



FYI from the MCWNN (AUGUST 15, 2011)

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. If you are interested in sharing information on FYI from MCWNN, please contact co-editors, [Yali Lincroft](#), MBA, Policy & Program Consultant or [Lara Bruce](#), MSW, American Humane Association Child Welfare Specialist. Join MCWNN by filling out this [simple form](#).

Resources for Child Welfare Agencies and Direct Service Providers

[Court Warrior: A Guide for Families, Communities, and Organizations to Influence the Criminal Court Systems](#) (Silicon Valley De- Bug, 2011). "Court Warriors" is a printed publication featuring eight stories of families who have won the freedom of their loved ones through their involvement. The publication is part of [acjusticeproject.com](#), an online resource, information exchange, and blog for families and communities to keep updated, educated, and equipped to effectively impact the criminal court system.

[Citizenship for Us: A Handbook on Naturalization & Citizenship, 6th Edition](#) (CLINIC, August 5, 2011). A free, comprehensive guide to the naturalization process that includes detailed information on naturalization benefits and requirements as well as a step-by-step explanation of the N-400 (Application for Naturalization).

[Six Things to Know About the Expanded Adoption Tax Credit](#) (IRS Summertime Tax Tip 2011-10, July 27, 2011).

[Video – What Happens When I Go to Immigration Court](#) (Women’s Refugee Commission, available in English, Spanish, Arabic, French and Fuzhounese). Accompanying guide for attorneys or adults, click [here](#).

Policy and Research Reports

[The Low Wages of Black Immigrants: Wage Penalties for U.S.-born and foreign-born black workers](#) (Economic Policy Institute, February 2011, 12 pages)

[Poor Children by Parents’ Nativity: What Do We Know?](#) (National Center for Children in Poverty, April 2011).

[Learning to be Illegal: Undocumented Youth and Shifting Legal Contexts in the Transition to Adulthood](#)

(by Roberto Gonzalez, American Sociological Review, 2011, 18 pages). This article examines the transition to adulthood using interviews from 150 undocumented young adult Latinos in Southern California.

[States Introduced More Than 7,000 Immigration Bills In Last Five Years](#) (Governing, August 10, 2011)

Already this year, state legislatures have considered nearly 1,600 bills and resolutions addressing immigrants and refugees, according to a new study by the [National Council of State Legislatures](#). Since the start of 2007, they've considered more than 7,300. This year alone, states enacted 246 provisions related to immigration.

[Readout of Secretary Napolitano's Meeting with Anti-Human Trafficking Leaders](#) (Department of Homeland Security – Office of the Press Secretary, August 3, 2011). Secretary of Homeland Security Janet Napolitano today met with anti-human trafficking non-governmental organization (NGO) and victim service leaders to discuss the Department of Homeland Security's (DHS) progress to protect the victims of human trafficking and bring their traffickers to justice. This event comes one year after the launch of the [Blue Campaign](#)—a first-of-its-kind, DHS-wide initiative to combat human trafficking through enhanced public awareness, victim assistance programs, and new personnel training and initiatives.

[Report on Immigration in the United States: Detention and Due Process](#) (Inter-American Commission on Human Rights, March 17, 2011). The report contains the conclusions of an investigation the IACHR carried out to ascertain whether policies and practices on immigrant-related detention in the United States were compatible with the country's international obligations in the area of human rights. The report also includes recommendations for ensuring that detention policies fulfill those obligations.

[Report on Kinship Licensing Standards Waivers](#) (Administration on Children, Youth and Families, 2011) A federal report on state usage of waivers of nonsafety licensing standards in kinship care authorized in the Fostering Connections to Success and Increasing Adoptions Act. The 2008 law allowed child welfare agencies to waive licensing standards not related to safety for kinship arrangements when needed in an effort to make placements with relatives easier when a child is removed from their home. It also required follow-up analysis of state usage of the waivers, which was the subject of this report

[Report Explores Impact of the Recession on Wealth Gaps](#) (Pew Research Center, July 26, 2011). The median wealth of white households is 20 times that of black households and 18 times that of Hispanic households, according to a report from the Pew Research Center's Social & Demographic Trends project. Twenty-to-One: Wealth Gaps Rise to Record Highs Between Whites. The report finds that plummeting house values were the principal cause of the erosion in wealth among all groups—with Hispanics hit the hardest by the declining housing market.

[Preschool Education: Delivering the Promise for Latino Children](#) (National Council of La Raza, 2011) The report examines the barriers to quality and access that limit the participation of Latino children and families in preschool and offers recommendations for state and federal policymakers on how to design

high-quality early learning programs that serve all children, including Latino and English language learners.

[Children of the Drug War: Perspectives on the Impact of Drug Policies on Young People](#) (International Debate Education Association, 2011, 239 pages)

[Protecting and Preserving the Rights of LGBT Families: DOMA, Dornan and Immigration Strategies](#) (Legal Action Center and Immigration Equality, June 13, 2011, 8 pages)

News and Opinions

[Two Teens Lose Their Lives, Yet Law Remains the Same](#) (by Wendy Cervantes, First Focus Blog, July 29, 2011). Two fourteen years old, were tragically killed as a result of electrocution from a center pivot irrigation system, as well as injuring 13-year old in critical condition. While the incident was deemed an unfortunate accident given that all employees are trained in safety precautions, it certainly begs the question whether children should be exposed to such dangers in the first place. (see [Fact Sheet about the CARE Act](#), HR 3564 (First Focus Campaign for Children, June 16, 2011), legislation that would amend the Fair Labor Standards Act to address inequalities in current labor laws to protect farm worker children.

[Mexico-Bound Immigrants Face Scrutiny at Border](#) (New York Times, August 10, 2011)

[States Can't Opt Out of Secure Communities Program](#) (Los Angeles Times, August 8, 2011). In an unusual move, the Obama administration has told governors they cannot exempt their states from the controversial Secure Communities program, which uses fingerprints collected by local and state police to help immigration authorities identify and deport tens of thousands of criminals each year. Governors in several states have complained that the effort has ensnared thousands of minor offenders and has deterred some crime victims from coming forward to aid police

[Mayor Bloomberg Launches Nation's Most Comprehensive Effort to Tackle Disparities Between Young Black and Latino Males and Their Peers](#) (New York City Office of the Mayor Press Release, August 4, 2011).

[Latina Moms Show Love for their LGBT Kids](#) (Colorlines, July 28, 2011) Tres Gotas de Agua (Three Drops of Water) is a short series of interviews with three Latina women, each of whom has a child that identifies as gay.

[Hispanic Household Wealth Fell by 66 Percent From 2005 to 2009](#) (Pew Hispanic Center Press Release, July 26, 2011). The median wealth of Hispanic households fell 66 percent between 2005 and 2009, the largest decline for any racial or ethnic group over that period, a new report from the Pew Research Center's Social and Demographic Trends project

[Save the Children, Oxfam Launch Emergency Appeals to Help Thousands in Eastern Africa](#) (July 7, 2011) Save the Children and Oxfam International have announced the launch of separate emergency

campaigns in response to what the United Nations has called the worst drought in the Horn of Africa in sixty years.

BRAVO to Howard Davidson, MCWNN Public Policy Co-chair and Director for the American Bar Association Center on Children and the Law for his leadership in the passage of the following three ABA resolutions. These policies will be posted shortly on the ABA website.

THREE POLICIES ON CHILDREN IMPACTED BY U.S. IMMIGRATION ENFORCEMENT (Approved By the American Bar Association – August 8, 2011)

1. RESOLVED, That the American Bar Association urges Congress to enact legislation, and the Department of Homeland Security to adopt policies, that:

1a. Assure information pertaining to location and transfer either of immigration detainees who are parents, legal guardians or primary caregivers of minor children, or of the minor children themselves, or of changes of placement of those minor children, is shared among immigration authorities, state and local child welfare agencies, and state courts;

1b. Assure the length of one's status as an immigration detainee, or one's removal or pending removal from the country, cannot be the sole basis for a state not to provide legally mandated reasonable efforts to reunify children with their parent, legal guardian, or primary caretaker; and

1c. Mandate the Department of Homeland Security to collect and report aggregate annual data on the number of U.S. citizen children impacted by the detention or deportation of a parent, legal guardian, or primary caregiver and resulting cost to child welfare agencies.

2. RESOLVED, That the American Bar Association urges the Department of Homeland Security to revise its policies with respect to detained parents, legal guardians and primary caregivers of children to incorporate the following:

2a. Access to an attorney to help them understand legal issues related to children who had been in their care;

2b. Referral to an attorney who can represent their interests in state court custody, dependency, and other legal actions related to their children; and

2c. Opportunity for their meaningful participation in all state judicial proceedings involving their children's custody and welfare, as well as the opportunity to access court-mandated services related to their parenting.

3. RESOLVED, That the American Bar Association urges federal and state governments to enact legislation for the protection of unaccompanied and undocumented immigrant children ("such children") and U.S. citizen children of noncitizen parents ("U.S. citizen children") that would require:

3a. Such children be screened promptly upon apprehension by immigration authorities, placement in foster care, or upon other entry to a child welfare system, to determine whether the child is eligible for immigration relief because he or she is a victim of crime, abuse, neglect, or abandonment or another similar basis under state law;

3b. Repatriations of such children include formal intercountry child welfare agency involvement and adherence to intercountry protocols designed to address concerns regarding the safety of such children during the repatriation process and the process of returning a child to a stable family environment; and

3c. U.S. citizen children have full access to their birth certificates, paternity documents, and other vital government records without regard to the immigration status of a parent or guardian.

FURTHER RESOLVED, That the ABA urges the revision of federal laws to ensure federal support for training of state and local judges, and for attorneys who work with children of non-U.S. citizen parents regarding the intersection of state child welfare laws, immigration laws, applicable international conventions and standards, and intercountry protocols that affect children who are detained, separated from, or removed from their adult caretakers.

[Thousands of Migrant Kids Trapped Inside the World's Border Politics](#) (Colorlines, July 20, 2011) Yolanda had barely made it to the U.S. border after being beaten and raped by smugglers on the route up from El Salvador. When border agents discovered the 16 year old, she was sent to a hospital, stripped and shackled to a bed—just as a precaution, presumably, to ensure she wouldn't run away.

Yolanda was part of an endless stream of children on the run, attempting to enter the U.S. on their own for work, family or just personal safety. Each year, thousands of these “unaccompanied minors” risk their lives to slip through the gates, and end up falling through the cracks.

According to a 2010 article by Wendy Young and Megan McKenna, of the advocacy coalition Kids in Need of Defense, the unaccompanied youth population spans the scope of global crises: some are simply trying to get out of poverty. Others are displaced by war, or fleeing abuse, female genital mutilation or forced marriage. Some are struggling to escape local gang violence. Government data indicates that most originate from Honduras, Guatemala, and El Salvador.

The term “unaccompanied” tells only part of their story. Many of these kids seek to reach a parent or relative on the other side of the border. But they must travel alone, exposed to brutal conditions as well as abuse by the coyotes hired to guide them.

While many youth trying to enter from Mexico are ensnared by border police and deported straight away, others enter as undocumented immigrants. They are routed to the Office of Refugee Resettlement, which places them in a disturbingly wide range of settings, from juvenile detention to foster care.

In an [assessment of immigration detention in the U.S.](#), the Inter-American Commission on Human Rights recently reported satisfactory conditions at the two youth facilities it visited, while voicing concern about reports of abuse of children in federal custody. Their main conclusion, however, was that under international principles of children's rights, migrant and refugee children should not be detained at all except as a last resort.

Despite [some significant reforms](#) in recent years, the government's treatment of unaccompanied youth is not guided by humanitarian precepts, but rather by the logistics of "warehousing" kids until their legal status is resolved. According to a 2009 [report by the Women's Refugee Commission](#), many unaccompanied children, after braving hell to reach the U.S., are left vulnerable to mistreatment and the crippling loneliness of institutionalization.

While it's hard to expect the immigration bureaucracy to provide quality child care, the system has tried to make itself more kid friendly in recent years, [thanks in part to legal challenges over the treatment of child detainees](#). But investigations by WRC, which documented Yolanda's case among others, found that while some children were placed in decent settings like group homes, others were placed in "secure" institutions that treated them essentially like youth offenders.

Children are particularly exposed to harsh treatment when they initially arrive. In some of the interviews conducted by WRC, children describe the degrading conditions they experienced after they were first "caught" at the border:

Border Patrol agents would shout to wake them up at night, calling them dogs, spitting and giving them food the children described as moldy.

Researchers found that children initially detained by ICE authorities generally lacked basic health care and had "no systematic access to legal representation or rights presentations ... and often have no guardian or advocate defending their rights or best interest." That is, they might technically be able to access legal services, but a terrified kid stuck at a detention facility would probably have trouble understanding her basic rights, much less how to locate a free attorney.

She may have some other problems to deal with. It's not uncommon for kids who are in custody to show signs of trauma, either from their experiences in their home countries or from the more acute hardships of their migration. According to research published in WRC's 2009 report:

Facility staff estimated that between 30 and 50 percent of children need mental health services. Facilities reported that very high percentages of up to 50 percent of children were on psychiatric medication.

This kind of institutionalization only amplifies the trauma that young people experience trying to reach the U.S. But while countless unaccompanied minors are neglected by the system, many do have ties to American communities. A large portion are in fact eventually released to the care of family members or designated sponsors. However, ICE's hardline enforcement strategies complicate the process of reconnecting youth with their families. Relatives may be deterred by the fear that ICE agents would "use

children as “bait” to lure in undocumented adults. One child’s testimony summed up the irony of the chilling effect of these tactics:

I know that I am allowed to have visitors but I have no one to visit me. My parents don’t have papers so they will not come to get me.

The byzantine legal system makes it harder for unaccompanied migrant children to reunify with family, especially when the parents are undocumented. Children typically have little or no control over how their case is handled, even though they should be able to petition independently for relief before a judge. Though they might qualify for asylum or relief as victims of trafficking, their cases are threatened by the courts’ narrow legal interpretations and general lack of legal help. Certain asylum claims, like being targeted by a gang, are especially hard to prove in court, [according to Young and McKenna](#).

Jennifer Podkul, program officer for the Detention and Asylum Program of the Women’s Refugee Commission, told Colorlines, “The whole crux of it is that these kids are not given attorneys, and so they don’t really have a voice, they don’t really know their options, they don’t know if they have their own claim or not. And that’s probably the biggest problem, and probably the root of this confusion.”

Outside the U.S., youth who migrate alone have just as little hope of finding refuge. In some [European countries](#), unaccompanied migrant children are [extremely vulnerable to abuse](#) and trafficking. In Australia, where anti-immigrant anxieties have surged in reaction to an influx of “boat people,” refugee kids are treated as contraband, [reports The Australian](#):

Immigration Minister Chris Bowen has signalled his concern at the steady increase in numbers of unaccompanied children arriving in Australia as an “anchor” to secure safe passage for family. Spokeswoman for the Asylum Seeker Resource Centre Pamela Curr says Immigration has sent letters to 15-year-old refugees in Melbourne informing them that family reunion applications will not be processed within three years.

“This means they will have to stand in line in the humanitarian stream with thousands of others. Everything is now premised on deterrence,” she said.

“Deterrence” may be the endgame, but officials should understand that even the most deplorable conditions wouldn’t stem the flow of desperate migrants fleeing economic devastation, death or torture. And any child who arrives alone isn’t going to get turned around easily.

Not girls like Yolanda, who discovered she was pregnant as the result of getting raped on her way to the border. Her journey was a one-way trip.

NOTE: El Paso Judge Oscar Gabaldon who is cited in this article presented at the MCWNN conference in 2009.

[Deported Woman United with US Citizen Kids](#) (El Paso Times, July 8, 2011) A woman who was deported to Mexico and separated from her five children, all United States citizens, for more than 10 months regained custody on Thursday after a children's court judge dismissed the case.

Antonia Campos was detained on Aug. 29, 2010, after trying to illegally enter the U.S. Campos had been living in America for 17 years yet traveled to Mexico with her children to visit Campos' ailing father.

Her five children, ranging in age from 7 to 15, returned to El Paso before Campos. She was arrested while attempting to cross the Rio Grande.

After her detention, Child Protective Services officials visited Campos' home and took the unattended children into custody. Campos was deported to Mexico; her children were placed in foster homes.

They had no immediate relative living in the U.S.

Since then, Campos had been pushing for her children's release so they could reunite with her in Mexico.

Campos, who was allowed to enter the United States temporarily for the court appointment, hugged her children after Thursday's hearing.

"I told (the children) that we're going to struggle a bit, but we're going to make it," she said.

Mireya Nevarrez, 14, said she was also concerned about the change, yet was happy to be reunited with her mother.

"At first I felt afraid, but now that I'm going to be with my mom again, I don't feel that anymore," she said.

Campos' attorney, Maria Ramirez, issued a news release stating that Campos has found a home in Juárez and obtained a job as a medical aide for a disabled person.

"We're very happy. My client is a very good mother, and they are good children because of her," Ramirez said.

During the hearing, Campos said the Family Integral Development office in Juárez, or DIF, which is in charge of children and family services in the city, conducted an extensive investigation of Campos' home.

It issued a report stating that it found the home appropriate for the children.

CPS officials, upon reviewing the report, agreed to let Campos reunite with her children.

"All we care about is the safety of the children," said Richard Deck, an El Paso County attorney representing CPS. Deck requested the case be dismissed, yet noted that the children suffered from neglect after Campos' arrest, going nearly two weeks without food at home.

Rosendo Torres, a private attorney appointed to represent the children, also agreed with the dismissal. Torres pointed out that the oldest child, 15-year-old Arnoldo, expressed his preference to remain in the United States.

In a letter read in court, Rafael Salas, the children's appointed legal guardian, wrote he believed it was in the children's best interest to stay in the U.S. and avoid the dangers of living in Juárez.

Children's Court Judge Oscar G. Gabaldon Jr., upon reaching his verdict, said he saw enough evidence to see Campos as willing and capable to provide for her children. Throughout the process, he said, Campos "remained in contact with the children and showed unconditional commitment by being proactive."

"Government intervention in the life of parents and children is only to ensure that children are safe from the risk of harm," Gabaldon said. "The parental presumption is that the best interest of children is with their parents."

Ramirez, who pointed out that there is no law allowing children to be removed from their parents for being undocumented, said authorities never questioned Campos' competence as a mother because of her status as an undocumented immigrant.