Immigration Reform in America: The History of Policies, Their Implications and Effective Interventions

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Introduction

The USA is home to about "11 million migrants or undocumented immigrants including …
five million children and young adults under the age of 30" (Silkowsk & Wolf, 2020 p. 389).
Immigrants categorize any individual that moves to another country to live there permanently
(Cambridge university press, 2021). Many of these undocumented individuals entered the "US
legally but overstayed their visas (e.g., work, student, tourist, etc.)" (Warren & Kerwin, 2017 as
cited in Silkowsk & Wolf, 2020, p. 389). Having improper or lack of this documentation leads to
individual residing illegally in the territory, often referred to as being "undocumented" or an
"illegal alien." Despite living in the US, these individuals lack access to resources and do not
receive the same protection as citizens.

Many human rights violations occurred towards immigrants in the United States of
America during the last presidential administration including the separation of children from their
parents. This is not the only violation of human rights that has occurred throughout American
history and is only a section of the tragedies that migrant families face due to deportations, bans,
rejected asylum claims and other punitive measures (Kibria, 2019).

The history of immigration policies in the U.S. reveals an ongoing cycle that poses barriers
for immigrants of all ages. These policies exist on the foundation of xenophobia, racism, and
intolerance for immigrants (Silkowsk & Wolf, 2020). These laws have established the stigma that
is attached to many immigrants today and is responsible for the criminal punishment and hardships
many of them have and continue to endure. Combined with neoliberal ideologies these policies
and procedures limit specific populations from migrating or residing permanently in a specific
country by imposing barriers that focus on keeping "people out rather than [focusing on] how to
keep families together" (Kibria, 2019). Not only does this make it harder for immigrants to become

citizens but it also makes them vulnerable to exploitive employers, landlords, community members and even family members (Gallagher, 2015 as cited in Silkowski & Wolf, 2020, p. 389). These hardships put immigrants at higher risk for physical and mental illnesses and their lack of access to resources along with other barriers decreases their ability to seek or receive treatment. By examining the reasoning behind these policies as well as key factors that impair the wellbeing of immigrants the need for social support and access to services was identified. Social support is one of the leading factors in preventing many of the hardships that immigrants face. Therefore, effective frameworks and interventions that can be implemented on a micro, meso and macro level by social workers and other professionals were analyzed and suggested. Some of these interventions include a shift in a right-base approach, the use of a strength-based approach and various techniques depicted in models such as the Circle fo Courage and Theatre of the Oppressed.

Historical Context of Immigration Policies

Establishing the Requirements for Nationality

One of the first federal legislation pertaining to citizenship status in the United States was the The Naturalization Act of 1790. This act established the original rules for naturalization in the United States which involved "being a free white person…of good character" excluding indigenous people, free blacks, indentured servants, and slaves (Sulkowski & Wolf, 2020). This Act was the firs of many to impose limitation on migration to America. Eight years later, the Alien and Sedation Act of 1798 allowed the US president to deport individuals who were "determined to be dangerous to the peace and safety of the United States" while also allowing authorities to deport people if their home country was at war with the US (Sulkowski & Wolf, 2020). This legislation was the first to speak on immigration as a whole and was followed by The Page Act in 1875 and the Chinese Exclusion Act of 1882. Both policies further limited the entry of immigrants,

specifically Asians who were migrating under contracted labor agreements. Limiting the entry of "undesirable" immigrants has led many to conclude that this was the begging of illegal immigration and was based on racist and xenophobic views as well as worries about the loss of employment (Sulkwoski & Wolf, 2020).

Criminalizing Immigration

Future policies and practices continued to restrict other groups from migrating to the US such as, sex workers, anarchist, and people with disabilities. Limitations were also placed to restrict immigration from non-wealthy countries during The Emergency Quota Act of 1921, favoring individuals from northern European countries. People from non-wealthy countries were thought to be a threat to the well being of the country and "debase the American stock" (Ager & Bruckner, 2013 as cited in Sulkowski & Wolf, 2020, p. 390). However, the passing of this policy backfired as people who were not able to migrate under the new quota system began to migrate to Mexico and then the US without authorization. This increased the concern for illegal immigration on the US border and led to the establishment of greater restrictions on immigration and further clarification on the naturalization process. This included detaining, deporting, and forcing over a million undocumented immigrants in Texas, Arizona and California under the Operation Wetback established in 1954 (Sulkowski & Wolf, 2020). This project used military-style tactics to remove many Mexican immigrants some of which were American citizens or resided legally for work under the Bracero program established during World War II. The name highlights the racist intentions of this project which uses a slur applied to illegal entrants who were assumed to enter the United States by swimming the Rio Grande. This became a derogatory term often applied to Mexican labors and is still used by many with anti-immigrant views. Despite this project being shut down shortly after it was passed, we still see the implications of its creation today. This project

ended up creating a permanent border control presence along the Mexico-US border, it allowed

for future abuse and violation of the human rights of undocumented immigrants, and it established

the concept of being an undocumented immigrant to be associated with illegal activity and

punishable offenses (Astor, 2009 as cited in Sulkowski & Wolf, 2020). This is best depicted by

The Homeland Security Act that was passed in 2002 in response to the 9/11 attacks. Many federal

agencies were formed due to this legislation including, Immigration Customs Enforcement (ICE),

Customs and Border Protection (CBP) and Citizenship and Immigration Services (USCIS), all of

which play a role in immigration laws today (CIANA, 2020a).

Preserving the "American Family"

Nevertheless, cheap labor demands in the US continued to summon immigrants and

immigration spiked up as well as illegal entry from Mexico in the late 1960's after the Nationality

Act of 1965. This act eliminated the original quotas established in 1924 and placed annual and per-

county limits on immigration. This act is known to have established the framework for the

requirements of family sponsorship in the US. The Nationality Act allowed for the admittance of

"immediate family" of US citizens without numerical quotas (Kibria, 2019). Although this may

seem like a great policy for family reunification at a first glance, it is composed of a system of

hierarchal preference that places US citizens above permanent residents and the concept of family

lacks cultural competence. Family relationships are not only based on family proximity and age,

but individuals must prove their family relationships through an extended procedure that requires

identification and procession of legal documentation. These documents can be difficult to obtain

for individuals who are migrating from countries with a history of conflict and weak state

institutions. DNA testing is offered as an alternative and although its accuracy is not questionable,

access and reliability is not an option for many around the world (Kibria, 2019). This act was

envisioned for citizens with European roots to sponsor their relatives and ensure "the maintenance of immigration flows dominated by those of European origin" (Hing, 1993; Joppke, 1998; Lee, 2015; Watson, 2018 as cited in Kibria, 2019, p. 811). Additionally, the concept of "family" established in the act is based on the American concept of a nuclear family which was supported by the aftermath of World War II. Foreign wives of US servicemen wished to join their husbands and a dependency of wives and children on husbands pushed this reform into action. This was what is known as the "American Family" often spoken about in the American Dream ideology.

Sooner than later, divorce rates began to rise after no-fault divorce laws were passed in the 1970s, the feminist movement emerged, and the concept of the nuclear family began to deteriorate. Although this act is still in place, it no longer considers current family views nor the recent data on immigration flow.

Initially put into place to increase the flow of European families, the Nationality Act of 1965 resulted in the increase of family admittance from Asia, Africa, and Latin America (Kibria, 2019). Therefore, this act began to be associated with immigrants of color and perceived as a threat to the American ideal of family. Immigrants continued to be viewed as a threat especially after the Immigration Act of 1990 which increased annual limits and revised visa category limits to increase the migration of skilled labor. This policy was shaped by neoliberal ethos in pursuit of attracting the brightest and the best into the USA (Kibria, 2019). Neoliberalism redefines individuals as consumers who exercise their choices best when buying and selling to deliver benefits to the economic market. Therefore, this act distinguished immigrants into two categories "deserving" and "underserving" (Kibria, 2019). The racial family logic which is the idealization and organization of families in relation to institutions for racial projects (Kibria, 2019) is clearly depicted through this neoliberal ethos and ideology.

Controlling "underserving" families

Despite lifetime limits on aid and work requirements for adults, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, also known as the welfare reform act, emphasized work and marriage as a path to becoming self-sufficient for many individuals with low incomes. This act was established as a response to the collapse of marriages and welfare dependency, especially black families who were depicted as "deeply deficient and dysfunctional" (Kibria, 2019). By idealizing self-sufficiency this policy further enhanced neoconservative ideas and racial inequalities that reflect cultural deficiency (Bonilla-Silva, 2003 as cited in Kibria, 2019, p. 814). This act also brought attention to the importance of naturalization as citizens were the only ones eligible. State governments could extend aid to immigrants later at their own expense, but this confused many as to who qualified for benefits and who did not (Hook et al., 2006). This led to many non-citizens facing withdraw from benefits and others not applying due to confusion of qualifications.

Continuing the Separation of Families

As if diminishing immigrants' access to aid and the opportunities of seeking asylum in a new country was not enough, immigration policies continue to separate migrant families. According to USA for United Nations High commissioner for refugees (UNHCR), a USA non-for profit organization that protects an empowers refugees, asylum is the "right to be recognized as a refugee and receive legal protection and material assistance" (USA for UNHCR, 2021). Additionally, refugees consists of any individuals who have been forced to leave their country due to persecution, war or violence. They tend to have a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group and are likely, unable to return home or are afraid to do so. War and

ethnic, tribal and religious violence are leading causes of refugees fleeing their countries and as of 2019 there were two million new asylum claims (USA for UNHCR, 2021). Despite this, the Trump administration passed the Zero Tolerance Policy in 2018. According to Refugees International (2018), under this policy, all migrants, including asylum seekers, attempting to cross the US border was to be detained and criminally prosecuted which led to many migrant children being systemically separated from their parents as they crossed the border with them into the United States. Although there is no data on the absolute number of family separations resulting from illegal border crossing in prior administrations, this policy led to a "total of 5,349 recorded children separated between March 2017, at the start of the DHS pilot program, and November 30, 2020" (Kandel, 2021). Additionally, in 2017 there were documented infractions at the detentions centers where immigrants were being held and investigators found "evidence of systematic and suspicionless strip searches, rotten food, and moldy bathrooms, the misuse of segregation, the denial of communications, and long delays for medical care." (Refugees International, 2018, para. 10). This was documented along with 800 cases of abuse in 34 different detention facilities occurring since the beginning of the Trump administration (Refugees International, 2018). Fortunately, during the first week of the Biden administration this policy was rescinded and almost all youth have since been reunited with their parents. Additionally, a steering committee assembled is taking charge of unifying the rest of separated youth (Kandel, 2021).

A Human Rights Perspective

Universal Declaration of Human Rights

The Universal Declaration of Human Rights was drafter on December 10 of 1948 by representatives around the world with various legal and cultural backgrounds (United Nations, 1948a). This declaration serves as a "common standard of achievements for all people and all

nations" (United Nations, 1948a). This document states the 30 fundamental human rights of all people that are to be universally protected. The USA was one of the leaders in creating and establishing this document yet, has failed to protect many of the rights listed.

The 30 fundamental human rights of all people are based on the foundation that all individuals have the right to freedom, justice and peace in the world. Everyone is entitled to these rights despite "distinction of any kind such as race, colour…national or social origin, property, birth or other status" (United Nations, 1948a). It also grants the right for all individuals to "seek and to enjoy in other countries asylum from persecution" this goes in hand with Article 15 stating that no one is to be deprived of their nationality "nor denied the right to change [their] nationality" (United Nations, 1948a). Unfortunately, this is not the case for many immigrants in America.

Article 16, section three states that "the family is the natural and fundamental group unit of society and is entitled to protection by society and the state" (United Nations, 1948a). Although family, is not specified in this statements it is assumed that all parents and their children are entitled to this protection as well as the right stated in Article 5 where they are to be protected from "torture or to cruel, inhumane or degrading treatment or punishment" (United Nations, 1948a). However, the increase in broader protection that has increased within the past years has led to the separation and inhumane treatment of many immigrant families. The increase in immigration regulation and restrictions has lead to families in southern borderlands to face what Sulkowski and Wolf describe as the "caging effect" (Sulkowski & Wolf, 2020, p. 392). The caging effect is the increased pressure of undocumented parents to send their children to the US in order to be able to see them regularly. This then results in forfeiting relationships with other family members (Rabin, 2018 as cited in Sulkowski & Wolf, 2020, p. 392). Nevertheless, contemporary immigration policies such as, the Illegal Immigration reform and Immigrant Responsibility Act, the 1996 Anti-terrorism and

Effective Death Penalty Act and the 2001 USA PATRIOT act, have become so aggressive towards deportation that undocumented immigrants and sometimes even legally recognized immigrants are being detained and deported for committing minor criminal offenses. Some of these criminal offenses include possession of small amounts of narcotics, shoplifting, driving without a license or just being at the wrong place at the wrong time (Ewing et al., 2015; Lonegan, 2007; Ngai, 2003 as cited in Sulkowski & Wolf, 2020). Due to their lack of control based on immigration status as well as lack of education on their rights, many immigrants are discriminated and vulnerable to cruel treatment during arrest as well as after while they are detained and deported. According to a Phillips, Hagan and rodriguez research project where they interviewed Salvadorian deportees, it was discovered that when the percentage of minority in an area increases so does the size of police force, police budget expenditures, the arrest rate, police use of deadly force and police use of excessive force (Phillips et al., 2006). 31 individuals also reported that they did not have access to basic resources during detention such as adequate food and water and 45 percent of the people interviewed mentioned not having access to a phone (Phillips et al, 2006). Not only do the conditions described by the immigrants interviewed violate article five of the Universal Declaration of Human Rights but also article 25 which grants individuals the right to "a standard of living adequate… including food, clothing, housing and medical care and necessary social services and the right to security in the event… [or] lack of livelihood in circumstances beyond his control" (United Nations, 1948).

It is this violation of human rights that has placed immigrants in situations that lead to arrest/deportation in the first place. As mentioned earlier, immigration status has affecting the eligibility for social services in the USA including health care. An example of this is the Public Charge Policy passed in 2019 which gave the government permission to reject green card

applicants who relied on public benefits leaving "1 in 4 immigrants avoiding public programs" (CIANA, 2020b, p. 2). Fortunately, this policy was recently rejected this year in the month of March by the Biden administration. Nevertheless, an estimated 4.1 million people are ineligible for the Affordable Care Act which grants free access to health services, due to their immigration status. This also affects youth who were born in the USA but have undocumented immigrant parents whom they depend on to obtain necessary benefits. According to the 2000 census, "1 of every 5 children is a member of an immigrant family" (Pati & Danagoulian, 2008). Many immigrant families are complex and differ in immigration status. This puts at risk the health of many youth in America and even their access to education. Article 26 outlines the fundamental right to education for all. "Education shall be free, at least in the elementary and fundamental stages… technical and professional education shall be made generally available and higher education shall be equally accessible" (United Nations, 1948a). Despite this, many immigrant youth are deprived of education increasing their lack of human rights and vulnerability.

Convention of a Child

The United Nations Convention of a Child (UNCRC) was adopted by the UN general assembly on November 20th of 1989. This document is a legally-binding international agreement that sets the 12 civil, political, economic, social and cultural rights of every child, regardless of their race, religion or abilities. According to the convention a child is "every human being below the age of eighteen years" (United Nations, 1989b). The USA is the only UN member state that did not ratify the treaty. Due to conventions being legally binding for states that have signed them, they are stronger than declarations which is just a form of agreed standards. Reviewing the United States history of policies and treatment of children it is crucial that the USA signs this convention for the future of children in America.

Children, who are in their "biological" and "psychological" formative years are a vulnerable population who require social support. However, the US government has jeopardized their health and even life many times throughout history. For example, Trump's Zero Tolerance Policy went against Article 9 of the CRC where the rights of a child are outlined in regards to family separation. State parties are accountable for ensuring that no child is separated from their parents "against their will" and if separation were to occur, children are to "maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests" (United Nation, 1989b). Not only were youth in detention centers during the period of this policy separated from their parents, but they were also victims of physical and sexual abuse. The rights of these children were striped during the implementation of a harsh xenophobic policy that did not care for them in a "positive, humane and expeditious manner" (United Nations, 1989b). Unfortunately, this is only one of the anti-immigration policies that have put the rights of children at risk.

In 1948 the Supreme Court passed Plyer v. Doe allowing immigrant youth access to a "free and appropriate education (FAPE) in public K-12 schools" education (Sulkowski & Wolf, 2020, p. 392). This decision also extended the legal protection for children who had also been denied access to FAPE such as children of color, children with disabilities and children with a primary language other than english. This decision supports the universal human right to free education as well as article thirteen of the CRC which grants children the right to freedom of expression including the freedom to "seek, receive and impart information and ideas of all kinds, regardless of frontiers" (United Nations, 1989b). However, many states have tried to challenge the decision of Plyer V. Doe and some policies are still in place, injuring the education of youth. An example of states challenging this decision includes the state of Arizona passing one of the strictest and

most anti-illegal immigration laws of all time, the Support Our Law Enforcement and Safe Neighborhoods Act in 2010. This bill made it a "state-enforced crime to transport any illegal alien or to harbor an illegal alien in any state-related building" (Sulkowski & Wolf, 2020, p. 394). Due to public buildings being held under federal education laws and protection this bill ended before it could cause any serious harm. On the other hand, Alabama law makers passed House Bill 56 in 2011 which I similar to the bill that Arizona passed but it requires K-12 educators to inquire about the legal status of every new school enrollee and then report it to the state(Sulkowski & Wolf, 2020). This bill resulted in an increase of absences amongst Latin American students and more then 13% of these students withdrew from public schools between September of 2011 to February of 2012 (Maxwell, 2011 as cited in Sulkowski & Wolf, 2020). Inquiring about the legal status of students or families is intimidating and can make students feel unsafe or included in school while also increasing their worries about "outing" an undocumented family member (Jefferies, 2014 as cited in Sulkowski & Wolf, 2020, p. 393). Nevertheless, this is a violation of article 16 of the CRC which states that no child should be "subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation" (United Nations, 1989b). It is also a violation of article 28 which not only sates that primary education is to be available to all children but it also encourages state parties to take measure to "encourage regular attendance at schools and [reduce] drop-out rates" (United nations, 1989b). However, because the USA is not an official state party of this legally-binding document, it cannot be held accountable for their lack of taking measures towards these goals.

It is also important to note that the decision of Plyer V. Doe increased discrimination and racial profiling amongst immigrant youth, especially those of darker complexions as police presence in school settings increased (Sulkowski & Wolf, 1989). This is what is known as the

school to prison pipeline. The presence of police official and their use in disciplining youth at schools often leads to high rates of incarceration amongst these marginalized populations. This decision further breaks migrant families apart while increasing stigmatization of immigrants.

Declaration of Race and Prejudice

It is often inaccurate stigmas that cause the formation of barriers that migrants face. Although many countries have expanded their civil, political and social rights due to the increase in immigration to industrialized democracies. There seems to be a greater focus on humanity rather than national belonging when it comes to contemporary concept of citizenship, allowing due to the built up of anti-immigration views and xenophobia that has emerged within the USA. more immigrants to receive benefits. Due to this, analysts thought that increasing rights for immigrant would cause an even large flow of immigration which can increase expenses to the state giving them an incentive to reduce immigration levels (Gran & Clifford, 2000). For example, in order to become a naturalized citizen, an "immigrant must be at least 18 years old, a legal permanent resident and a resident of the state for at least five years" (Woodrow-Lafiel et al., 2001 as cited in Hook et al., 2006). In addition, immigrants must also prove the ability to "speak, read and write English, pass a test on United States Government and history [and] be of good moral character. These requirements make it difficult for immigrants to naturalize as they are more likely to lack resources that allows them to meet the requirements such as, access to or time to take language proficiency courses. Yet, this opposes Article nine, section three of the United Nations Declaration on Race and Racial Prejudice, adopted on the 27th of November in 1978. Article nine informs individuals that "any form of racial discrimination practiced by a state constitutes a violation of international law giving rise to its international responsibility [and] special measures must be taken to ensure equality in dignity and rights for individual and groups wherever necessary" (United

Nations, 1978c). However, it has been proved through earlier and current immigration restraints that there is racial discrimination and prejudice occurring in America by barring them from obtaining services that allows them to express their human rights such as pursing a job and voting in governmental elections. Therefore, in order to comply with the Declaration of Race and Prejudice, services need to be available to immigrants and their families.

The common theory that immigrants depend on welfare reforms which leads to an increase in state costs is a also common due to an increase in xenophobia and racial discrimination as contemporary immigration reforms favor neoliberal views. However, Gran and Clifford conducted a study where they compared the relationship between immigration levels and access to social welfare programs "for the 25 year period from 1960 to 1985" (Gran & Clifford, 2000 p. 417). It turns out that immigrant's motivation to seek naturalization for social benefits also depends on "how warmly immigrants are welcomed at new destinations" (Hook et al., 2006, p. 644). Therefore, if immigrants do not feel welcomed within their host country, naturalization is seen as something difficult and even impossible to obtain. This debunks the myth that immigrants seek naturalization for political and economic reasons instead, immigrants rational for naturalizing is based on the amount of social support that they receive. This realization is further supported by article 5 of the the Declaration on Race and Racial Prejudice which classifies culture as an "increasingly effective means of adaptation, enabling [individuals] to affirm that they are born equal in dignity and rights" (United Nation, 1978c).

By making naturalization easier for immigrants, the state will also allows for immigrants to qualify for aid and by doing so, they will increase immigrant's social network. Institutional and state programs influences "how welcome immigrants feel at arrival, how much settlement help they receive, and how much assistance they can draw upon when learning the skills required for

naturalization" (Hook et al., 2006), p. 647). These resources actually motivate immigrants to apply for citizenship by providing them with a welcoming environment. However, the opposite tends to happen. By receiving unfavorable attitudes, immigrants believe that they are ineligible for upward mobility so their naturalization tendencies are low. On the other hand, immigrants who live in states that offer a supportive and welcoming environment are "most easily incorporated economically, thus diminishing any need to demonstrate membership" (Hook et al., 2006 p. 647). By avoiding the need to demonstrate membership not only will immigrants feel more welcomed but they will be able to assimilate into the host country, increasing both their mental and physical health.

Consequences of Immigration Policies and Practices

Discrimination and Stigma

About 51 million people in the USA experience mental illness each year. However, due to all the barriers mentioned previously as well as increased exposure to unique stressors that immigrants face before, during and after immigration they are more likely to have higher incidents of mental illness (CIANA, 2020b).

Anti-immigration policies are known to increase fear and anxiety amongst migrants in America, especially those who are undocumented. Bruzelius and Baum (2019) collected data from the Behavioral Risk Factor Surveillance System (BRFSS) and from annual telephone surveys of "noninstitutionlized adults" (Bruzelius & Baum, 2019) in order to examine the relationship between aggressive enforcement of anti-immigration policies starting in 2017 and the mental health of hispanics. By using the interview dates they compared them to monthly state ICE arrests where results showed an increase in mental health illnesses amongst hispanics with states that had a larger increase of arrest rates. More than a third or respondents reported having "at least one poor

mental health day in the proceeding month [of the 2017 policy] and further research has shown that 42% of migrants are more likely to have depressive or anxiety disorders compared to non-migrants (CIANA, 2020b). Additionally, since 2008 ICE has arrested more than two million undocumented immigrants and during the observation period, 440, 601 of these arrests were made. These anti-immigration policies not only affect the mental health of hispanic immigrants but also that of immigrants worldwide who also face discrimination and stigma in their host countries. Even if public assistance is available, many immigrants avoid interaction with local government agencies out of fear of stigmatization and discrimination which further impedes their ability to bounce back from physical and health issues (Pendall et al., 2012 as cited in Huang & King, 2018). There has been an increase in discrimination and racial violence in the most recent years that have led to many hate crimes. "Hate crimes targeting the Asian-American community in major cities rose by over 150%" (CIANA, 2020). Additionally, hispanic and darker undocumented immigrants face worse discrimination in the labor market compared to their lighter skinned counterparts and are more likely to be victims of the criminal justice system.

Results of studies have shown that individuals who are unemployed are more likely to have "depressive symptoms, more stress, and lower well-being. Unemployment was also associated with an increase in "mortality risk for those in their early middle careers" (Batic-Mujanovic et al., 2017). Furthermore, long-term unemployment was also associated with greater incidence of suicide where the greatest risk is seen in the five years but continues at lower but elevated levels up to 16 years after employment (Batic-Mujanovic et al., 2017). The lack of unemployment amongst immigrants is related to the lack of access to services, a social support system and discrimination that also puts them at risk for incarceration.

Marginalized youth make up over 60% of children detained by the juvenile justice system across the USA (Nicholson-Crotty et al., 2009) where "more than 50 percent of inmates have a mental health issue" (CIANA, 2020b). The Children's Defense Fund (1975) was one of the first to provide evidence that people of color were "suspended at higher rates than their white counterparts and since [then] racial disproportion in school exclusionary discipline has been a highly consistent finding" (Skiba et al., 2002; Wu et al., 1982 as cited in Nicholson-Crotty et al., 2009). Furthermore, research also suggests that African-American students are less likely than their white counter parts to receive "less punitive alternative sanctions once they are referred for disciplinary action and more likely to be the recipients of corporal punishment" (McFadden et al., 1992 as cited in Nicholson-Crotty et al., 2009). The most current research also shows that patterns of racial disproportion are not associated with higher incidents of disruptive behavior by students of color. Therefore, the disproportionate contact with marginalized youth in school settings is due partly to receiving different treatment by teachers and administrators (Nicholson-Crotty, 2009). These hardships amongst migrant youth along with the fear of deportation and anxiety of family separation can lead to "low self-esteem, difficulties in school, poor coping mechanism and often suicide and depression" (CIANA, 2020b). An example of this is the story of Mila who migrated to the US with her children after her partners was in the during a civil war in their country. Not only had her children already experienced extreme psychological trauma watching their father die prior to migrating but, during their migration Mila was assaulted twice when trying to bargain deals and their low economic background, undocumented status and lack of community left them vulnerable and helpless when they arrived to the USA. Mila saw her kids fall into the hands of depression and she herself feared men in the facility (CIANA, 2020b). This is only one of the many migrant experiences and unfortunately there are many more stories like this one and far worse.

Social Isolation and Lack of Resources

The increase in vulnerability and helplessness that Mila and her children face was further supported by the lack of community support and services they obtained once they arrived in the USA. This social isolation and lack or resources puts the health of many immigrants at risk. The most recent nationally representative analysis confirmed that "foreign-born children (approximately 87% whom were not US citizens) were more likely to be uninsured than to have public health insurance coverage (Pati & Danagoulian, 2008). Many migrant youth are living in America without insurance coverage and access to medical services. This also extends to documented and nationalized youth with migrant parents. It turns out that the majority of uninsured youth were members of families that did not meet public health coverage eligibility requirements or had parents that were working but, their employers failed to provide them with health insurance coverage (Pati & Danagoulian, 2008). Not obtaining health care services through employment is a violation of Article 23, section one of the Universal declaration of Human Rights which claims that "everyone has the right to work… to just and favourable conditions of work and to protection against unemployment" (United Nations, 1948). This violation further extends to youth whom depend on their parents for health care services. Article 24, section b of the Convention on the Rights of the Child also speaks on the issues of health care services and states that state parties are to "ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care" (United Nations, 1989). Not providing children with necessary medical assistance puts the lives of many children in America at risk for their lack of health coverage reduces their chances of living a healthy and active life.

This lack of resources along with low social support has also been associated with food insecurity and mental illnesses. Nevertheless, depression and poor physical health which has

increased in the last year due to the global pandemic has increased the barriers for immigrants who have found themselves isolated more than usual which then reduces their chances of "receiving instrumental and social support from families and friends" (Huang & King, 2018). This lack of community support not only makes it difficult for immigrants to assimilate in their host country but it is also associated with food insecurity.

It is estimated that "4.2 million immigrants are persistently food insecure and 10.6 million experience transitional food insecurity" (Huang & King, 2018). Not obtaining or having access to sufficient food for yourself and your family can further increase health issues and even lead to homelessness. Unfortunately, these health issues increase and are more prevalent in individuals with intersecting marginalized identities.

Intersectionality

It is widely known that certain individual and community characteristics, including gender, socioeconomic status income inequality, etc. increases the likelihood of marginalized youth coming into contact with the juvenile justice system (Frazier et al, 1992 as cited in Nicholson-Crotty, 2009). Students who are part of communities with a low socioeconomic status are more likely to receive out-of-school explosion and suspensions as well as students with a father that was unemployed (Nicholson-Crotty, 2009). The intersection of these characteristics further support modes of discrimination and privilege. This is especially seen in immigrant children who live disproportionally in low-income families where their parents often have less than a high school degree and work low-wage jobs which do not offer them benefits such as health insurance coverage (Pati & Danagoulina, 2008). These characteristics are also "individual-level predictors of homelessness" (Bassuk & Geller, 2006; Fertig & Reingold, 2008 as cited in Huang & King, 2018). Having food insecurity has been associated with homelessness especially amongst immigrant

mothers who are "more likely to be in poor health… be high school dropouts… and less likely to receive food stamp benefits" (Huang 7 King, 2018, p. 1152). Research has also shown an increase of depression amongst single mothers who are often stressed about obtaining food for their family and who are malnourished themselves (Tarasuk, 2001 as cited in Huang & King, 2018). This food insecurity and homelessness amongst immigrant parents also affects their relationship with their children. A research was conducted focusing on the relationship between parental involvement and the risk factor for cigarette and marijuana use among adolescents growing up in families with undocumented members. The results showed that "low parental involvement is a significant predictor of adolescent maladjustment and problem behavior, including substance use" (Dishion et al, 2004; Simons et al., 1994; Wood et al., 2004 as cited in Zapata Roblyer et al., 2015, p. 476). Although adolescents with low parental involvement had high levels of autonomy, they felt unsupported, lonely, and longed greater parental guidance in their everyday lives (Ceballo, 2004 as cited in Zapata Roblyer et al., 2015). It was also discovered that the stress of low parental involvement contributed to adolescent experimentation with cigarettes and marijuana use. Additionally, being a girl increased the odds of lifetime alcohol use but, family economic stress was not associated with lifetime substance use (Zapata Roblyer et al., 2015). When looking further into what leads to low parental involvement amongst immigrant parents many of the previous factors mentioned were discovered including, limited English proficiency, lack of education, lack of transportation, lack of childcare, limited familiarity with the US educational system and parent-child cultural gaps. Further concerns such as, fear of encounter with the police and deportation also play a role in low parental involvement. According to Bowlby's attachment theory, "there is a need in humans for a secure base to return to in order for healthy exploration of new experiences and attachments to develop" (Bowlby, 1988 as cited in Miller, 2012, p.317). Therefore, not having

a strong relationship with their caregivers due to immigration/ family separation, immigrant youth and those with immigrant parents are at a higher risk of "identity confusion… [repressing their] negative feelings regarding immigration-related loss… acting out and depression" (Miller, 2012, p. 316). Research has also shown that children are strong attached to their parents despite their emotional availability and instead of the formation of "weak" attachment to parents that are unavailable, they tend to form bonds with them that are strong but, avoidant, insecure or anxious attachment that causes them stress (Ainsorth et al., 1978; Main, 1995 as cited in Miller, 2012) and disrupts their ability to cope and relate to others. This often leads to insecurity and an overall lack of self-esteem which impacts their ability to assimilate successfully in a new country (Miller, 2012). These separations between parents and their children, which tend to happen in long periods of time for immigrant youth can also lead to trauma and insecure attachments if multiple losses occur at a time. The abundance of stress that immigrant youth face is also heightened by their age. Adolescents face the common challenges of growing up and to accumulate insecure attachments, and a need to adjust to new norms and values will obstruct their identity formation while increasing their risk of stress, problematic behavior, substance use, unsafe safe, depression and suicidal ideation (Miller, 2012). This is why it is important to take into consideration all identities of an individual and use a holistic approach, especially when working with immigrant clients directly.

Effective Interventions

Guiding Frameworks and Approaches

Many professionals that work work directly with individuals of diverse backgrounds such as social workers, teachers, psychologist, etc. can have a pivotal role in development of resiliency of the immigrant population. The National Association of Social Workers (NASW) Code of Ethics which was first approved in 1996 and the National Association of School Psychologist (NASP)

Principle for Professional Ethics which was updated in 2012 serve as an ethical framework for individuals in this profession. Both of these documents outline the requirements of each profession and the values that must be upheld in order to provide clients with the best care.

The NASW Code of Ethics is comprised of six values: service, social justice, dignity and worth of a person, importance of human relationships, integrity and competence. Each value is then t is to be done. This code of ethics is to be followed by all social work professionals and students "regardless of their professional functions, the setting in which they work or the populations they serve" (National Association of Social Workers (NASW), 2017).

The value of social justice pertains to the work that social workers must do in order to "promote sensitivity to and knowledge about oppression and cultural and ethnic diversity" (NASW, 2017). This requires social workers to pursue social change by ensuring the access to information, resources and services (NASW, 2017). This goes in hand with a rights-based approach where international human rights and humanitarian law norms are taken into account when working with individuals. This requires the use and knowledge of the Universal Declaration of Human Rights and a shift away from a needs-based approach. Unlike the needs-based approach, a rights-based approach motivates the legal obligation to entitlements and demands accountability from governments and global bodies (Mapp et al., 2019). This would require social workers to make work alongside other professionals such as lawyers and make political and social diagnosis rather than medical or psychiatric ones. Using a rights-based approach will allow practitioners, researchers and educators to "identify, practice and teach human rights" (Mapp et al., 2019, p. 264), in order to ensure the protection of the individuals they work with and the need for their rights to be upheld universally. Additionally, in order to use a rights based-approach one must also be conscious of individual biases and be culturally attuned.

As mentioned before, immigrants face many hardships and come with various views and ideals. This is seen through the health care system which many immigrants lack access to. There already exists a lot of stigma around mental health in the US and this is even more common in migrant communities. Many immigrants will avoid seeking treatment due to the negative cultural stigma regarding mental illnesses (CIANA, 2021). The common linguistic and cultural barriers that immigrants also face increases their challenges to obtain treatment. Many migrant individuals need access to interpreters and their cultural values require providers' respect for "traditional health beliefs and social services during their visits" (CIANA, 2020b). This is done by respecting a clients culture and taking it into account when providing services for them. However, in order to comprehend what cultural competence is you must first understand what culture is. Culture is not based on a persons skin color or ethnic heritage (Dennis & Lourie, 2006, p. 99). There are many spanish speaking groups yet, the fact that their language is the same does not mean that their customs are the same too (Dennis and Lourie, 2006, p.105). The assumption that people who share the same language or live in the same country also share the same beliefs and customs is the root of stereotypes. As professionals working directly with clients of various backgrounds, social workers must "treat each person in a caring and respectful fashion, mindful of individual differences and cultural and ethnic diversity" (NASW, 2010). In order to reach "cultural proficiency" one must accept that culture makes a family strong even if it is different than yours and one must be able to recognize these differences as strengths (Dennis & Lourie, 2006, p. 106).

By accepting and acknowledging an individuals culture one allows for an individual to feel seen and welcomed. Humans are multifaceted and their environment and relationships with others are to be taken into account in order to better understand their behavior and the development of their identity. The best interest of an individual is best provided when taking into account their

"intellectual, emotional, social and cultural development" (Reyneke, 2018, p. 80). Considering all these elements is needed when working and planning for services. Incorporating all aspects of an individual allows social worke to better understand their clients perspectives and and how to create an effective plan that will benefit them in the long run rather than temporarily. In order to use a holistic approach effectively, social workers must also use a strength-based approach. Using a strength based approach allows social workers to identify points of resilience within their clients which they can then point out to their clients and use them to their success. This correlates with the third value in the NASW Code of Ethics which states that Social workers are to "promote clients' socially responsible self-determination [and must] seek to enhance clients' capacity and opportunity to change and to address their own needs" (NASW, 2010). By viewing what may be seen as a weakness and reframing it as a strength, social workers can change the perspective of their clients and increase their autonomy which can then increase their success rate within their environment. Combining both of these approaches are best portrayed within wraparound services also known as, individualized care. This approach is associated when working with children but can be used when working with individuals of all ages. It commonly focuses on keeping children within the family system and working "around" them in order to provide them the best care. In order to work "around" a client, one must work with them within their environment and make the necessary adjustments while putting their needs first. By working with an individual in their environment, emphasis is placed on the problem at hand and how their society contributes to it rather than placing emphasis on the individual being a problem to society. Reyneke (2018) introduces the use of a holistic approach when working with children.

Basic education is a fundamental human right and developmental priority. Therefore to ensure that it is available and accessible to all, Reyneke (2018) recommends the use of the "4

A's" (Reyneke, 2018, p. 81), mentioned by the Center for Economic and Social Rights (CESR). The CESR is an international nongovernmental organization that is dedicated to fighting inequality and poverty by using human rights as their guiding principle (Center for Economics and Social Rights (CESR), n.d.). The 4 A's framework is an international standard for education referring to availability, accessibility, acceptability and adaptability. In order for the 4A's framework to work Reyneke (2018) advocates for the need of school social workers in all educational settings. Social workers, unlike teachers are trained and can dedicate the time to support the psychosocial development of learners. Many teachers are not equipped or "do not know how to increase resilience and foster positive behaviors in learners" (Reyneke, 2020). Using their skills and knowledge, school social workers not only manage disciplinary problems but also play a role in preventing them. This can be done by working with teachers to enhance their understanding of the social context of learners, ensuring that learners have access to a supportive and emotional environment and by leading academical and life skill programs for learners, educators and parents (Reyneke, 2018). Children, especially those of immigrants families, who experience a multitude of systemic and personal problems such as, poverty, neglect, discrimination, etc. are more likely to "exhibit acting-out behaviors… have conflict with authority figures and… experience low self-esteem" (Reyneke, 2018, p. 97). These children also tend to drop out at higher rates and be disciplined through the use of punishment. By having school social workers in all education settings these children will be able to foster in their learning environment by having access to resources within their community, feeling welcomed and safe within school and being provided an effective education that acknowledges their culture and adapts to societal and individual needs. Reyneke (2018), emphasized that schools must develop the resilience of learners and they recommend using the circle of courage model as a guide to achieve this. Previous research has

shown that "the improvement of resilience in learners could help to decrease behavioral problems" (Bernard, 2004 as cited in Reyneke, 2020). The circle of courage principles presented by native Americans of the Lakota tribe in 1988 is a model of youth development based on the four values needed for positive youth development, belonging, mastery, independence and generosity (Brendtro et al, 2019). This framework serves as a model for all educators in order to ensure that these fundamental needs of children are met. It is also associated with a strength-based approach and fulfills the philosophy or restorative justice (Reyneke, 2020). The circle of courage model which is depicted by the four values divided in four quadrants within a circle not only helps educators identify why a learner is misbehaving and how their social functioning can be improved but, it also provides a guideline for the prevention of behavioral problems on an individual an school level. For example, children who do not experience the feeling of belonging within their environment tend to look for artificial methods that compensate this feeling through "gang affiliation, attention seeking, hypervigilance, being unattached, loneliness and distrustfulness" (Brendtro et al., 2019 as cited in Reyeneke, 2020, p. 147). Similar behaviors are also exhibited when learners do not experience mastery in their field, the autonomy in independence or exhibit a caring nature by exhibiting and receiving generosity. Although there is not enough research on how teachers have used the circle of courage in the classroom, Reyenke (2020), was able to measure their use be surveying teachers who use and do not use this framework in their educational setting. The element of belonging was measured the lowest amongst teachers who used "shouting and yelling" to discipline learners, who did not encourage relationships building, who did not model sensitivity towards others feelings in the classroom and who did not use values to regulate behavior (Reyneke, 2020, p. 150). A similar form of measurement was used for the other values within the circle of courage and it was discovered that when it comes to the development of

mastery in the classroom the lowest scores were associated with teachers who encouraged competition. Competition is supposed to motivate learners however, when learners do not have the capability to achieve good results the opposite can happen. " Learners without a sense of mastery will avoid risks, feel inadequate and give up easily" (Reyneke, 2020, p. 153). Additionally, Independence and generosity was measured the lowest amongst those teacher who did not include learners in the decision making process and who did not foster empathy by taking into account learners feelings and how they can help others within and outside of the classroom. It is important to mention that this study was conducted using the point of view of educators and should be conducted again with the perspective of learned in order to identify a true reflection of the outcome. Nevertheless, the circle of courage model along with the previous methods mentioned can be used together in various settings with individuals of diverse background to increase their resiliency and effectively support their needs. Although there is a lack of research of these models and approaches being used on immigrants, due to the commonality of events and hardships faced by individuals who have benefited from these approaches, it is recommended that they are used with immigrant populations as well.

Social and Emotional Support

The need for social support and community resources has also been identified throughout research conducted on immigrant populations. These resources and forms of support can be demonstrated in various ways such as general availability to health care services, providing a welcoming environment to all immigrants, access to community aid and even using art as a form or healing. Unemployment being one of the main factors of ill mental health amongst immigrants, it must be taken into account how to prevent it and increase employment opportunities for immigrants and their families. Due to the results of the study, Batic-Mujanovic et al. (2017) suggest

that "general availability to health care, rapid special health promoting measures for unemployment patients and social interventions" are needed (Batic-Mujanovic et al., 2017, p. 95). Although it was not specified in detail how this is to be obtained, it will vary amongst countries and their specific needs. As mentioned previously, allowing access to health care despite immigration status will not only benefit undocumented immigrants who do not have health insurance but it will also benefit many american born children and confused migrants who are unaware or unable to obtain health care services due to cultural barriers.

Additionally, how welcomed immigrants feel in their host country has shown to influence their desire to achieve nationality which gives them access to further resources. The Enclave Theory mentioned by Huang & King (2018), suggests that residence in a tight knit community "provides an alternative path to economic mobility" (Huang & King, 2018, p. 1148). This is due to the abundant ethnic networks within the neighborhood that individuals of similar backgrounds obtain. This can then prevent negative impacts of disadvantages that many immigrants face such as food insecurity, unemployment and homelessness (Wilson & Portes, 1980 as cited in Huang & King, 2018). However, communities that are densely tight-knit may reinforce "social closure and restrict access to opportunities in the larger community for enclaved residents" (Granovetter, 1985 as cited in Huang & King, 2018, p. 1148). Therefore, it is important to maintain a balance of commonality and foster a sense of belonging within communities of similar ethnic backgrounds as well as the overall society. This requires the creation of other social networks involving church groups, sports clubs and NGO's to provide physical and emotional needs for this population (Reyneke, 2018).

Furthermore, ensuring that the underlying problems are identified and resolved is key to providing effective care for vulnerable populations. One of the best ways to identify the underlying problems is to listen to the individuals with the problem and include them in the decision making

process. This has demonstrated to be effective through the use of narratives. "Narratives are the representation of real or fictive situations and events in a time sequence (Prince, 1982 as cited in Lauby, 2016, p. 374), that offer explanations for confusing events and at the same time provide rationales for participation" (Polleta, 2006, as cited in Luaby, 2016, p. 374). The use of narratives is best depicted in the art of storytelling as seen in Theatre of the Oppressed. Theatre of the Oppressed is a form of community based education that uses theatre as a tool for social change (Mandala Center for Change (MCC), n.d.).This tool was first developed by the Brazilian theatre visionary and Nobel Peace Prize nominee, Augusto Boal. Boal worked with peasants and worker populations in Latin America and his techniques are now used internationally for "social and political activism, conflict resolution, community building, therapy and governmental legislation" (MCC, n.d.). This form of expression allows individual's who are marginalized and have been oppressed to navigate their feeling in a group based environment while increasing their resilience and bringing awareness to the hardships they face. Immigrants who face trauma at higher levels can benefit from this form of storytelling. The techniques used in Theatre of the Oppressed also allows for immigrants to mourn the losses face before, during and after migrating. Migrating to escape difficult circumstances can come with lots of losses for immigrants including, loss of identity. This is especially common among adolescents who are also facing the challenged of growing up. However, due to many barriers they are often left to deal with these losses on their own which can lead to unhealthy coping mechanisms and mental health issues. This is why it is important to use a model of grief work when working with immigrant populations in order to ensure that the mourn their losses effectively. Freud described mourning as the process of "detaching from a libidinal object, requiring great amounts of energy if the object were one to which a person was particularly attached" (Freud, 1917 as cited in Miller, 2012 p. 318).

Additionally, the struggle of detachment can be intense if there is a lot of resistance to letting go. This can cause an individual to reject reality and have difficulty creating new attachments leading them to isolation. This is how children often mourn in order to avoid the reality of loss (Gottlieb, 1996 as cited in Miller, 2012). Although some research has been done in efforts to support the mourning amongst immigrants, much more is still needed. Miller uses their experience of working with this population to advocate for a grief model that involves the "identification of traumatic loss, validation, allowing healthy regression, processing disavowed emotions and reframing immigration related loss and grief" (Miller, 2012, p. 322). Many of these techniques are used in Theatre of the Oppressed and identified in other models such as the Circle of Courage model. Whenever there is a huge change there is loss and wherever there is loss a person experiences grief. As immigrants the losses encountered are abundant and in order to ensure that they are dealt with in a health manner, effective mourning methods that are accessible are necessary for the wellbeing of this population.

Discussion

Despite the assumption that immigration has increased worldwide, research shows that immigration levels are "unstable, increasing at one time point and decreasing at another" (Gran & Clifford, 2000, p. 439). This demonstrates the need for further research on this topic and further education on the needs of this population. Further research is especially needed on immigrant youth and elders who are not part of the working population. These two age groups are not only the most vulnerable to economic change but also comprise 30 percent of the immigration flow within the 10 countries studied" (Gran & Clifford, 2000, p. 421).

Additionally, stricter immigration enforcement which has increased globally negatively effects the human rights of immigrants. Therefore, further studies must be done on providers and

service users. This must be carefully considers by nations worldwide in order to abolish anti-immigration narratives and strict immigration enforcements that puts at risk the wellbeing of immigrant populations (Latz et al., 2019). It is also important to note the role that immigration status plays on migrant individuals. Due to the fear of encounter with authorities and the implications that migrants can face when reveling their undocumented status, there is a lack of research within this population. This is specifically evident in undocumented children. Pati et al., (2004) came to this realization when conducting their research on children's reliance on public health insurance. Although foreign born children in the United States do not rely on public health programs more than US born children, there is a chance that the amount of foreign born children without public health insurance was underestimated due to the lack of representation amongst this population (Pati et al., 2004).

Lastly, it is crucial for criminologist and demographers to join forces and increase the studies on deportations. This will allow for further knowledge on how states take action towards immigration and how it "shapes the social and demographic structure of local communities and institutional settings" (Phillips et al., 2006, p. 106). Further research on the treatment of deportees can even ensure that the rights of immigrants are being protected while maintaining the interest of national security.

Conclusion

Despite the need for further research on immigrants and their needs, a history of anti-immigration views and an increase in xenophobic policies demonstrate the need for social support and a focus on human rights when working with this population. By educating, advocating and providing access to resources social workers can ensure that the rights of immigrants are being upheld and preventative care methods are prioritized to reduce their hardships.

Due to their high risk of trauma immigrants are vulnerable to economic exploration, discrimination and other system and personal hardships. This is why using frameworks such as the circle of courage and a grief model as well as techniques that focus on increasing the resilience of marginalized population is crucial for the wellbeing of immigrants and their families. Social workers and professionals that work directly with these individuals also play a huge role in their assimilation and must be culturally attuned and aware of any individual biases in order to provide the best care for migrants. This is especially necessary when working with vulnerable populations such as, children, elders and people with debilities.

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