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### Legislation

[The Foster Children Opportunity Act: Guaranteeing a Bright Future for Foster Youth](#) (by Shadi Houshyar, First Focus Campaign for Children Press Release, Nov 3, 2011). It seems new and ever more frightening immigration-related news is surfacing daily. From calls to end birthright citizenship, to the recent crisis following passage of an immigration law in Alabama, to the release of a [groundbreaking report](#) earlier this week revealing that thousands of children are entering the foster care system as a result of irresponsible immigration enforcement measures – it seems that our policies and practices toward immigrant children and families have taken several significant steps backward. As disturbing as these recent stories have been, there are opportunities for Americans to move forward and reclaim our reputation as a tolerant, just and welcoming society that makes the well-being of all our children a national priority.

Thus, we are encouraged by the efforts of Congressman Pete Stark, who today introduced the *Foster Children Opportunity Act*. The bill increases the likelihood that immigrant children removed from their parents' custody because of concerns about abuse or neglect will have an opportunity to obtain the legal immigrant status to which they are legally entitled, prior to aging out of the foster care system.

Although not a widely known fact, many Immigrant children involved in the child welfare system are eligible for special forms of immigration relief, including Special Immigrant Juvenile Status (SIJS). But early identification is critical given that a child can lose SIJS eligibility once the court terminates jurisdiction over the youth. All too often, court officials and child welfare workers are unaware of the immigration relief options available, leaving these children at risk of being deported at any time, while drastically limiting their educational and work opportunities when they “age out” of the system.

Sadly, many undocumented children age out of the child welfare system each year without the opportunity to obtain legal immigrant status. Once they exit the foster care system, these youth often lose their only chance to gain legal status and leave the system lacking the lawful status necessary to succeed in the U.S. They face a daily risk of deportation, are unable to obtain employment authorization, apply for a driver's license, access benefits, and in most states are not eligible for in-state tuition at state colleges and universities.

The Foster Children Opportunity Act aims to ensure that all children in the foster care system are screened for SIJS and other immigration relief options before they exit care. The bill provides needed technical assistance to child welfare agencies and resources to train judges, attorneys and other legal

workers to ensure they are aware of these options and of how to take advantage of appropriate relief . The legislation also clarifies that a state can obtain reimbursement for the foster care costs of a child once the child obtains SIJS status and ensures that children who receive SIJS are exempted from the 5 year ban placed on receiving Federal means-tested public benefits.

We applaud Congressman Stark and his colleagues for working to give immigrant kids living in foster care a fighting chance to lead healthy and productive adult lives. His leadership and passion are a reminder to us all that we must continue to value the well-being of all children and families in this country.

The First Focus Campaign for Children worked together with over 80 state and national organizations in commending Congressman Stark and the bill's co-sponsors for introducing this important legislation.

[Click Here to See our Related Resources on the Foster Children Opportunity Act](#)

[Legislation Introduced to Strengthen Protections for Immigrant Children in Foster Care](#) (Rep Pete Stark Press Release, Nov 3, 2011).

### **Child Welfare Policy Report**

[Shattered Families: New report takes closer look at devastating effects of immigration enforcement](#) (by Wendy Cervantes, First Focus Blog, Nov 2, 2011). As an advocate for children, it has been difficult to witness the pain and suffering of innocent children across the country who have endured life-altering trauma due to immigration policies that neglect to consider their well-being. In America, no child should have to live in fear of having a parent taken from them overnight or have to worry about whether or not their parent will arrive to pick them up from school. And no child with loving, devoted parents should be unnecessarily forced into the child welfare system. Yet, a new [groundbreaking report](#) reveals that thousands of children are entering the system as a result of irresponsible immigration enforcement measures.

The report, released today by the Applied Research Center (ARC), estimates that more than 5,100 children are currently in foster care due to their parent's detention or deportation. The report also reveals that more than 46,000 parents of U.S. citizen children were deported within the first six months of 2011. If this current trajectory continues, ARC estimates that more than 15,000 additional children will be in foster care within the next five years as a result of immigration enforcement. Furthermore, once a child enters the system, the report reveals that parents often face insurmountable challenges in reunifying with their children.

In fact, ARC found that Immigration and Customs Enforcement (ICE), makes family reunification nearly impossible. Detained parents are sometimes transferred to detention centers far away from their children and are often unable to comply with reunification plans or participate in family court proceedings. Systematic bias against undocumented parents within the child welfare system, as well as a lack of consistent policies for handling these unique cases further threaten the chances of reunification.

While these findings are alarming, the report also points to several common sense solutions that can reduce the unnecessary harm to children and preserve family unity during enforcement operations. Given the Administration's [recent announcement](#) to prioritize the use of prosecutorial discretion in

certain cases, efforts should be made to prioritize the release of parents whenever possible and to allow for parents to make child care arrangements when needed.

It's also time for us to stand united as Americans and refuse to compromise our family values or the well-being of our children in the name of immigration enforcement. It's no longer possible to turn a blind eye to the silent suffering of our neighbors, clergy members, and fellow parents. As we prepare for our holiday gatherings, let us not forget the child who will be forced to face an empty chair at his dinner table, or the child whose only [holiday wish](#) will be to see her mother again.

To learn more about how to support the We Belong Together Campaign please [click here](#).

[Thousands of families split by US immigration efforts](#) (Agence France Presse, Nov 3, 2011).

[Deportations leave behind thousands of children in foster care](#) (by Ray Sanchez, Huffington Post, Nov 3, 2011).

[More kids of deported parents landing in foster care](#) (Frontera, Nov 3, 2011).

[US Deport 46,000 parents with citizen kids in just six months](#) (Colorlines, Nov 3, 2011).

[Thousands of kids taken From parents In U.S. deportation system](#) (Colorlines, Nov 2, 2011).

[Why it's crucial to keep immigrant families together](#) (Colorlines, Nov 2, 2011)

[Advanced Copy of Dept of State Interim Final Rule: Adoptions](#) (Dept of State, Oct 31, 2011. This rule amends the Dept of State's regulations relation to adoptions to countries party to The Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption, to include new adoption provisions from the International Adoption Simplification Act.

[Record Year 2011 for Deporting Parents of U.S. citizen children](#) (Tucson Immigration Examiner, Nov 3, 2011)

[Social dilemma: Jailed Collier mom faces deportation, separation from three U.S. born kids](#) (Naples News.com, Nov 5, 2011).

[Report: Over 1,000 Kids in L.A. County Foster Care Have Capable Parents Who've Been Detained/Deported](#) (LA Weekly, Nov 2011)

[Officials seek out more human trafficking victims](#) (AP, Oct 23, 2011)

[How is King County Spending \\$1.4m to Combat Latino Gangs?](#) (Seattle Weekly, Oct 14, 2011).

[Recognizing the Importance of a Foster Child's Ethnic/Cultural Identity](#) (SF Examiner, Oct 10, 2011).

[Ruling by Ninth Circuit Court of Appeals in SF for Deported SIJS Youth](#) (Ninth Circuit Court of Appeal, Filed Nov 2, 2011). Youngsters who are brought to the United States illegally, and mistreated after they

arrive, have gotten a boost from a federal appeals court in fighting deportation orders as adults. The ruling by the Ninth U.S. Circuit Court of Appeals in San Francisco involves undocumented youths who are placed in long-term foster care because of abuse or neglect, based on a judge's findings that it would be harmful to return them to their home country. That classification, which allows the youngster to qualify for legal residency, was granted to about 1,500 youths nationwide last year, said attorney Kristen Jackson of the nonprofit Public Counsel, which represented the immigrant in this week's case. Her client, Jorge Raul Garcia, had been granted legal status as a teenager in 2000 but was deported to Mexico eight years later after being convicted of two minor thefts in the Los Angeles area. The ruling allows him to return and seek to regain legal residency.

[House member appalled at family separation statistics](#) (Press Release – Congressman Jose E. Serrano, Nov 2 2011). In response to a new report out today on families separated by deportation, Democrat Congressman José E. Serrano (NY) expressed his profound disgust with a system that has left more than 5000 citizen children in foster care because their parents were deported. Serrano called the policies 'un-American' and "deeply troubling.

[5,000 S-Comm Foster Kids – Intolerable and Outrageous](#) (La Opinion, Nov 5, 2011).

[Recommendations to Improve Transparency and Consistency in the USCIS Process for Deferred Action](#) (by January Contreras, CIS Ombudsman, Nov 3, 2011).

[Alabama Hispanic students not coming back](#) (Politico, Nov 3, 2011). Over a month after the nation's toughest immigration law took effect in Alabama, hundreds of Hispanic students are still missing from the state's public school system – and they are likely gone for good.

[Children in No Man's Land](#) (A Documentary Film by Anyansi Prado). This documentary that uncovers the current plight of the 100,000 unaccompanied minors entering the United States every year. This film gives this timely political debate about the U.S./Mexico border a human face by exploring the story of Maria de Jesus (13) and her cousin Rene (12) as they attempt to cross the U.S./Mexico border alone to reunite with their mothers in the Midwest.

[DOJ Letter to Alabama School Districts: Children Deserve Equal Access to Public Education](#) (Department of Justice, Nov 1, 2011). The Justice Department issued a letter to Alabama school districts reminding them of their obligation under federal law that a state may not deny a child equal access to public education based on his or her immigration status. The department also requested information regarding enrollment practices to determine whether each school district is in compliance with federal law and whether further action is warranted.

[Domestic Abuse Fears Grow in Immigrant Communities](#) (Women's Media Center, Oct 28, 2011)

[America has the worst child abuse record in the industrialized world.](#) (BBC News– VIDEO, Oct 17, 2011).

[A Rural Guatemalan town with young U.S. citizens – American born children living in Guatemala are caught between two worlds](#) (Frontera, Aug 30, 2011)

[Deportation pushes mothers endless cycle of illegal crossings](#) (Frontera, Dec 15, 2010). Story regarding deported women with children left behind in the US desperate to return to the U.S. to be with family left behind.

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