

Human Rights Watch

Children's Rights

<https://www.hrw.org/news/2015/09/02/anchor-baby-myth>

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Having children who are US citizens is rarely a factor in immigration decisions

clarychka

brian_root

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On Aug. 19, Republican presidential hopeful Jeb Bush called for greater border enforcement, ostensibly to prevent pregnant mothers from coming to the United States to deliver [anchor babies](#), an offensive term for children born in the U.S. to undocumented immigrants. The comment has [drawn sharp criticism](#) from Latinos, Asians and immigrant rights advocates. Bush has [fumbled](#) his response to the controversy.

Beyond its dehumanizing consequences, the myth of the anchor baby perpetuates the mistaken notion that having a U.S. citizen child is an effective means for unauthorized parents to stay in the United States. The fact is, having children who are U.S. citizens is rarely a factor in immigration decisions and the U.S. routinely rips families apart.

Separating a family through deportation can inflict [severe trauma](#) on children. But during his first six years in office, President Barack Obama's administration deported more than 2 million immigrants under a legal framework that makes little to no consideration for family ties.

Obama's recent executive actions offer some hope of partial protection to millions of undocumented families currently in the United States. But for those who are already [torn apart](#) and who try to return to the United States as an act of love for their families, as Bush [put it](#) last year, there is no legal recourse.

A Human Rights Watch (HRW) [analysis](#) of apprehensions at the border from 2011 to 2012 found that U.S. immigration agents detained and summarily deported more than 100,000 parents of more than 200,000 U.S. citizen children in those two years alone. Fewer than 10 percent of the parents of U.S. citizen children apprehended by border agents were allowed a hearing before an immigration judge at which they could potentially make claims about their family ties.

[Marta Garcia](#) lived in the U.S. for more than 20 years and is married to a U.S. citizen with whom she has three children. She left the U.S. in 2013 to care for her dying mother in Mexico, thinking that she could reenter the country legally since her application to gain legal status through her husband was pending.

They put me in jail and didn't let me speak, she told HRW, recalling how border agents treated her when she returned. They didn't let me defend myself. She was ultimately deported.

Even parents apprehended inside the U.S. have limited opportunities to cite family unity in deportation hearings. For example, a broad range of criminal convictions, including [minor offenses that result in little or no prison time](#), can lead to deportations without any consideration of familial ties, even for authorized permanent residents.

There are [4.1 million](#) U.S. citizen children living with an undocumented parent today. The Pew Hispanic Center has found that [13 percent](#) of California's high school students have at least one undocumented parent. For these children, their citizenship status does not guarantee that their parents are not at risk of removal and it certainly doesn't ensure that their needs and right to family would be considered in any removal proceedings.

The right to family unity is a [fundamental human right](#) incorporated in both domestic law and international human rights treaties. Last year in an advisory opinion, the Inter-American Court of Human Rights, which promotes and upholds basic rights and freedoms in the Americas, [ruled](#) that States may not expel one or both parents for administrative immigration offenses, as the child's right to family life is sacrificed in an unreasonable or excessive manner.

There has been no shortage of unreasonable and excessive proposals on immigration during this campaign season. For those making

political pronouncements deciding the fate of millions of families, a little dose of reality, as well as greater concern for family values, could go a long way.

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