

Forced Separation and the Wrong of Deportation

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Abstract: This paper argues that liberal states are wrong to forcibly separate through deportation the unauthorized immigrant parents of member children and that states must therefore regularize such unauthorized immigrants. While most arguments for regularization focus on how deportation wrongs the unauthorized immigrants themselves, I ground my argument in how deportation wrongs the state's members, namely the unauthorized immigrants' member children. Specifically, forced separation through deportation wrongs affected children by violating a basic right to sustain the intimate relationships with their parents on which they rely for their development into fully autonomous agents.

1. Introduction

Since 2010 nearly 500,000 parents of member children were detained and deported from the United States.¹ Thousands of such children end up in foster care, cared for by strangers.² A practice like this stands in need of moral justification: may liberal states, such as the United States, permissibly deport these unauthorized immigrant parents, or does justice demand that states regularize these unauthorized immigrants, that is, grant them some formal right to stay, free from the threat of deportation, for at least some significant amount of time? On the one hand, assuming as I do that the state has a presumptive right to exclude immigrants which is consistent with its liberalism, there is nothing inherently wrong with deportation, and the right to deport seems to be an important corollary to the state's right to exclude.³ On the other hand, the state's decision to detain and deport can impose

serious harms on affected persons, and one should question whether the state is morally permitted to do that.

I will argue that by forcibly separating unauthorized immigrants from their member children via deportation—even when only one parent faces deportation—liberal states violate a duty to adequately protect certain basic rights of those member children that are unique to them *qua* children.⁴ The rights in question protect children from having their development into autonomous agents with access to an adequate range of valuable life options objectionably impeded. A state is presumptively wrong when it implements policies that undermine children’s ability to adequately develop their autonomy and forced separation via deportation has this effect. My aim is to demonstrate that the state’s duty to ensure children can develop adequately results in a duty of the state to regularize the unauthorized immigrant parents of member children. Further, this duty to regularize such unauthorized immigrants entails, I argue, that having deported immigrants take their children with them to their country of origin is a morally unacceptable option.

I think my argument is important to consider for several reasons. First and most urgently, forced separation is happening right now in liberal states such as the United States, so it is important to examine why forced separation is wrong. This is where moral and social philosophy can be practically useful: adding different perspectives to the debate around the rights of unauthorized immigrants can broaden the way the issue is understood, hopefully leading to sounder conclusions and better policies. This leads to the second reason my argument is important to consider. Children are generally ignored in the philosophical literature, be they unauthorized immigrants themselves or the member children of unauthorized immigrants. Regarding unauthorized immigrant children, scholars either assume that they have a right to regularization without sustained analysis, or they recognize children as relevantly different from the focus of their inquiry because they are incapable of being held culpable for their unauthorized status, suggesting a separate analysis is required for them.⁵ There is very little in the philosophical literature about the moral status and claims of the member children of unauthorized immigrants, a vulnerable population we must consider.⁶ Lastly, my argument, if sound, will have obvious benefits for many unauthorized immigrants since it will not be subject to the criticisms of other arguments for regularization that I find unsuccessful.

2. Current Arguments for Regularization

Most arguments for regularization begin by conceding the state’s presumptive right to deport as following from the acknowledgement that unauthorized immigration, at least initially, wrongs the state. However, they insist that the moral circumstances of the unauthorized immigrants themselves “supersedes” the initial

wrong committed by the unauthorized immigrant, thus defeating the state's otherwise legitimate right to deport and grounding a moral right to be regularized.⁷

In my view these arguments fail because they underestimate the strength of the state's right to deport, and what accounts for this strength is the very thing these arguments concede. Because unauthorized immigration is a wrong—and, importantly though unappreciated by arguments for regularization, a *continuous* wrong that persists over time—the presumption should remain strongly in the state's favor. Since the state is wronged by unauthorized immigration insofar as it violates the state's acknowledged right to exercise political self-determination, a plausible principle of redress should entail a right to deport in a wide range of cases. One of two things seems required to defeat the state's right: 1) that deportation violate a basic right of the deported individual, which would only be true by exception and not generally; or, 2) that exercising the right violates the rights of the state's own members, which is harder for the state to justify since such members likely have done nothing wrong unlike unauthorized immigrants.

Most arguments attempt to show the state's right to deport is defeated by the first consideration, which makes them overbroad. Since these arguments are unsuccessful in my view, something I cannot defend at length here, I think this is a doomed approach.⁸ Hence my focus here on the impact a state's decision to deport unauthorized immigrants can have on its own members. This is a better approach because the state's members have presumably done nothing wrong, and so enacting policies that violate their rights, especially basic rights regarding their ability exercise their autonomy, is much harder to justify and will outweigh in many cases the state's right to deport unauthorized immigrants.

I am aware of two arguments that attempt to ground a right to regularization in the notion that deportation violates the rights of the state's members. Unfortunately, I think these arguments are inadequate as well. Paulina Espejo Ochoa argues that unauthorized immigrants have a *pro tanto* right to stay at least until they have been given the chance to fulfill all of their outstanding place-specific duties.⁹ Her argument is based on the rights and duties that arise from the particular place one happens to be, with one duty being to play one's part in the local scheme of social cooperation. The right of unauthorized immigrants to stay arises because it is required to enable them to fulfill their place-specific duties and prohibiting unauthorized immigrants from fulfilling these duties by deporting them harms the members of the state. States should grant unauthorized immigrants the right to stay, according to Espejo, because the state's members who live in the same place as them and participate in the same local scheme of cooperation need those unauthorized immigrants who have been physically present to fulfill their duties in order for the members to fulfill their own.¹⁰ Without this, those members' moral agency is objectionably impaired. As a result, according to Espejo, the right of members to retain their agency entails a right of unauthorized immigrants to stay

because removing unauthorized immigrants would disrupt the scheme of social cooperation so much that the remaining members would be incapable of adequately exercising their agency.¹¹

The primary problem with Espejo's argument is that she overstates the harm done to the agency of the state's members when the state deports unauthorized immigrants. Espejo worries that removing unauthorized immigrants from their communities "may *prevent* citizens from doing their own share in the local scheme of cooperation."¹² She characterizes the problem as one that threatens to destroy local life rather than simply to alter it in a way that could pose minor, temporary challenges. But the impact of unauthorized immigrants leaving communities is almost never this severe. The scheme of cooperation remains intact even when some people leave. Thus, though my ability to do my part in the scheme is altered by others leaving, my agency is not unjustly impaired. Removing unauthorized immigrants could unjustly impair members' agency only in exceptional cases in which huge portions of communities are removed simultaneously.¹³ But even this does not entail a right to stay for unauthorized immigrants: it could only require that the state exercise its right to remove unauthorized immigrants in a way that does not objectionably impair its members agency. Espejo's argument thus appears incapable of grounding a right to be regularized for unauthorized immigrants, even those who have been present for a very long time.

Matthew Lister offers another argument maintaining that some instances of deportation violate the rights of the state's members and is thus unjust.¹⁴ He argues that since families involve intimate relationships and those relationships seem so important to one's ability "to live a good life of one's choosing," the right to associate in perpetuity with one's family is a basic right, thus grounding the right of unauthorized immigrant family members to be regularized in the rights of the state's members.¹⁵ The key to Lister's argument is the notion that family life cannot happen satisfactorily without the family members living in close proximity: since family relationships in close proximity are so important to the ability of family members to live good lives, the state may not sever these relationships by deportation. While this view may seem similar to my argument, Lister's view ultimately establishes implausibly more than mine.

Lister wants to limit his argument only to family members and the key to this aspect of his argument is that family relationships cannot be infringed or severed because it seems to be "part of the nature of the family that family members must be free to live together."¹⁶ But it seems that this argument, despite Lister's claim to the contrary, also establishes the right of people in especially close friendships to live in proximity because of how important close friendships are to most people's ability to live good lives of their own choosing, and such friendships cannot be satisfactory without the friends living in close proximity.¹⁷ If true, the right to maintain close friendships would also be a basic right and the state would be obligated

to regularize unauthorized immigrants who have formed close friendships with members of the state on the grounds that being deported would violate the rights of the friends as members whose rights the state must protect. An argument that would shield unauthorized immigrants from deportation on the grounds that they have friends who are members of the state seems overinclusive and implausible. My argument is significantly more limited than Lister's and therefore more plausible in my view. I argue that severing intimate relationships on which children rely for their adequate development violates children's autonomy in a way that deporting one's friend, or even spouse, does not.

3. Children's Rights

My argument proceeds from the uncontroversial premises that we have a basic right to exercise our autonomy, and that the state has a duty to adequately protect our autonomy. For children, who have not yet fully developed their autonomy, these premises result in derivative rights that are important because they play a central role in helping children develop the autonomy to which they will have a basic right once it is developed. Since children lack crucial agential capacities that adults possess, they are "not yet competent knowers and pursuers of their own good, and so must be actively supported in leading good lives."¹⁸ Children are, as a result, morally vulnerable because they are developmentally incapable of reliably setting the conditions for their lives to go well—that is, they have not yet developed into fully autonomous agents capable of living good lives of their choosing. This helps explain why children have special rights of protection that justify, and oftentimes obligate, certain adults to treat them paternalistically: certain adults can impose their will on a child in the service of protecting the child's future ability to autonomously pursue her own conception of the good. Paternalistic behavior is often required to protect children's interest in developing adequately to become the authors of their own lives and access an adequate range of life options. It seems wrong when the actions of adults (usually parents), "guarantee now that when the child is an autonomous adult, certain key options will already be closed to him," and this can easily happen in the absence of proper paternalistic behavior.¹⁹ Adequate development is essential for possessing the understandings of ourselves, others, and the world required to fully and justly exercise our autonomy and develop and pursue our own ends. Since our right to autonomy and to develop and pursue our own ends is fundamentally important to us as adults, it seems natural to extend to children, who are developing into the same kind of agents we are, rights that protect the *future* right to autonomy they will acquire once they complete their physical, cognitive, emotional, and moral development. This means that children have a basic right to develop adequately and by extension a right to the things required for adequate development.

We are, therefore, morally required to treat our children in certain ways while they are developing to help ensure the proper development of their agential capacities. Children must adequately develop these capacities to be positioned as adults to successfully develop and exercise their autonomy, and they rely on us (among others) to develop them. This is, of course, a limited obligation: we do not have to forsake our own interests, projects, or ends for the sake of our children's future interests, projects, and ends. But we do have to balance both sets. There is a minimum threshold of upbringing parents must meet for parents to retain their right to parent their own children.²⁰ So while we need not sacrifice all our interests and projects, our legitimate pursuit of them must be compatible with our duty to ensure our children adequately develop the capacities required for them to be able to autonomously pursue their own interests and projects.

Since children have a basic right to develop adequately, parents have a duty to cultivate the kinds of relationships with their children necessary to ensure their children develop into autonomous agents. Children have a right, that is, to develop and sustain *intimate relationships* with their parents at least until they have adequately developed. Intimate relationships involve sustained interactions that create a shared history; emotional proximity which helps the child develop her physical, cognitive, emotional, and moral capacities; and intimate knowledge of the child that enables the parent to recognize the child's own interests, "hidden desires and needs, and the complex bases of [her] wellbeing."²¹ Children have a right to intimate relationships with their parents because of the central role these relationships play in helping children develop in the ways they have a right to develop. While intimate relationships may not be metaphysically necessary for children to develop adequately, "the idea is that in ordinary sociopolitical circumstances, [intimate] relationships are typically required" for adequate development.²² If children have a right to things required to live an autonomous life, then it is presumptively wrong to deny children intimate relationships.

Further, there is powerful evidence that children who only receive material care but do not experience intimate relationships risk suffering severe and potentially debilitating physical, cognitive, and emotional problems, placing various important aspects of their futures at serious risk.²³ This is because to deny children such development is to harm them by undermining their ability to develop adequately into fully autonomous agents. This harm would likely manifest itself in what might be called *developmental harm*, namely, impaired capacities—most especially physical, cognitive, and emotional—that objectionably limit autonomy. As Matthew Liao cites:

[S]tudies of children in institutions found, for example, that children who did not receive love but only adequate [material] care became ill more frequently; their learning capacities deteriorated significantly; they became decreasingly interested in their environment; they failed to thrive physically by failing to gain

weight or height or both; they suffered insomnia; they were constantly depressed; and they eventually developed severe learning disabilities.²⁴

The development of such children is so stunted that it seems to foreclose the very possibility of a self-directed future guided by some integrated set of ends or a conception of the good.

This preceding developmental consideration demonstrates the moral importance to children of the intimate relationships their parents develop with them, and why it is plausible that children should have a right to develop these relationships with their parents and parents have a duty to cultivate these relationships. If children have a right to adequate development because it is instrumental to their right to autonomy, then they also have a right not to have their development seriously threatened, at least if there are no overriding reasons to do so. The harms described above are serious enough that it seems clearly wrong, not only to allow children to suffer them if they could reasonably be prevented, but also to put children at significant risk of suffering them without strong countervailing moral considerations. This intuition seems to follow from how important our ability to develop into autonomous agents is to us. Imposing a duty on parents to cultivate intimate relationships with their children seems like a reasonable way to prevent these harms, especially because it is impossible to know beforehand whether a child might luckily avoid suffering these harms despite being denied intimate relationships. What this means is that the right of children to develop the relationships they rely on for their development is a right that is not conditioned on whether a given child would happen to suffer the harms described above. The stakes are too high for children, and it seems wrong to allow a child's development to be threatened in this way.

4. The State's Role in Protecting Children's Rights

Parents, however, are not the only duty-bearers regarding children. The state has duties toward its member children as well. While we might think of parents as the primary duty-bearers, parents may not always be able to ensure the full protection of their children's rights. When parents lack the ability to properly protect their children's rights, the state has a duty to step in, at least inasmuch as it is capable of doing so. Both parents and the state can simultaneously have duties toward children insofar as each party possesses a unique capacity to protect children's rights that the other party does not have.²⁵

Insofar as parents have duties to treat and raise their children in particular ways, states have duties to enable sociopolitical conditions that allow parents to so treat and raise their children.²⁶ States also have a duty to refrain from implementing either policies that undermine parents' ability to discharge their parental duties or policies that directly prevent children from developing adequately. These

duties are important because, oftentimes, without help from the state parents are incapable of ensuring and maintaining the conditions required for them to develop and sustain intimate relationships and, therefore, to ensure their children develop adequately. Worse still, sometimes it is a state's policies that can prevent children from being able to adequately develop into autonomous agents. Given the central importance to us of being able to fully exercise our agency, a state is presumptively wrong if its policies undermine children's ability to develop into agents capable of doing this. The state's interest in exercising its self-determination and being able to implement the policies (such as immigration policies) of its choosing is surely an important one and not something to be discarded too hastily. But liberalism demands that any such policies be compatible with its foremost duty to protect the basic rights of its members. This constrains what policies states may permissibly implement, and this will include immigration policies that undermine children's rights to develop into autonomous agents.

5. The Harms of Forced Separation

There is ample evidence, as noted above, to suggest that children who do not experience intimate relationships with their parents risk suffering severely as a result.²⁷ Relatedly, there is also ample evidence to suggest that forced separation of parents from their children are "potentially traumatic events" for the children that may cause them to suffer severely as a result.²⁸ This is true when a child is forcibly separated from both parents as well as when *only one parent is forcibly separated*, as is the case in many instances of deporting unauthorized immigrant parents. This is evidenced by the effects of forced separation on children's physical, cognitive, and emotional development.²⁹ The stress and disruption associated with forced separation impede both parents' (not just the separated parent's) ability to "provide the nurturing, care, and guidance that children need."³⁰ In short, forced separation impairs parents' ability to maintain their intimate relationships with their children, *even of those not being forcibly separated*, which can have a cascade of negative effects on children.

The effects of forced separation leave children who experience them disadvantaged as compared to children who are not forcibly separated from their parents. Both the economic and psychological effects can impair physical development insofar as separated families typically have significantly smaller disposable incomes to pay for nutritious food or healthcare, and the stress caused by separation can result in higher rates of illness.³¹ Forced separation can impair cognitive development due to children's psychological and emotional reactions to being separated from their parents making it difficult to focus and perform well in school.³² Forced separation can impair emotional development by increasing risks to children of experiencing anxiety, depression, post-traumatic stress, and emotional dissonance

caused by feelings of loneliness, fear, and guilt. These can lead to behavioral issues such as aggression, defiance, and disobedience, which can exacerbate some of the previously mentioned effects caused by forced separation.³³

More generally, the strain placed on the remaining parent undermines that parent's ability to maintain the only intimate relationship still available to the child by prohibiting the parent from being able to balance work, life, and parenting requirements with the parent that is now separated but would otherwise be present to help with such requirements.³⁴ What causes this strain to occur is the sudden and unexpected forced separation. These effects occur in part because of the extent to which forced separation disrupts the effected parties' expectations. These effects seem like a natural part of the process of figuring out how to deal with and respond to sudden forced separation. While surely some parents and children can adapt over time, the effects of the immediate and chaotic aftermath of forced separation often set in motion problems that have lingering effects, impairing such children's development here and now in ways that might prevent them from catching up in the future. Even if it is possible to overcome these effects, or some children might be lucky enough to avoid them in specific instances, it remains the case that doing this to children is presumptively wrong. Just as children have a right not to be denied intimate relationships because they are typically required for adequate development, children should also have a right not to have their intimate relationships severed through forced separation. That is, children should have a right not only to develop, but also to *sustain*, the intimate relationships they rely on because such relationships are typically required for the adequate development to which they also have a right.

To be clear, I am not arguing that the right of children to sustain their intimate relationships is conditioned on whether a given child would happen to suffer the harms described above. The harms discussed above show that sustaining intimate relationships is important to a child's adequate development in the same way as developing intimate relationships in the first place. The right to sustain their intimate relationships should be similar to the right to develop them, and therefore not conditioned on whether they happen to suffer the harms risked by the severance of their intimate relationships. It is presumptively wrong to threaten a child's development by severing their intimate relationships without strong countervailing moral considerations.

6. The State's Duty to Regularize

Deporting unauthorized immigrants who have member children is a form of forced separation that can cause the very effects discussed above.³⁵ For example, there is increasing evidence about parental deportation in particular that it increases risk for post-traumatic stress, mental health problems such as anxiety and depression,

and attention-deficit problems, and this remains true even when only one parent faces deportation.³⁶ Importantly, especially with regard to the depression and insomnia often associated with post-traumatic stress, these harms can manifest in ways strikingly similar to the harms characteristic of being denied intimate relationships altogether. These risks bear directly on the ability of such children to develop adequately.

I do not mean to suggest that all children forcibly separated from their unauthorized immigrant parents will inevitably experience the negative effects described above, and I do not need to maintain this to ground a presumptive right to regularization for unauthorized immigrant parents of member children. It may be true that a large proportion of such children end up just fine, despite being forcibly separated. But there is no way of knowing at the time of separation how the affected children will respond, especially considering children of unauthorized immigrant parents tend to be “disproportionately poor and in disadvantaged neighborhoods at risk for exposure to violence, victimization, and further marginalization.”³⁷ Given the natural vulnerabilities experienced by children of unauthorized immigrant parents, and the fact that the presence of additional risk factors tends to amplify the harms that might be caused by a potentially traumatic event such as forced separation, the risks associated with forced separation seem to be especially high with respect to these particular children.³⁸ Since the stakes are so high for these children, the state should refrain from detaining and deporting unauthorized immigrant parents of member children generally.

If states take seriously their duties to enable the conditions required to allow parents to ensure the adequate development of their children, then states should not implement immigration policies the enforcement of which results in the forced separation of children from their unauthorized immigrant parents. This means states have a presumptive duty not to detain or deport such unauthorized immigrants. And insofar as a state has a duty not to detain or deport someone, the state has a duty to regularize that individual. This specific duty emerges from the more general duty states have to protect the basic rights of their members, namely in this case, those of member children.

This general duty also helps explain why it would be illegitimate to expect the unauthorized immigrant parents to take their member children with them when they are deported. This option amounts, for the member children, to the choice between being subjected to risks of forced separation, which they have a right against, and being deported from a country they are entitled to be in, which they also have a right against (and this assumes that the deported children would have an automatic right to enter their parents’ country of origin, which is far from obvious and may not be true in many cases).³⁹ It is therefore incumbent on the state to find a non-rights-violating way to address the issue, and regularization is that way.

One might object here that my argument proves too much insofar as deportation is not the only form of forced separation the state may engage in. Some may object that forced separation also occurs via incarceration and my view unacceptably entails that the state has a presumptive duty not to incarcerate parents convicted of crimes.⁴⁰ While I accept that this follows from my argument, I think it is decidedly not an unacceptable result. The right not to be incarcerated that follows from my argument is, like the right to regularization I defend, not absolute—countervailing moral considerations can override it. Threat to public safety is one such consideration: were a convicted parent to pose such a threat, his presumptive right not to be forcibly separated from his children via incarceration could be overridden. However, my argument does imply that some parents may not be incarcerated. I take this to be a desirable implication of my argument: perhaps this implication should cause states to reconsider the extent to which they incarcerate people—not just parents—insofar as incarceration threatens to, and often does, impose unjust harms.⁴¹ Perhaps incarceration should be a last resort form of punishment rather than a default. If states take seriously the duties they have toward their members, including ones who commit crimes, then states should consider the various ways they can achieve the aims of their criminal justice systems without implementing policies that threaten or impose unjust harms.⁴²

Some advocates of regularization may find my argument unsatisfying because it both only applies to some but not all unauthorized immigrants and it cannot, admittedly, ground a right to permanent regularization. Once children have adequately developed and no longer rely on their intimate relationships with their parents, the moral claims they have to those relationships weaken considerably. When the adequate development of their children is no longer at stake is a point at which I think the state's right to exercise control over its immigration policies reasserts itself. Perhaps at this point the state may deport the unauthorized immigrants protected by this paper's argument. I have argued previously that the state retains a strong (though limited) presumptive right to deport unauthorized immigrants, even when they have been present for a long time, and I generally maintain that position here although I suspect many unauthorized immigrant parents of member children will satisfy the conditions of my previous argument for regularization.⁴³ What I hope to have shown, however, is that there are certainly exceptions to the state's right to deport and undermining the ability of children to develop adequately strikes me as an obvious exception, albeit one that has its own limitations.

7. Conclusion

I have argued that states have a duty not to detain and deport, and thus to regularize, the unauthorized immigrant parents of member children. This duty is grounded in the right of such children to develop adequately into agents capable of freely

exercising their autonomy. In general, states have a duty to help ensure the socio-political conditions that reasonably enable children's development. Developing and sustaining intimate relationships with their parents are typically required for this development to occur. So, states must implement policies that reasonably enable these relationships, and avoid policies that undermine them. I have tried to show that forced separation of children from their parents unjustly harms children by severing their intimate relationships. Deportation of unauthorized immigrant parents of member children is a form of forced separation that severs children's intimate relationships and thus unjustly harms them. Therefore, states have a presumptive duty not to deport unauthorized immigrant parents of member children, which means they must regularize such unauthorized immigrants.⁴⁴

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Notes

1. When I use the term "parents" throughout the paper, I do not mean to restrict my argument only to biological parents. Rather, what I have in mind is a child's primary caregivers, whether they are biological parents or not. See Seth Fred Wessler, "Nearly 205k Deportations of Parents of U.S. Citizens in Just Over Two Years," and Madeline Buiano, "ICE Data: Tens of Thousands of Deported Parents Have U.S. Citizen Kids."
2. See Beth Cortez-Neavel, "Left Behind."
3. Adam Hosein, "Arguments for Regularization," 160.
4. Most of the literature on the ethics of immigration falls within the liberal tradition. My argument deploys the same liberal framework, relying as it does on what I take to be basic individual rights, namely, in this case, of children.
5. For an example of the former, see Joseph Carens, *The Ethics of Immigration*, 135–8. For an example of the latter, see Hosein, "Immigration: The Argument for Legalization," 621, 627.
6. While the philosophical literature has ignored the issue specifically of the moral status and claims of such children, the broader issue of the effects that detention and deportation (or the threat thereof) have on mixed status families has received its fair share of attention in other disciplines. For some examples, see Michael Sullivan, "Conditional Residence for Unauthorised Immigrant Parents"; Deborah A. Boehm and Susan J. Terrio, *Illegal Encounters*; and Joanna Dreby, "The Burden of Deportation on Children in Mexican Immigrant Families."
7. Linda Bosniak, "Wrongs, Rights, and Regularization." For arguments that defend regularization on broadly these grounds, see Joseph Carens, *The Ethics of Immigration*, 147–52; Adam Hosein, "Immigration"; and David Miller, *Strangers in Our Midst*, 123–27.
8. For critiques of these and other related arguments for regularization see Michael Blake, "Equality without Documents"; Thomas Carnes, "Unauthorized Immigrants, Reasonable

Expectations, and the Right to Regularization”; and Adam Hosein, “Arguments for Regularization.”

9. Paulina Ochoa Espejo, “Taking Place Seriously,” 68.
10. *Ibid.*
11. *Ibid.*, 82–7.
12. *Ibid.*, 84 (emphasis added).
13. This has happened more than once in recent years. See Espejo, “Taking Place Seriously,” 83–4; and Abigail Hauslohner, “ICE Agents Raid Miss. Work Sites, Arrest 680 People in Largest Single-State Immigration Enforcement Action in U.S. History.”
14. Matthew Lister, “The Rights of Families and Children at the Border.”
15. *Ibid.*, 156.
16. *Ibid.*, 163.
17. Laura Ferracioli makes an argument like this. See Laura Ferracioli, “Family Migration Schemes and Liberal Neutrality: A Dilemma.”
18. Laura Ferracioli, “Citizenship for Children,” 2867.
19. Joel Feinberg, “The Child’s Right to an Open Future,” 77.
20. For a particularly compelling account of this threshold, see Liam Shields, “How Bad Can a Good Enough Parent Be?”
21. Elizabeth Brake, *Minimizing Marriage: Marriage, Morality, and the Law*, 86.
22. Laura Ferracioli, “The State’s Duty to Ensure Children Are Loved,” 15.
23. Matthew Liao, “The Right of Children to Be Loved,” *The Journal of Political Philosophy* 14.4 (2006): 423.
24. *Ibid.*
25. Ferracioli, “Citizenship for Children,” 2869.
26. Ferracioli, “The State’s Duty to Ensure Children Are Loved,” 16–8.
27. See, e.g., René Spitz and K. M. Wolf, “Anaclitic Depression”; Jill Hodges and Barbara Tizard, “Social and Family Relationships of Ex-Institutional Adolescents.”
28. Lisseth Rojas-Flores et al., “Trauma and Psychological Distress in Latino Citizen Children Following Parental Detention and Deportation,” 352. See also C. F. Hairston, *Focus on the Children with Incarcerated Parents*.
29. Rojas-Flores et al., “Trauma and Psychological Distress,” 352–3.
30. Hairston, *Focus on the Children with Incarcerated Parents*, 15.
31. *Ibid.*, 15–20.
32. Finkelhor et al., “Lifetime Assessment of Poly-Victimization in a National Sample of Children and Youth.”
33. Hairston, *Focus on the Children with Incarcerated Parents*, 19; Rojas-Flores et al., “Trauma and Psychological Distress,” 353.
34. This is not meant to suggest that single parents are incapable of adequately raising children or fostering the intimate relationships that this paper suggests they are morally

obligated to foster. I am only arguing that the sudden disruption caused specifically by forced separation amplifies the challenges posed by single parenting in a way that is presumptively unjust.

35. See, e.g., Allen, “The Children Left Behind”; and, L. H. Zayas et al., “The Distress of Citizen-Children with Detained and Deported Parents.”

36. Rojas-Flores, “Trauma and Psychological Distress,” 353.

37. Ibid. See also C. E. Ross and J. Mirowski, “Neighborhood Disorder, Subjective Alienation, and Distress.”

38. See Kalina M. Brabeck et al, “The Psychosocial Impact of Detention and Deportation on U.S. Migrant Children and Families,” 498.

39. I would like to thank an anonymous reviewer for pointing this out to me.

40. One might think my argument will also have implications regarding divorce insofar as the children of divorced parents might experience the divorce as forced separation. While I think there are certainly parallels, I think divorce is different in relevant ways from deportation and incarceration such that it does not present a serious challenge to my argument. The biggest difference is that it remains possible for divorced parents to maintain relationships with their children, and many of these may still be intimate relationships, unlike with deportation and incarceration. Thanks to an anonymous reviewer for pressing me to address this.

41. See Hairston, *Focus on the Children with Incarcerated Parents*.

42. For a recent excellent argument that our prevailing views about criminal wrongdoing and punishment of it need to change, see Erin Kelly, *The Limits of Blame*.

43. Carnes, “Unauthorized Immigrants.”

44. Earlier versions of this paper were presented at a panel at the 2019 APA Eastern Conference in New York City, an online workshop of the *Normative Theory of Immigration Working Group* in 2019, and the 12th *Annual Rocky Mountain Ethics Congress* in 2019 at the University of Colorado, Boulder. I am grateful to these audiences, two anonymous referees for this journal, as well as specifically Graham Parsons, José Mendoza, and Kieran Oberman for helpful comments on drafts of this paper. I am also grateful to Reece Doty for the indispensable role he played in helping bring this paper fruition.

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