



e-News from the MCWNN (June 28, 2011)

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

Resources for Child Welfare Agencies

[Youth Leadership Toolkit](#) (NRCYD website, 2011). The National Resource Center for Youth Development website features Youth Leadership Toolkits on the following topics: Member Outreach; Public Speaking; Strategic Sharing; Travel Guide; Youth Engagement; Branding and Logos; and, Focus Groups.

[Maintaining Parental Rights During Immigration Enforcement Actions and Detention – Summary Report](#) (by the Women’s Refugee Commission, Florence Immigrant and Refugee Rights Project, and Applied Research Center, November 3, 2010). Summary of convening with national experts to discuss the issue of maintaining parental rights during immigration enforcement actions and detention.

Legislation

[SENATOR DURBIN ANNOUNCES FIRST-EVER SENATE HEARING ON THE DREAM ACT](#) (June 21, 2011).

Assistant Senate Majority Leader Dick Durbin (D-IL) announced today that he will chair the first-ever Senate hearing on the DREAM Act next Tuesday, June 28th, at 10:00 am ET. “I’ve been working on the DREAM Act for over ten years,” Durbin said. “In that time, it’s been reported out of committee by a large bipartisan margin, passed the House of Representatives, and received a bipartisan majority vote in the Senate, only to fall because of a filibuster. I’ll convene the first-ever Senate hearing on this bill next week to discuss how the DREAM Act will make our country stronger by giving undocumented students a chance to earn legal status if they came here as children, are long-term U.S. residents, have good moral character, and complete two years of college or military service in good standing.” Durbin will chair the hearing before the Senate Judiciary Committee’s Subcommittee on Immigration, Refugees and Border Security. The hearing will be webcast live at www.judiciary.senate.gov

[First Focus Press Release – Introduction of Roybal-Allard Legislation Protecting Farmworker Children](#)

(Introduced June 16, 2011). Today, Representative Lucille Roybal-Allard (D-CA) introduced legislation to protect hundreds of thousands of children employed in agriculture work from working longer hours, at younger ages, in more hazardous conditions than children in other working sectors. The legislation amends the Fair Labor Standards Act (FLSA) by correcting inequities in current labor law. Entitled the Children’s Act for Responsible Employment (CARE), the legislation was introduced at a press conference this morning where Representative Roybal-Allard was joined by actress and activist Eva Longoria, who is also the executive producer of a new documentary [The Harvest/La Cosecha](#).

News & Opinions

[Immigrants seek a solution to their stateless status](#) - Many arrive in United States lacking proper birth certificates (Monterey County Herald, June 16, 2011)

The ranch where Elvira and Antonio lived in Baja California, Mexico, was about four hours on foot from the nearest civil registry. And the tomato pickers in the agricultural/industrial region didn't have much money to make the trip by bus — or spare a working day to get birth certificates for their children. The family came to the United States illegally 18 years ago. Somehow the children were able to navigate the U.S. education system without proper birth certificates. Now, as adults they're technically stateless. They can't even get identification because they lack documents — from Mexico or from the United States.

"It's frustrating," said Antonio, 20. "We can't do anything."

"We can't get I.D.s, we can't get jobs, we can't go to college. It's a constant battle and nobody can help us," said Elvira, 18.

The family, who declined to give their last name because of their illegal status, traveled from Fresno to Greenfield on Tuesday, where the Oaxacan Civil Registry was issuing birth certificates as part of a service tour through California. In Mexico, civil registries issue birth, death and marriage certificates.

Because Elvira and Antonio were born in Oaxaca, they believed they could obtain birth certificates through the itinerant registry. But while traveling in the United States, officials from the Oaxacan Civil Registry can only issue copies of existing documents. To register for the first time, the children would have to travel to the jurisdiction of their birth.

For undocumented families, a trip like this is almost impossible. They might get back into their country without proper identification but returning would be problematic at best.

"We cannot register them here," said Haydee Reyes Santos, director of Oaxaca Civil Registry. "What we can do is take their cases to Mexico and see if we can get a special agreement."

The Fresno family is not alone. Reyes Santos estimated about 60 percent of the birth certificate petitions she would see in Greenfield involved those who have never been registered.

Globally, there are about 15 million people who are considered stateless — who, because of political upheaval or other socio-economic circumstances, cannot get proper documentation anywhere.

"Statelessness has dramatic consequences on the most mundane activities and daily lives of individuals," said Thomas Albrecht, deputy regional representative to the United Nations High Commissioner for Refugees to the Organization of American States. "Without citizenship, a person may face insurmountable obstacles to attend school or university, to obtain health care, to work legally, to get married, to travel, to own property, to vote or be elected."

Aware of the legal limbo many of his compatriots face, former California resident Rufino Dominguez said when he was appointed in December to lead the Oaxacan Institute for Support to Migrants that he

would seek a solution. Six months later, as he tours California along with the Civil Registry, Dominguez is helping document cases to illustrate the problem and seek redress.

This is the second time the Oaxacan Civil Registry has traveled to California. Besides earlier stops in San Jose and Fresno, it is scheduled to be in Los Angeles today and in Vista on Friday.

Not everyone who visited Tuesday's itinerant registry lacked a birth certificate. Some just needed a copy — and got a replacement. Among them was Amada Hernandez, who said her old one was too tattered and nearly useless.

"The new pink one is better," Hernandez said. "Now, every one in Oaxaca has the pink kind." But like most participants, Arisbel Morales walked away empty-handed.

"My certificate has an error," she said, explaining that her name is misspelled and she would have to travel to Oaxaca to fix the error. The lack of a birth certificate makes it impossible for Morales to marry the father of her two children, a U.S. citizen, and consequently, to fix her legal status.

"I was raised with my grandparents, so my parents couldn't help me fix it," Morales said. "That's why, when my daughters were born, I verified all the information in their certificates. I didn't want any problems for them. I can't even get an I.D."

[U.S. Pledges to Raise Deportation Threshold](#) (New York Times, June 17, 2011). Moving to repair an immigration enforcement program that has drawn rising opposition from governors and police chiefs, senior immigration officials on Friday announced steps they said would focus the program more closely on deporting immigrants convicted of serious crimes.

[The Ugly Politics Behind Alabama's Harsh New Anti-Immigrant Law](#) (Equal Voice Newspaper, June 22, 2011). The new GOP-sponsored Alabama law targets children; turns educators, business owners, landlords and citizens into immigration officers; and punishes anyone caught hiring, housing or even giving a car ride to an undocumented person.

[Pending a Resolution of DOMA, Immigration Judges Should Exercise Discretion to Stay Removal Cases](#) (Immigration Impact Blog, June 13, 2011). To date, five states plus the District of Columbia celebrate marriages of gay and lesbian couples and several other states honor such marriages. In addition, five countries, including Canada, permit marriages of gay and lesbian couples and at least fourteen additional countries recognize same-sex relationships for immigration purposes. Yet, because the U.S. immigration agencies rely on section 3 of the Defense of Marriage Act (DOMA)—defining marriage as a union between one man and one woman—lesbian and gay U.S. citizens and lawful permanent residents are barred from obtaining immigrant visas for their spouses, visas that are available to heterosexual U.S. citizens and residents with foreign-born spouses

[South of Silicon Valley, Hunger Haunts California Town](#) (New America Media, June 20, 2011) Every year when the spring comes, families get in their pickup trucks in the Rio Grande Valley in Texas, or the Salt River Valley in Arizona, and head for the California town of Hollister. This year, work has been very slow. In one of the great contradictions of American poverty, people who spend their lives producing the food

consumed by millions in cities across the country often don't have enough to eat themselves. When the San Benito County Community Food Bank opened 20 years ago as the Community Pantry, it served 35 families. Last year it handed out 1,750 bags a week to more than 5,000 people. Half of them are children, many from families who work in the fields.

[The Child First Movement](#) (by Daniel Heimpel, Huffington Post, June 14, 2011) We stand as a nation weakened by our ailing public education system. In comparison to other developed countries, our children are consistently out-educated and outperformed. If reforms of the system continue to be neglected, American children will ultimately be outpaced. The once powerful engine of the American economy, our exceptional capacity for innovation, has been degraded, casting a dark pall on the bright future we must now fight to achieve. Despite a clear trajectory downward, our priorities are still elsewhere. The Federal Government currently spends \$7.00 on the elderly for every \$1.00 we spend on children. We dole out more than \$900 billion a year on the military compared to \$300 million on all kids programs, including education. We spend 5 percent of the federal budget serving debt, and only 4 percent more than that serving children. This is a business plan to bankruptcy, and the turning point will be our ability to provide educational opportunity to all children.

Research

[A Costly Move – Far and Frequent Transfers Impede Hearings of Immigrant Detainees in the United States](#) (Human Rights Watch, June 14, 2011) This 35-page report states that transfers separate detained immigrants, including legal permanent residents, refugees, and undocumented people, from the attorneys, witnesses, and evidence they need to defend against deportation. That can violate their right to fair treatment in court, slow down asylum or deportation proceedings, and extend their time in detention.

Conferences & Trainings

[Beyond the Bench Conference XXI](#) (Administration Office of the Courts, California, December 14-16, 2011). This year's Beyond the Bench XXI conference will focus on issues in family, juvenile and collaborative justice courts. Beyond the Bench brings together judicial officers, court professionals, social workers, legal services providers, educators, probation officers, youth, and other partners to forge multi-disciplinary dialogue, and collaborations among courts and partner agencies throughout California.

... BRAVO to KIND Foundation and the many immigrant pro bono attorneys who help vulnerable kids eligible for SIJS and other relief options

[Some Young Migrants Face Deportation With No Lawyer](#) (by City Limits News, June 13, 2011) After being detained by federal border agents, Leticia, 15, faced having to navigate the immigration system—where there is no right to government-appointed counsel—alone. A pro bono attorney stepped up for her. But many migrants aren't as lucky.

Leticia was 15 when Border Patrol agents climbed on her Greyhound bus in rural Louisiana and started asking people for papers. The Guatemalan girl panicked. She spoke almost no English and carried a recently expired six-month visa. After days traveling alone she was almost to her sister's Texas home, but the agents pulled her out to the humid afternoon and brought her to an office with other

undocumented immigrants. "I thought I'd definitely be sent back," recalled Leticia (whose real name won't be printed to protect her identity) of that day in January 2009.

Leticia's story is one that occurs every day and frequently to young immigrants in New York. The Department of Homeland Security (DHS) picks up about 8,000 unaccompanied, undocumented minors each year, according to the Office of Refugee Resettlement, and 85 percent of them come from Guatemala, El Salvador and Honduras. These immigrant youths then face deportation proceedings—and over half must do so without a lawyer.

Section 292 of immigration law, gives immigrants the right to representation—but not to free, government-appointed lawyers. And because undocumented youth usually have no money, they must rely on pro-bono lawyers to step in for defense.

Growing concern about lack of counsel

In May, Judge Robert A. Katzmann of the 2nd U.S. Circuit Court of Appeals drew New Yorkers' attention to the lack of counsel in immigration court when he released the New York Immigration Representation Study, the culmination of research by the Katzmann Immigration Representation Group and the Vera Institute of Justice.

The report found that about 60 percent of all immigrants in New York court lack counsel. And counsel makes all the difference: Immigrants who haven't been detained have a 74 percent success rate in court if they have legal counsel, while those without lawyers have only a 13 percent success rate.

Mayor Bloomberg pledged \$2 million for the Immigration Fellows Program, an initiative paying more experienced attorneys to teach young lawyers immigration law. However, the program hasn't yet begun due to budget difficulties, said Fatima Shama, Commissioner of Immigrant Affairs. The government, working with Katzmann and other players, hopes to announce a new resource for immigration representation by the end of the year, Shama said.

Meanwhile, New York's Department of Youth and Community Development funds legal assistance for immigrant minors each year through organizations like the Legal Aid Society and the Door, a non-profit youth services provider. But with the increase in the detention of unaccompanied minors, there aren't enough attorneys for everyone.

Without a lawyer, even if immigrants speak no English, they must represent themselves in court. And even if they do speak English, they are completely unfamiliar with complex immigration law. For minors who may not understand their defense for staying in the country, the process is even more labyrinthine.

She's spared detention

Leticia already felt perplexed by her situation when she went to the Department of Homeland Security station in St. Charles, Louisiana. Kept outside the office because she was a minor, she peeked into the building. Inside, fellow immigrants were yelling and some stood with shackles on their feet.

Evening came and the adults inside were carted to a detention center, while Leticia was placed in a holding room in the office.

"It had bars on the outside, and I slept on the floor. A woman watched me. She stayed awake all night," said Leticia. "They said someone had to get me by 11 a.m., or I'd be taken to detention, too." Leticia's aunt, with whom she'd been staying, flew down immediately and brought her back to upstate New York. Though Leticia did have family in the United States, she had no legal guardian, and so was seen as an unaccompanied youth by the law.

Leticia then went with her aunt to her first immigration hearing in New York City, and, after it ended, an immigrant rights advocate named Anna Marie Mulcahy approached Leticia in the building to inquire if she had a lawyer.

"I didn't—we couldn't pay for one. I was so surprised someone cared," recalled Leticia. Mulcahy was from the organization Kids in Need of Defense (KIND), a non-profit co-chaired by Angelina Jolie that trains lawyers to do pro-bono immigration law for youth. KIND matched Leticia with lawyers Roseanne Baxter and Mauricio Gonzalez from the firm Boiese, Schiller and Flexner, and they began working on her case, to help tell her story to the court.

Multiple avenues, all difficult

The Department of Homeland Security (DHS) apprehends children, and keeps them in federal custody for about 72 hours before handing them to the Office for Refugee Resettlement (ORR), says KIND's executive director Wendy Young. ORR houses children—even those with legal representation—in shelters, foster homes or detention until the end of their deportation proceedings. Then, if the child loses his case, a deportation officer accompanies him to the airport of the home country, where hopefully the government there takes him.

"How it's done can be very dicey," said Young, citing the disorganized repatriation efforts of governments receiving the children. Young knows children who have been killed upon return to their home country, and others who began attempting remigration to the United States as soon as they were deported.

Immigrants who are unaccompanied minors can get lawful permanent residency in the U.S. by obtaining Special Immigrant Juvenile Status (SIJS), which they can qualify for if they face "abuse, neglect, or abandonment" in their home.

Other paths to remain in the United States are asylum status, T-Visas for trafficking victims, U-Visas for crime victims, and temporary protective status for victims of natural disasters or other crises.

Asylum, the most common, requires a proof of political threat in the immigrant's home country, and KIND's executive director Wendy Young said asylum is particularly hard to prove as a youth.

"Kids often don't know something may have political implications...This is all not just about knowing immigration law, it's about kids' lack of capacity to know what's going on," she said. Fighting for SIJS status is equally difficult. "With abuse and neglect, you have to draw the story out without further traumatizing the child."

Seeking broader change

Leticia's lawyers argued that she should receive SIJS, on the grounds that she felt unsafe in her family's home. Back in Guatemala, she had started working at age 12 to afford school. After two years of court proceedings, she won SIJS, and now has legal permanent residency. She lives in Dutchess County—about two hours north of New York City—with her aunt and attends school there.

Since KIND began in January 2009, it has trained over 2,200 lawyers in youth immigration proceedings. Though the organization's efforts are expanding, supplementing the already-existing pro-bono services of the Legal Aid Society, thousands of children remain unrepresented. In fact, 3,000 more unaccompanied children were taken into custody in the year 2010 than the previous year.

"It may be since it's harder and harder to cross the border as an adult, so many kids are crossing alone," speculated Young. She said that KIND wants not only to help more youths, it wants to assure representation for them all. She said that section 292 of immigration law—which says that people have the privilege of legal counsel in removal proceedings—might be interpreted to mean free council, especially for vulnerable populations. "We believe it should be free for kids. The odds are so against them.

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