita at Origin	1,259	2241.220	599.350	1401.979	3102.166
State Level Unemployment Rate	1,259	7.046	3.220	2.500	28.7
State Level of Income per capita	1,259	26992.250	3387.210	18918.650	37071.180
State Level Share of College Degree	1,259	20.911	3.620	13.339	31.733
State Level Share of Hispanics	1,259	19.359	13.519	2.022	40.312
State Has a Republican Governor	1,259	58.380	49.312	0	100
<i>Key Independent Variable:</i>					
Enforcement Index	1,259	1.154	1.256	0	5

**Table 3: Intensity of Interior Enforcement by Court Location**

<b>State</b>	<b>Court</b>	<b>2005</b>	<b>2010</b>	<b>2014</b>	
Arizona	Eloy	0.33	5.00	4.92	
	Florence	0.33	5.00	4.92	
	Phoenix	0.33	5.00	4.92	
	Tucson	0.33	5.00	3.92	
California	Adelanto	0.17	0.75	0.92	
	Imperial	0.00	1.00	0.92	
	Los Angeles	0.92	2.00	1.92	
	San Diego	0.00	1.00	0.92	
	San Francisco	0.00	0.58	0.92	
Colorado	Denver	0.00	2.00	1.92	
Connecticut	Hartford	0.00	1.00	0.92	
Florida	Miami	1.00	2.00	1.92	
	Miami - Krome	1.00	2.00	1.92	
Georgia	Orlando	1.00	1.75	1.92	
	Atlanta	0.00	2.33	2.92	
	Lumpkin	0.00	2.00	2.92	
Hawaii	Honolulu	0.00	0.75	0.92	
Illinois	Chicago	0.00	0.00	0.92	
Louisiana	New Orleans	0.00	0.67	1.92	
	Oakdale	0.00	0.00	1.92	
Maryland	Baltimore	0.00	0.08	0.92	
Massachusetts	Boston	0.00	1.00	1.92	
Michigan	Detroit	0.00	1.00	0.92	
Minnesota	Bloomington	0.00	2.00	0.92	
Missouri	Kansas City	0.00	2.17	2.92	
Nebraska	Omaha	0.00	1.42	1.92	
Nevada	Las Vegas	0.00	1.50	0.92	
New Jersey	Elizabeth	0.00	0.00	0.92	
	Newark	0.00	0.00	0.92	
New York	Buffalo	0.00	0.00	0.92	
	Napanoch	0.00	0.00	0.92	
	NYC	0.00	0.00	0.92	
	NYC-DET	0.00	0.00	0.92	
	Charlotte	0.00	4.00	2.92	
North Carolina	Charlotte	0.00	4.00	2.92	
Ohio	Cleveland	0.00	1.00	0.92	
Oregon	Portland	0.00	0.67	0.92	
Pennsylvania	Philadelphia	0.00	1.00	1.92	
	York	0.00	0.00	1.92	
Tennessee	Memphis	0.00	1.58	1.92	
Texas	Dallas	0.00	2.00	0.92	
	El Paso	0.00	1.00	0.92	
	Harlingen	0.00	0.50	0.92	
	Houston	0.00	2.00	1.92	
	Houston (D)	0.00	2.00	1.92	
	Los Fresnos	0.00	0.50	0.92	
	San Antonio	0.00	1.00	0.92	
	West Valley	0.00	2.83	2.92	
	Virginia	Arlington	0.00	2.75	1.92
	Washington	Seattle	0.00	0.00	0.92
Tacoma		0.00	0.00	0.92	
<b>U.S. Average:</b>		<b>0.11</b>	<b>1.44</b>	<b>1.72</b>	



**Table 4: Determinants of the Share of Juvenile Deportation Proceedings Ending with Permission to Stay in the United States**

<b>Key Regressors</b>	<b>(1) Baseline</b>	<b>(2) Plus Legal Representation Rate</b>	<b>(3) Plus Year Fixed Effects</b>	<b>(4) Plus Country of Origin Characteristics</b>	<b>(5) Plus State Level Characteristics</b>	<b>(6) Plus Court Level Characteristics</b>
<b>Enforcement Index</b>	2.790*** (0.784)	2.915*** (0.759)	-2.300** (0.949)	-2.311** (0.946)	-2.821* (1.500)	-3.039** (1.486)
No Legal Representation Rate		-0.219*** (0.025)	-0.209*** (0.025)	-0.203*** (0.025)	-0.198*** (0.026)	-0.152*** (0.026)
Homicide per 100,000 at Origin				-0.233*** (0.080)	-0.212*** (0.081)	-0.224*** (0.077)
Unemployment Rate at Origin				-1.561 (1.702)	-1.708 (1.712)	-1.786 (1.633)
Real GDP per capita at Origin				-0.019 (0.044)	-0.018 (0.044)	-0.020 (0.041)
State Level Unemployment Rate					-0.671 (0.408)	0.606 (0.841)
State Level of Income per capita					3.47e-04 (0.001)	2.72e-04 (0.001)
State Level Share of College Degree					0.373 (0.866)	0.360 (0.825)
State Level Share of Hispanics					0.528 (0.758)	0.665 (0.721)
State Has a Republican Governor					-0.030 (0.029)	-0.041 (0.027)
El Salvador				39.205 (63.093)	36.251 (62.807)	39.409 (58.937)
Guatemala				15.559 (32.341)	14.856 (32.151)	15.852 (30.162)
Year Fixed Effects (FE)	N	N	Y	Y	Y	Y
Country of Origin FE and Time Trends	N	N	N	Y	Y	Y
State FE and Time Trends	N	N	N	N	Y	N
County FE and Time Trends	N	N	N	N	N	Y
R <sup>2</sup>	0.043	0.125	0.172	0.184	0.492	0.890
Observations	1,259	1,259	1,259	1,259	1,259	1,259

**Notes:** All regressions include a constant term. Standard errors are displayed in parentheses. Honduras is used as a comparison country and therefore is dropped out in specifications (3), (4), and (5). \*\*\*, \*\*, \* denote 1%, 5%, 10% levels of significance, respectively.

**Table 5: Testing for the Parallel Trend Assumption**

	(1)	(2)	(3)	(4)	(5)
Key Regressors	Baseline	Plus Legal Representation Rate	Plus Country of Origin Characteristics	Plus State Level Characteristics	Plus Court Level Characteristics
<b>Enforcement Index (EI)</b>	3.119*** (1.056)	3.247*** (1.041)	-2.198* (1.220)	-2.765* (1.518)	-2.868** (1.458)
Placebo EI One Year <i>Prior</i> to EI>0	1.449 (1.604)	0.829 (1.574)	-1.403 (1.643)	-0.993 (1.769)	-0.807 (1.726)
Placebo EI Two Years <i>Prior</i> to EI>0	-2.732* (1.543)	-1.763 (1.508)	1.348 (1.588)	1.538 (1.936)	1.821 (1.995)
Year Fixed Effects (FE)	N	N	Y	Y	Y
Country of Origin FE and Time Trends	N	N	Y	Y	Y
State FE and Time Trends	N	N	N	Y	N
County FE and Time Trends	N	N	N	N	Y
R <sup>2</sup>	0.035	0.155	0.184	0.493	0.890
Observations	1,259	1,259	1,259	1,259	1,259

**Notes:** The dependent variable is the share of juvenile deportation proceedings ending with permission to stay in the United States. All regressions include a constant term. In addition, specifications (3) through (5) include the same controls shown in Table 4. Standard errors are displayed in parentheses. \*\*\*, \*\*, \* denote 1%, 5%, 10% levels of significance, respectively.

**Table 6: Endogeneity Test – Determinants of the Timing of Intensified Enforcement**

Key Regressors	(1) Baseline Specification	(2) Plus Legal Representation Rate	(3) Plus State Level Characteristics and FE
Share of Cases Ending with Permission to Stay	0.036** (0.017)	0.031* (0.017)	-0.001 (0.004)
No Legal Representation Rate		-0.010 (0.016)	0.001 (0.005)
State Level Unemployment Rate			0.010 (0.013)
State Level of Income per capita			0.001*** (5.12e-05)
State Level Share of College Degree			2.218*** (0.406)
State Level Share of Hispanics			0.710*** (0.082)
State Has a Republican Governor			0.020 (0.085)
State Fixed Effects	N	N	Y
R <sup>2</sup>	0.069	0.078	0.995
Observations	40	40	40

**Notes:** All regressions include a constant term. The dependent variable is the first year that each court location adopts one of the enforcement measures being examined. Standard errors are in parentheses. \*\*\*, \*\*, \* denote 1%, 5%, 10% levels of significance, respectively.

**Table 7: Modeling the Effects of Different Types of Immigration Enforcement Measures**

	(1)	(2)	(3)	(4)	(5)
Key Regressors	Baseline	Plus Legal Representation	Plus Country of Origin Characteristics	Plus State Level Characteristics	Plus Court Level Characteristics
<b>Police-Based Enforcement</b>	3.715*** (1.090)	4.048*** (1.064)	-2.479* (1.274)	-2.849* (1.731)	-3.629** (1.774)
<b>Employment-Based Enforcement</b>	0.036 (2.407)	-0.441 (2.330)	-1.906 (2.272)	-2.731 (3.237)	-1.435 (3.033)
Year Fixed Effects (FE)	N	N	Y	Y	Y
Country of Origin FE and Time Trends	N	N	Y	Y	Y
State FE and Time Trends	N	N	N	Y	N
County FE and Time Trends	N	N	N	N	Y
R <sup>2</sup>	0.044	0.136	0.183	0.492	0.890
Observations	1,259	1,259	1,259	1,259	1,259

**Notes:** The dependent variable is the share of juvenile deportation proceedings ending with permission to stay in the United States. All regressions include a constant term. In addition, specifications (3) through (5) include the same controls shown in Table 4. Standard errors are displayed in parentheses. \*\*\*, \*\*, \* denote 1%, 5%, 10% levels of significance, respectively.

**Table 8: Robustness Check to the Use of an Alternative Measure of Intensified Immigration Enforcement**

	(1)	(2)	(3)	(4)	(5)
Key Regressors	Baseline	Plus Legal Representation	Plus Country of Origin Characteristics	Plus State Level Characteristics	Plus Court Level Characteristics
<b>High Enforcement Dummy</b>	2.511 (1.912)	2.525 (1.860)	-5.281*** (1.975)	-6.332*** (2.370)	-5.537** (2.487)
Year Fixed Effects (FE)	N	N	Y	Y	Y
Country of Origin FE and Time Trends	N	N	Y	Y	Y
State FE and Time Trends	N	N	N	Y	N
County FE and Time Trends	N	N	N	N	Y
R <sup>2</sup>	0.036	0.198	0.193	0.495	0.891
Observations	1,259	1,259	1,259	1,259	1,259

**Notes:** The dependent variable is the share of juvenile deportation proceedings ending with permission to stay in the United States. All regressions include a constant term. In addition, specifications (3) through (5) include the same controls shown in Table 4. Standard errors are displayed in parentheses. \*\*\*, \*\*, \* denote 1%, 5%, 10% levels of significance, respectively.

## Appendix A

**Table A1: Variable Names, Definitions and Sources**

Variable Name	Definition	Source
<i>Dependent Variable:</i>		
Share of Cases Ending with Permission to Stay in the U.S.	<p>Share of non-pending cases in which the youth is allowed to stay in the United States. It encompasses the following judgements:</p> <ul style="list-style-type: none"> <li>• Terminate Proceedings: Cases in which an immigration court judge finds the Department of Homeland Security (DHS) has not established that the child is legally removable. These children are allowed to stay in the U.S.</li> <li>• Granted Relief: Cases in which the original charge filed by DHS as ground for removal is sustained, but an immigration court judge finds that provisions in immigration law entitle the child to “relief” from removal. These children are allowed to stay in the U.S.</li> <li>• Prosecutorial Discretion: Closed cases because the government attorney prosecuting the child’s case exercises prosecutorial discretion and drops the request for a removal order. These children are allowed to stay in the U.S.</li> <li>• Other Closures: Cases in which the immigration court judge decides not to deport the child for other unspecified reasons, or closes the case administratively. This category also includes closures in which the child is given certain temporary protected status. These children are allowed to stay in the U.S.</li> </ul>	<p>Transactional Records Access Clearinghouse (TRAC) research center website: <a href="http://trac.syr.edu">http://trac.syr.edu</a></p>
<i>Regressors:</i>		
Enforcement Index	<p>The enforcement index ranges from 0 to 5 to reflect the intensity of interior immigration enforcement. It is constructed by adding the following five variables signaling the existence of:</p> <ul style="list-style-type: none"> <li>• State level E-Verify mandates</li> <li>• State Omnibus Immigration Laws</li> <li>• State level 287(g) agreements</li> <li>• County level 287(g) agreements</li> <li>• Participation in the Secure Communities program at the county level.</li> </ul> <p>Each of these five variables takes the value of 1 if the county/state where the immigration court is located adopts the policy measure for the full year. In those instances in which the measure has been in place only for part of the year, the variable equals the fraction of covered months over that year. Finally, each variable takes the value of 0 if the county/state where court is located did not adopt the policy measure in question.</p>	<p>E-Verify and Omnibus Immigration Laws: National Conference of State Legislatures website: <a href="http://www.ncsl.org">http://www.ncsl.org</a></p> <p>287(g) Agreements and Secure Communities: U.S. Immigration and Customs Enforcement website: <a href="http://www.ice.gov/">http://www.ice.gov/</a></p>
• Police-Base Enforcement Index	<p>The index ranges from 0 to 4. It is the sum of 4 of the 5 policy components of the Enforcement Index –namely: Omnibus Immigration Laws, 287(g) agreements and Secure Communities.</p>	
• Employment-Base Enforcement Index	<p>The index ranges from 0 to 1, and it is given by the E-Verify mandate variable described above.</p>	
• High Enforcement Dummy	<p>Dummy variable equal to 1 when the Enforcement Index (as defined above) is above the mean level of interior immigration enforcement.</p>	
No Legal Representation Rate	<p>Share of cases lacking legal representation.</p>	<p>TRAC website: <a href="http://trac.syr.edu">http://trac.syr.edu</a></p>
Homicide per 100,000 at Origin	<p>Homicide rate per 100,000 in the country of origin.</p>	<p>United Nations Office on Drugs and Crime (UNODC)</p>

**Table A1 – Continued**

<b>Variable Name</b>	<b>Definition</b>	<b>Source</b>
Unemployment at Origin	Unemployment rate in the country of origin.	World Development Indicator
Real GDP per capita at Origin	Real GDP per capita in U.S. dollars using 2005 as the base year.	World Bank Database
State Level Unemployment Rate	Unemployment rate in the U.S. state where the court is located.	Bureau of Labor Statistics
State Level of Income per capita	Weighted average of income per capita in the state where the court is located.	Integrated Public Use Microdata Series (IPUMS)
State Level Share of College Degree	Share of households whose household head has a college degree in the state where the court is located.	IPUMS
State Level Share of Hispanics	Share of households whose household head is Hispanic in the state where the court is located.	IPUMS
State Has a Republican Governor	Dummy variable equal to 1 if the state where the court is located has a republican governor.	Various online sources

**Table A2: Juvenile Deportation Proceedings in the United States**

<b>Year</b>	<b>Cases with Removal Order</b>	<b>Cases with Voluntary Departure</b>	<b>Pending Cases</b>
2005	4509	1254	49
2006	4059	1423	82
2007	3560	991	93
2008	3066	706	140
2009	1769	1004	279
2010	1856	969	669
2011	1505	651	915
2012	3012	877	3387
2013	3950	557	11390
2014	7852	347	42406



**Table A3: Summary Statistics for Police-based and Employment-based Immigration Enforcement**

<b>Variable Names</b>	<b>Observations</b>	<b>Mean</b>	<b>Std. Dev.</b>	<b>Min</b>	<b>Max</b>
<i>By Type of Measure:</i>					
Police-Base Enforcement Index	1,259	0.901	0.962	0	4
Employment-Base Enforcement Index	1,259	0.253	0.435	0	1
<i>Alternative Measure:</i>					
High Enforcement Dummy	1,259	0.328	0.470	0	1

**Table A4: Determinants of the Share of Juvenile Deportation Proceedings Ending with Permission to Stay in the United States Excluding 2013-2014**

<b>Key Regressors</b>	<b>(1) Baseline</b>	<b>(2) Plus Legal Representation Rate</b>	<b>(3) Plus Year Fixed Effects</b>	<b>(4) Plus Country of Origin Characteristics</b>	<b>(5) Plus State Level Characteristics</b>	<b>(6) Plus Court Level Characteristics</b>
<b>Enforcement Index</b>	3.131*** (0.790)	3.071*** (0.757)	-2.174** (0.964)	-2.129** (0.959)	-2.344 (1.784)	-2.570 (1.902)
No Legal Representation Rate		-0.232*** (0.028)	-0.212*** (0.027)	-0.207*** (0.027)	-0.202*** (0.028)	-0.139*** (0.030)
Homicide per 100,000 at Origin				-0.501*** (0.141)	-0.504*** (0.143)	-0.494*** (0.139)
Unemployment Rate at Origin				-0.190 (1.900)	-0.111 (1.933)	-0.439 (1.876)
Real GDP per capita at Origin				-0.120** (0.057)	-0.125** (0.057)	-0.116** (0.055)
State Level Unemployment Rate					0.083 (0.442)	-0.667 (1.107)
State Level of Income per capita					1.87e-04 (0.001)	2.77e-04 (0.001)
State Level Share of College Degree					0.353 (0.963)	0.338 (0.932)
State Level Share of Hispanics					0.004 (0.854)	-0.001 (0.830)
State Has a Republican Governor					-0.019 (0.029)	-0.025 (0.028)
Year Fixed Effects (FE)	N	N	Y	Y	Y	Y
Country of Origin FE and Time Trends	N	N	N	Y	Y	Y
State FE and Time Trends	N	N	N	N	Y	N
County FE and Time Trends	N	N	N	N	N	Y
R <sup>2</sup>	0.053	0.122	0.169	0.187	0.492	0.880
Observations	1,007	1,007	1,007	1,007	1,007	1,007

**Notes:** All regressions include a constant term. Standard errors are displayed in parentheses. Honduras is used as a comparison country and therefore is dropped out in specifications (3), (4), and (5). \*\*\*, \*\*, \* denote 1%, 5%, 10% levels of significance, respectively.

## **Appendix B**

### **How Unaccompanied Minors Flow Through the U.S. Immigration System**

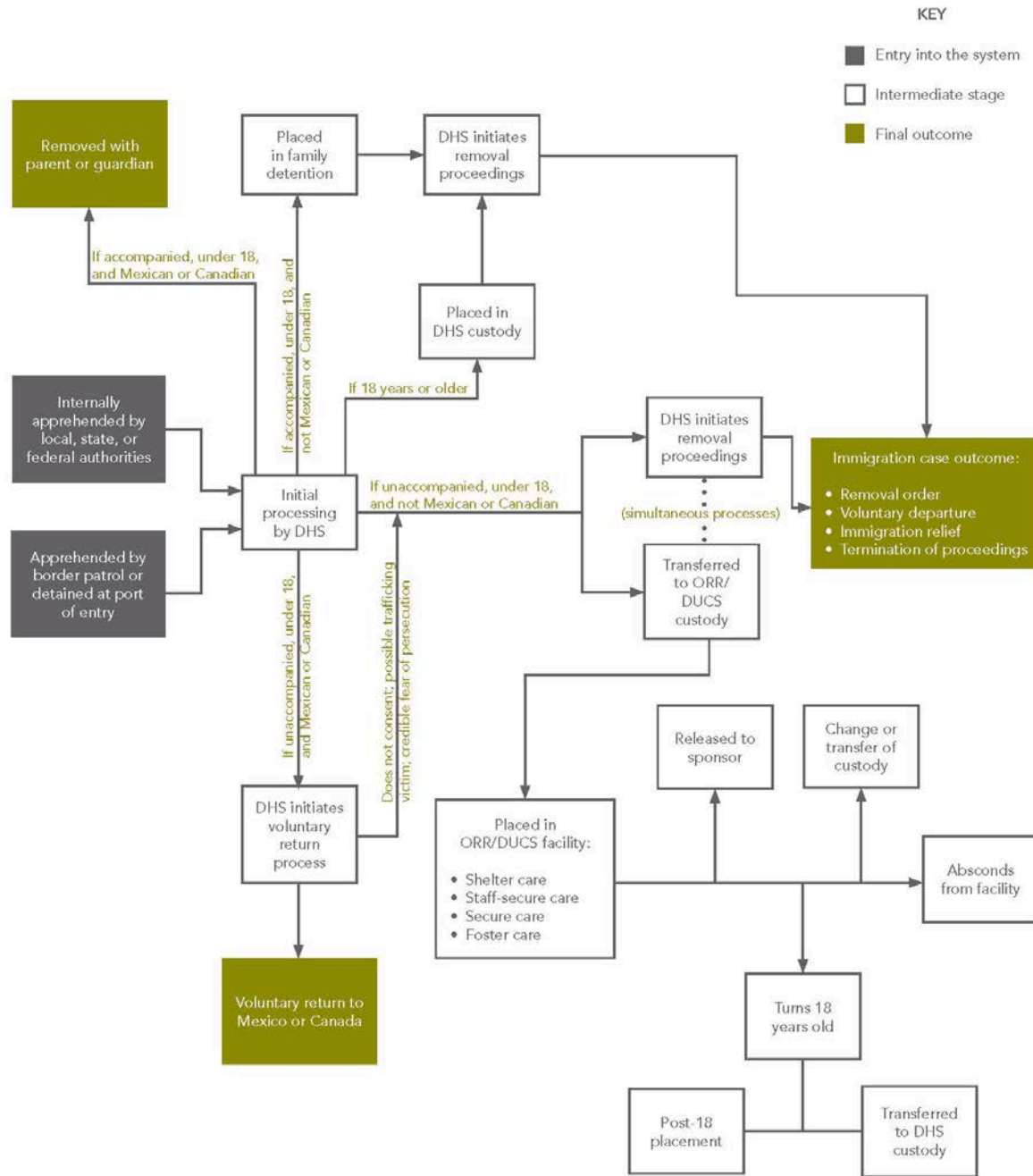
Unaccompanied children often enter the U.S. immigration system when the Border Patrol, a division of Customs and Border Protection (CBP), apprehends them while crossing the border. They are transferred to a Department of Homeland Security (DHS) detention facility, where it is determined if the children are younger than 18 and unaccompanied. Special rules apply to unaccompanied children who come from the “contiguous countries” of Mexico and Canada. In those instances, the children are often provided the opportunity of voluntarily returning or, alternatively, requesting a hearing before an immigration judge. If the child chooses the last option, CBP must first conduct a screening to verify that: (1) the child is not a victim of trafficking or at risk of being trafficked upon return to the home country, (2) the child does not have a credible fear of persecution in that country, and (3) s/he is capable of making an independent decision to withdraw an application for admission into the United States. If the child does not meet these criteria, s/he must be transferred to the care and custody of the Office of Refugee Resettlement (ORR), as other unaccompanied children from non-contiguous countries.

ORR will arrange to house the child in one of its shelters or foster care. ORR oversees different types of shelters to accommodate unaccompanied children with different circumstances, including non-secure shelter care, secure care, and transitional foster care facilities. A juvenile may be held in a secure facility only if s/he is charged with criminal or delinquent actions, threatens or commits violence, displays unacceptably disruptive conduct in a shelter, presents an escape risk, is in danger and is detained for his/her own safety, or is part of an emergency or influx of minors that results in insufficient bed space at non-secure facilities. The same care providers also facilitate the release of unaccompanied children to family members or other sponsors who are able to care for them. Removal proceedings continue even when the children are placed with parents or other relatives.

DHS will file a notice to appear with the Executive Office for Immigration Review (EOIR) in the U.S. Department of Justice at the immigration court nearest to ORR’s placement. The court then schedules the child for a hearing. In some instances, immigration courts develop specialized juvenile dockets, which consolidate children’s cases for hearings. This allows ORR to transport a group of children to court at the same time. In most immigration courts, one judge or several judges cover these dockets. At a typical juvenile docket, the majority of detained children appear before a judge to ask for a continuance, which allows extra time for children to find pro bono representation or to wait for ORR to approve a sponsor reunification application.

Once a child receives a final order of removal or voluntary departure, DHS initiates the repatriation process by contacting the consulate of the child’s home country and ORR to inform its staff that DHS is in the process of obtaining travel documents from the consulate. Once travel documentation is in order, the child is transferred back into DHS custody and the agency arranges for transportation. Figure B1 shows the flow of unaccompanied children through the immigration system from the moment they are apprehended until they are removed.

**Figure B1**  
**The Flow of Unaccompanied Children through the Immigration System**



Source: Byrne and Miller (2012).