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Currently, it is estimated that there are about 11 million undocumented immigrants living in the United States. In addition, 10% of U.S. families with children have at least one family member without their citizenship. Unfortunately, many immigrants within the U.S. face heightened risk for human rights violations, from human trafficking to denial of healthcare. Immigrant women, especially, face even more barriers and increased levels of discrimination.

Unfortunately, many women who come to the U.S. are often denied the right to proper healthcare outlets when it comes to their reproductive rights, especially when taking into consideration the various abortion bans or restrictions in states with high immigration rates, like Texas. In 2016, the U.S. Immigrations and Customs Enforcement (ICE) issued a policy advising against the detention of pregnant women, as keeping these women in detention centers could have serious impacts on the outcome of the pregnancy. Yet, in 2017 the Trump Administration passed an executive order that limited the exceptions for which people could be let out of ICE centers, specifically cracking down on the amount of pregnant women who would be able to leave. As a result, miscarriages within ICE facilities had reportedly surged. The policy change also allows ICE to remove some of the critical reporting procedures used in their detention centers, making it much more difficult for the government to monitor the care of pregnant women and ensure they are getting the necessary resources.

Healthcare is a human right, and anyone—regardless of immigration status—should have access to affordable, inclusive, and accessible care.

By discontinuing oversight of the care of pregnant individuals, ICE is, in effect, permitting the negligence toward pregnant women to continue. By ICE's own account, there have currently been 45 instances of neglect toward pregnant immigrants that warranted an internal investigation. However, neglect is not the only problem that this lack of oversight encourages. Dawn Wooten, a licensed practical nurse who was formerly employed by ICE, revealed that a shocking amount of hysterectomies have been performed by ICE nurses without any valid justification. One of the detainees Wooten worked with explained that she spoke to five other women in the center who had hysterectomies, and when asked why they got the procedure they responded with nothing but confusion. Many of these attempts at sterilization are targeted toward a particular group: the Latin community. According to recent studies, Latino men are 23% more likely to be sterilized and Latina women are 59% more likely to be sterilized than their non-Latino counterparts. Forced sterilization is an egregious violation of human rights.

Many immigrants, especially minors, undertake dangerous journeys to reach the U.S., and in some cases, these journeys involve horrific instances of sexual assault and, sometimes, pregnancies. In one particular case, an undocumented minor staying in a detention center was pregnant as a result of rape. She sought judicial approval to go to a clinic and get an abortion. Despite getting the judge's approval, the federal government blocked the girl's ability to get to this clinic and instead referred her to a "crisis pregnancy center" that tried to persuade her to keep the baby. With the help of the ACLU, she took the case to the Supreme Court and ended up getting a ruling in her favor. As a result, the Office of Refugee Resettlement (O.R.R), a government agency that deals with the care of immigrant minors, issued a new policy saying they could not block an unaccompanied minor's access to abortion. This case, however, took place years ago—today, abortion bans or restrictions are present in many states with high rates of immigration such as Texas and Florida. Texas has some of the most restrictive policies in the country, and also has one of the highest immigration rates, given it's proximity to the U.S.-Mexico border. Following the reversal of *Roe v. Wade* in 2022, the right to an abortion was effectively unprotected, and is dependent on each state's specific policies.

The circumstances outlined in the aforementioned case are not uncommon. Many women awaiting citizenship are denied the right to bodily autonomy because of barriers to other rights, such as the ability to travel out of state. For instance, some states will not allow undocumented immigrants to travel outside of 70 miles of their residence, as they run the risk of being deported. For people who live in states with strict abortion laws, this makes it nearly impossible for them to get abortions without being criminalized. Additionally, even if people are allowed to travel as far as they need for an abortion, many do not have the financial means to make that kind of trip, and only 16 states even allow undocumented residents to get a driver's license. Thus, undocumented pregnant individuals who don't want to carry to term are often denied the right to make choices about their own bodies, which is a basic human right.

From 2009 to 2016, there was a 60% increase in the amount of women and girls in ICE detention centers. Despite this rapid surge of feminine immigrants, ICE centers have made little to no changes to their healthcare facilities to better accommodate women. The current guidelines on healthcare in detention centers require things like Pap smears, STI testing, and pregnancy services. However, only 65% of detention centers across the U.S. are bound to these guidelines, and the rest of the facilities can follow vague, older standards that give them much more leeway. By neglecting the current standard, some ICE officials will often not treat women until they have a medical emergency, and don't do nearly enough preventative practices to keep women from getting to the point where the officials have to intervene. This can be incredibly dangerous for the women in these centers, as their access to healthcare is directly dependent on whether they are in danger of serious injury or fatality.

In November 2021, the Biden Administration introduced new guidelines to Customs and Border Patrol that increase protections for pregnant and postpartum immigrants. While this is a step in the right direction, many human rights organizations say this is not enough to protect pregnant individuals. As we've seen in the past, many detention centers will find loopholes in the system, or try to get around keeping up with the current standards of care.

HUMAN TRAFFICKING

Immigrants also face increased risk for human trafficking, often due to linguistic barriers and socioeconomic need. Human trafficking is defined as the crime of using force, fraud, or coercion to get an individual to perform an act. Human trafficking often manifests as labor trafficking, which is more common in agricultural or garment industries, or sex trafficking, which is a form of forced prostitution. Both are extreme human rights violations. It is estimated that between 14,500 and 17,500 people are human trafficked each year, and in 2021, 49% of these individuals were undocumented immigrants.

Additionally, during the Trump administration, many undocumented immigrants were sent back to their country of origin, so trafficking was much more common on their return. The fear of deportation is often a threat traffickers hold against survivors, by telling them that if they try to escape or alert authorities, those same authorities may not protect them. This fear is not unreasonable, as 61% of exchanges between law enforcement and immigrants end in deportation. Studies have found that immigrants with a stable citizenship status are more likely to call the police than those without secure citizenship status.

Legal protections for human trafficking survivors are extremely lacking. The Trafficking Victims Protection Act (TVPA), requires survivors to completely assist prosecutors in the process of providing evidence for their cases against traffickers. In exchange, a variety of services are provided to survivors, including healthcare and shelter care. Yet, most survivors of traumatic experiences often cannot or will not recall a detailed account of their trafficking. If that is the case, the TVPA does not even allocate shelter access to survivors, not to mention the denial of other services.

Even for those who do cooperate with prosecutors, the rate of actual prosecution is extremely low, despite the fact that most U.S. human trafficking laws focus more on prosecution than of protection of survivors or prevention of human trafficking. Sometimes, local law enforcement dismisses cases before they even go before the eyes of prosecutors, despite this not being the role of local law enforcement. And for survivors who rescue themselves, they are sometimes not even believed by law enforcement.

Popular media, including the comments of U.S. lawmakers, often portray human trafficking victims as young, helpless, white girls. This is not consistent with reality, and that is clear in the paltry impact of U.S. human trafficking laws to actually assist survivors. Instead, survivors of sex trafficking may be criminalized for prostitution, and often face the risk of re-trafficking and/or deportation.

The fear of deportation doesn't only affect human trafficking victims: it affects many undocumented immigrants and their family members as well. In 2022 alone, there were 72,000 deportations. These deportations can have devastating impacts on the stability of the deportees' families, not only financially, but mentally. Parents have to prepare their children for the fact that they may have to grow up without them, which is something no child should ever have to go through. This fear of their parents being deported affects every aspect of a child's life and can result in recurring nightmares, eating problems, difficulty concentrating, and starting fights in school. One pediatrician in Oceanside, California reports seeing increased sleep and school problems in her patients, 40% of whom are Mexican or Mexican-American.

Having a family member deported can lead to more long-term mental effects as well, like depression, anxiety, and severe psychological stress. When separated from their parents, children often experience toxic stress, which can manifest into mental disorders as well as physical disorders like cancer, strokes, and diabetes. One 2020 study also found that detention or deportation of a family member is often associated with higher rates of suicidal thoughts and alcohol use. Once parents are deported, it is extremely hard for them to maintain parental rights and claims to their children. In order to do so, the parent must be present 15 out of the last 22 months, and if not, they must have frequent contact with the child and attend family court hearings, which they cannot do if they are in their country of origin. Ultimately, the threat of deportation sparks fear that can mentally and physically ruin families, and it is the kind of toll that is inhumane to put on people, whether they are children or not.

At the U.S.-Mexico border, children are being torn apart from their families via inhumane policies enacted by the Trump Administration. This is a terrifying reality for many families who seek asylum. The ACLU estimates as many as 1,300 children are currently separated from their families by ICE, being kept in detention centers thousands of miles away from each other in some cases.

During the COVID-19 pandemic, an increased number of undocumented immigrants were deported through the use of Title 42, a public health clause that says immigrants may be deported if they are coming from a country that currently has a widespread communicable disease. Since COVID-19 was prominent in nearly every country, the clause could be used to remove a higher number of undocumented immigrants than normal. The Biden Administration recently stated that Title 42 could not be used to deport unaccompanied minors in America, but could still be used for families. This standing makes it so that families have to decide whether they all face deportation, or if they send their child back to the U.S. unaccompanied.

One case the ACLU tackled regarding these separation policies is *Ms. L v. ICE*, in which Ms. L was an immigrant from the Democratic Republic of Congo who was separated from her daughter and kept in a detention center 2,000 miles away. The lawsuit claims that this action was a violation of federal laws protecting asylum seekers and the government's own directive to keep families intact at the border. Ultimately, Ms. L ended up winning, as the judge ruled that the current separation policies are "brutal" and that families have a constitutional right to remain together.

The United State's immigration policies have resulted in countless human rights violations. No minor should be torn from their family, no one should be denied an abortion because they are in an ICE facility, no one should be ignored if they've been human trafficking, no one should be sterilized against their will, and no one should have to live with the constant fear of deportation, violence, and family separation. This doesn't have to be the case, and we have the power to continue fighting for human rights for all.

SOURCES

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[Immigration Detention is Dangerous for Women's Health and Rights](#)

[Children are Still Being Separated from Their Families at the Border](#)

[Sexual Violence Travesty: Legal Loopholes for Marital Rape and Child Marriage in the United States](#)