



FYI from the MCWNN (Sept 28, 2012)

The Migration and Child Welfare National Network (MCWNN) is a [FREE membership](#) coalition targeted for individuals and agencies focused on the intersection of immigration and child welfare.

NEW Policy Paper from First Focus

[How Immigration Advocates Can Build a Bridge Between Immigration and Child Welfare](#) (by Lindsay Marshall, Executive Director, The Florence Project, Big Ideas: Children in the Southwest, First Focus, Sept 2012). From its *Big Ideas: Children in the Southwest* series, this policy paper discusses the importance of building local partnerships between immigrant advocates and child welfare agencies to help reunite detained parents with their children in the child welfare system.

News and Opinions

[Decision on NC Deported Dad's Parental Rights Will Have to Wait](#) (Colorlines, Sept 26, 2012). The protracted case over Felipe Montes' parental rights will continue another day.

[Nashville federal judge certifies U-Visa for immigrant mother shackled during labor, awards \\$1.18m attorney fees & costs](#) (The Tennessean, Sept 20, 2012). Metro government was ordered Thursday to pay \$1.1 million for three years' attorney fees and other expenses for Juana Villegas, who in 2008 was shackled to a hospital bed hours before giving birth. U.S. District Judge William Haynes Jr. also certified Villegas' application for a [special visa](#), which was requested by her attorney, Elliott Ozment. In August 2011, a jury found that Villegas deserved [\\$200,000](#) for having her rights violated by the Davidson County Sheriff's Office. The sum fell far below the \$1.2 million her attorneys sought for her emotional and post-traumatic damages.

[Court gives priority to children who 'age out' of green card process](#) (DetroitNews.com, Sept 26, 2012). A federal appeals court ruled Wednesday that immigration officials must give priority status to thousands of green card applicants who lost their place in line for U.S. residency when they turned 21. A narrowly divided 9th U.S. Circuit Court of Appeals said the United States Citizen and Immigration Services wrongly determined the applicants were no longer eligible for special visas as children of green card holders after they turned 21. The immigration service said those children who "aged out" during the process lost their place in line, even if the parents' application took years to process. Under U.S. immigration law, children 21 and older cannot immigrate under their parents' applications for green cards (NOTE – Link to the [De Osorio v. Mayorkas, Sept. 26, 2012](#))

[In Texas Conviction, an Immigrant Rallying Cry](#) (New York Times, Sept 26, 2012). GATESVILLE, Tex. — In January, Rosa Jimenez, an illegal Mexican immigrant, will have spent 10 years in prison in the bleak scrublands of Central Texas for a crime she says she did not commit: forcing a wad of paper towels down the throat of a toddler in her care, making him choke and ultimately die. She sits here in the Mountain View Prison Unit, a maximum-security facility for women, folding prison laundry, reading Bible stories and praying for exoneration while her two children are brought up by foster parents. To some, Ms. Jimenez has become a symbol of the inequality of the American criminal justice system — a process that began with a 2007 [Mexican documentary](#) that showed the prosecutor saying of Ms. Jimenez, “Despite being from Mexico, she’s very intelligent,” and that enraged the mayor of her hometown. Thousands of poor Mexicans are in American prisons and, like Ms. Jimenez, were heavily outlawyered and outspent at trial. Her story is that of many like her, yet she has been cast as a kind of hero by some. But not by Victoria Gutierrez, also an illegal Mexican immigrant and the mother of the dead child.

[Immigration Arrests, Deportations Hit New Highs in 2011](#) (Miami Herald, Sept 19, 2012). According to the report, officials of various immigration agencies, including the Immigration and Customs Enforcement police, detained and deported an unprecedented number of undocumented immigrants during 2011 fiscal year. Among the most important points in the report, ICE detained a record 429,000 foreigners without documentation, and expelled about 188,000 immigrants with criminal records — another unprecedented number.

[Immigrant Mothers – Living with a Heart Divided](#) (New America Media, Sept 22, 2012). As national media debate whether women can “have it all” – a successful career and a family – one group of women has chosen to provide for their families at all costs, even if it means leaving their kids behind. They are the undocumented immigrants who work as nannies in the United States and who, in exchange for work, have paid a high emotional cost: living apart from their own children.

[Limits Placed on Immigrants in Health Care Law](#) (New York Times, Sept 18, 2012). The White House says that those young illegal immigrants who will be eligible for delayed deportation will not be covered under the new health care law.

[Good News for Detained Immigrants in Los Angeles](#) (Los Angeles Times, Sept 15, 2012). A federal judge in Los Angeles on Thursday ordered federal officials to provide a hearing to immigrants detained across the Los Angeles area to determine if they should be released on bond while they fight their deportation cases. U.S. District Judge Terry Hatter’s preliminary injunction will ensure that immigrants who are detained for six months or longer, including asylum seekers, don’t just languish in immigration jails without having a judge review whether they can be released while their cases are pending.

[Deporting Loving Moms Hurts Us All](#) (by Reshma Shamasunder, Ex Director, California Immigrant Policy Center, MomsRising.Org, Sept 21, 2012).

[Parental Rights at Risk: Strategies for Preserving Family Unity in the Face of Detention and Removal](#) (Womens’ Refugee Commission, Sept 2012).

[Deporting father’s children may be listed on Michigan adoption website](#) (Ann Arbor.com, May 12, 2012). Though their father risked his freedom to regain custody of them, two of his three children are poised to be advertised on Michigan’s website for adoption. The man, an undocumented Guatemalan immigrant, had returned to the U.S. after being deported from the country to fight for his family. He’s since lost

them to the state of Michigan: His daughter is living with a foster family that intends to adopt her, and it is unknown when his sons will find a permanent home in the system.

Resources for Direct Service Providers

[Haiti TPS Extended](#) (USCIS, Sept 21, 2012). Secretary of Homeland Security Janet Napolitano has extended Haiti's Temporary Protected Status (TPS). Next week, the Department of Homeland Security will publish a notice in the Federal Register announcing this decision

[Spanish u visa fact sheet for clients](#) (Catholic Legal Immigration Network – CLINIC).

[Resource page U visa training materials and tools](#) (Legal Momentum).

[Parents As Teachers and Home Visiting Programs](#) (Parent University, Sioux Falls, South Dakota). Parenting videos translated in different languages.

[Talking Points: Head Start and Refugee Provider Communication Guide](#) (BRYCS and NCCLR, 3 pages). Early childhood programs and refugee serving agencies can help strengthen parents as their children's first teachers by connecting them with early education programs, like Head Start and Early Head Start, and involving them in their children's education.

[National Latin@Network for Healthy Families and Communities interactive website](#) (Casa de Esperanza, Sept 2012). New website which provides information and resources to people working to prevent and eliminate domestic violence within Latin communities.

[Practice Advisories](#) (National Immigration Project of the National Lawyers Guild - NIPNLG). NIPNLG Practice Advisories address select substantive and procedural immigration law issues faced by attorneys, legal representatives and noncitizens. They are based on legal research and may contain potential arguments and opinions of the author. Practice advisories are intended to alert readers of legal developments, assist with developing strategies and/or aid decision making. They are *not* meant to replace independent legal advice provided by an attorney familiar with a client's case.

Deferred Action for Childhood Arrivals

[DACA, VAWA and U visa application](#) (Immigration Advocates Network, Sept 13, 2012). This practice advisory from ASISTA discusses the intersection of the Deferred Action for Childhood Arrivals(DACA) program with applications for U visa and VAWA self petitions including the availability of DACA relief for derivative U applicants.

[Deferred Action for Childhood Arrivals – Fact Sheet](#) (First Focus, August 2012).

[FAQs](#) (DHS - USCIS, Updated Sept 14, 2012).

[Centralized Process for Record Request for DACA Applicant](#) (Los Angeles Unified School District, Effective Sept 17, 2012).

Trafficking

[In Obama's Speech, Their Voices](#) (New York Times, Sept 26, 2012). These former sex slaves said the president gave the voiceless a voice in his landmark speech against human trafficking.

[Presidential Determination with Respect to Foreign Government's Efforts Regarding Trafficking in Persons](#) (White House, Sept 22, 2012).

[Partnership for Freedom Award](#) (Press Announcement, Sept 2012). HHS is announcing initiatives to expand services and legal assistance to victims of trafficking, and will partner with Humanity United, with support from the Goldman Sachs Foundation, to launch \$6 million in Partnership for Freedom Innovation Awards to challenge local communities to develop collaborative and comprehensive solutions to help trafficking victims. The Administration also will work to streamline current procedures for the existing T-visa process, which allows victims to remain in the United States and aid the prosecution of their traffickers. In addition, the President is announcing his intent to establish a new Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons, which will be awarded annually to incentivize and recognize exceptional contributions in the field

[Tackling the Trafficker: Combating Human Trafficking at the 2012 Super Bowl](#) (LexisNexis Rule of Law Newsletter, Sept 2012, p6). While fans cheered on the New England Patriots and New York Giants during Super Bowl XLVI in Indianapolis, behind the scenes, the Indiana Protection for Abused and Trafficked Humans (IPATH) Task Force—co-chaired by Indiana Attorney General Greg Zoeller and the U.S. Attorney's Office for the Southern District of Indiana—worked for more than seven months to prepare for the off-the-field fight against human trafficking that unfortunately accompanies large sporting events, like the Super Bowl.

[Where are the victims? Where are the prosecutions](#) (by Ron Ratney, ECPAT, Sept 5, 2012). For the last several years, End Child Prostitution, Child Pornography, and Child Trafficking – USA (ECPAT-USA) has been collecting news articles, press releases and, particularly, court documents that identify hotels that have been used as venues for the commercial sexual exploitation of children. The vast majority of the documents in ECPAT-USA's collection were written by offices of the US Attorneys in connection with the prosecution of pimps who had been accused of child sex trafficking. The most useful documents were indictments and criminal complaints.

Research

[Unintended and Unavoidable: The failure to protect rule and its consequences for undocumented parents and their children](#) (by Sarah Hill Rogerson, Associate Professor, Albany Law School, Aug 13, 2012, Forthcoming, Family Court Review, Albany Law School Research Paper NO. 1 of 2012-2013). This article examines the particular issue of undocumented parents who are charged with the failure to protect their children from witnessing or otherwise experiencing abuse committed by a third party. It explores how such a charge, whether founded or unfounded, can result in loss of eligibility for immigration relief to which the undocumented parent would otherwise be entitled, as well as deportation of the parent and permanent separation of parent and child.

[Black and immigrant: Exploring the effects of ethnicity and foreign-born status on infant health](#) (by Dr. Tiffany Green, Migration Policy Institute, Sept 2012). Commonwealth University health economist Dr. Tiffany Green compares prenatal behaviors and birth outcomes of black immigrant mothers to those of other immigrant and U.S.-born mothers, using federal vital statistics. The report also analyzes mothers' rates of smoking and prenatal care use. Green finds that black immigrant mothers are less likely to

give birth to preterm or low-birth-weight infants than U.S.-born black women, yet are more likely to experience these adverse birth outcomes than other groups of immigrant and U.S.-born women. Green also finds that although black immigrant mothers are the least likely of any group, U.S. or foreign-born, to smoke, they also have the lowest rates of first-trimester prenatal-care initiation. However, neither smoking nor prenatal-care initiation can explain why black immigrant mothers experience poorer infant health outcomes than their non-black counterparts.

[Privately operated federal prisons for immigrants: expensive, unsafe, and unnecessary](#) (Justice Strategies, Sept 13, 2012). Presented before a House of Representatives briefing sponsored by Rep. Jared Polis of Colorado on September 13, 2012, *Privately Operated Federal Prisons for Immigrants: Expensive, Unsafe, Unnecessary* chronicles the May 2012 Adams County Correctional Center uprising in Natchez, Mississippi, a private for-profit facility operated by Corrections Corporation of America, under contract with the Federal Bureau of Prisons. The report details some of the tragic personal consequences for Juan Villanueva, his family, and others caught in the midst of the horrific conditions at the facility, leading to the insurrection. The report weaves into this narrative a look at the rise and fall of the private prison industry, and its resurrection through the benefit of federal contracts to detain and imprison undocumented immigrants, in an atmosphere of moral panic after the 9/11 terrorist attacks.

[Waiting for Alvarado: How administrative delay results in disparate outcomes for immigrant victims of gender-based violence](#) (by Sarah Hill Rogerson, Associate Professor, Albany Law School, Wayne Law Review, Vol. 55, No 4, pp 1811-1850, Winter 2009).

Three Latest Paper in the Big Ideas: Children in the Southwest series from First Focus is now available! ... [Commissioning Youth – Addressing Housing and Child Welfare in the Colonias Region](#) (by Moises Loza, Housing Assistance Council, Big Ideas for Children in the Southwest/First Focus, Sept 24, 2012, 10 pages). Paper advocating for the creation of a Colonias Regional Commission, which would improve housing conditions for families and children in the colonias region.

... [Children, Southwestern States, and the Federalism Problem](#) (by Thomas Gais, Rockefeller Institute of Government, Sept 24, 2012, 13 pages). Paper discusses how the Southwestern trend of providing little financial support for major programs aimed at children means existing national programs for children are more important than ever.

... [Stop Taxing the Poor](#) (by Rourke L. O'Brien, Princeton University and Katherine Newman, John Hopkins University, Big Ideas for Children in the Southwest/First Focus, Sept 24, 2012, 7 pages). New research indicates that child well-being is just as much influenced by the tax code as it is by public spending on children.

[After Millions of Californians gain health coverage under the Affordable Care Act, who will remain uninsured?](#) (by Nadereh Pourat and Dylan Roby, Center and UC Berkeley Labor Center, Sept 2012). The ACA will greatly expand Californians' access to affordable health insurance for 3-4 million could remain uninsured according to this report. Almost three-quarters of the remaining uninsured in California will be U.S. citizens or legal immigrants. Two million Californians will be eligible for Medi-Cal or California Health Exchange subsidies but there will be barriers to their enrollment, which includes lack of awareness about the programs or the inability to afford subsidized coverage.

TRAININGS AND CONFERENCES

[Growing Up Undocumented in America](#) (Loyola University Chicago School of Law and the Children's Legal Rights Journal, Oct 12, 2012, Philip H. Corboy Law Center, 25 E. Pearson St, Chicago, 8:30 – 3:00). Presenters include Howard Davidson, ABA Center on Children and the Law, Maria Woltjen and Elizabeth Frankel, The Young Center on Immigrant Children's Rights, Alie Kabba, The Illinois Coalition on Immigrant and Refugee Rights, Julie Sollinger, Office of the Cook County Public Guardian, Alexandra Fung, Loyola University Chicago School of Law, Sioban Albiol, DePaul University College of Law, Rigo Padilla, Immigrant Youth Justice League, and Yali Lincroft, First Focus.

DISCLAIMER: The information in this e-news does not represent the opinion or endorsement of MCWNN. This information is intended to provide general discussion on the topic and should not be used as a substitute for professional advice which takes into consideration specific circumstances of the situation. Those seeking case consultation should seek the services of a competent professional. Much apologizes in advance for any typographical or grammatical errors. If you are interested in sharing information on FYI from MCWNN, please contact co-editors, [Yali Lincroft](#), MBA, First Focus Policy Consultant, and [Lara Bruce](#), MSW, Program Specialist, Butler Institute for Families/Graduate School of Social Work at the University of Denver.