

# **The Intersection of Immigration and Child Welfare:** *Emerging Issues and Implications*

**Second National Forum  
April 1-3, 2008**



**Conference Proceedings**  
**Chicago, Ill.**

# Introduction: Proceedings of the Second National Forum on the Intersection of Immigration and Child Welfare

In July 2006, 70 participants from 10 states and Mexico convened for the first American Humane/Loyola University Chicago forum on the intersection of immigration and child welfare. This forum created a transnational opportunity to discuss the emerging impact of immigration on child welfare services in the United States and formed the basis of a continued multi-disciplinary collaboration designed to inform and impact policy and practice at the local, state and national levels.

One of the results of this forum was the identification of key issues critical to facilitating positive outcomes of safety, permanency and well-being for immigrant children and families involved in the child welfare system. These key issues were identified in four categories and included the following:

## Research

1. Data are not available on the number of immigrant children and families involved in the child welfare system.
2. There is a lack of research that provides information on the unique needs of immigrant children and families in the child welfare system.
3. There is a lack of research that provides information on effective, empirically based practices with immigrant children and families in the child welfare system.

## Workforce and Training

1. There is a need for advanced training within child welfare agencies on the issues affecting immigrant children and families and effective practices with immigrant children and families involved in the child welfare system.
2. There is a need for increased understanding within child welfare agencies and among child welfare practitioners of federal and state policies that affect immigrant children and families.
3. Child welfare cases that involve immigration issues present additional complexities that must be considered when studying caseworker and agency workloads.
4. There is a lack of bilingual and bicultural staff within child welfare agencies.
5. There is a lack of programs in higher education offering education and training on the intersection of child welfare and immigration.

## Cross-systems Collaboration / Field Integration

1. There is a need for cross-systems collaboration between child welfare agencies and those working with and on behalf of immigrant populations (e.g., legal professionals, service provider and advocacy organizations) in order to effectively meet the needs of immigrant children and families involved in the child welfare system.
2. There is a lack of bilingual and bicultural services providers that can effectively respond to the needs of immigrant children and families.
3. There is a lack of engagement between child welfare agencies and immigrant communities.
4. There is a lack of collaboration between the United States, Mexico and other Latin American countries regarding the intersection of immigration and child welfare.

## Policy / Advocacy

1. There is a lack of consistent policies within child welfare agencies that address the service needs of immigrant children and families in the child welfare system.
2. Existing state and federal policies create barriers for child welfare agencies to provide effective service delivery to immigrant children and families in the child welfare system.
3. State and federal policies, combined with the current anti-immigrant sentiment in the United States, affect immigrant children and families who are fearful of accessing benefits.
4. There is a need for policy development concerning child welfare systems' response to children and families with mixed immigration statuses.
5. There is a need for policy development regarding child welfare systems' response to separated and unaccompanied immigrant children.

Building from the identification of these emerging issues, the second national forum on immigration and child welfare brought together experts from across the country to address the current state of these issues and provide information on current trends, promising practices, and advances made within each of these key areas. In addition, the forum was preceded by a half-day of skills-building sessions and intensive seminars designed to provide participants with hands-on learning opportunities to improve their practice with immigrant children and families.

These proceedings collect written summaries of the majority of these presentations in order to promote ongoing dialogue on the advancement of these issues, as well as to disseminate this information to a wider audience of researchers, practitioners, policymakers and advocates who were unable to attend the forum. The proceedings are organized according to the day of the forum, which began on day 1 with skill-building sessions and culminated on day 3 with a keynote presentation by Randy Capps of the Urban Institute and Joseph Hammell of Dorsey and Whitney.

On day 1, skill-building sessions were held to provide practical information for practitioners, policymakers and advocates to improve their practice with immigrant children and families involved in the child welfare system. In these proceedings, Julie Rosicky of International Social Service-USA, Laura Gardner of Bridging Refugee Youth and Children's Services (BRYCS) and Cecilia Saco of the Los Angeles County Department of Children and Family Services provided information on the services provided by their respective agencies and examples of interagency collaborations that have resulted in positive outcomes for immigrant children. Following this, Maria Woltjen of the Immigrant Children's Advocacy Project provided information on the legal aspects of cases involving unaccompanied and separated migrant children, the role of guardians ad litem in these cases and the work done by the Immigrant Children's Advocacy Project in Chicago.

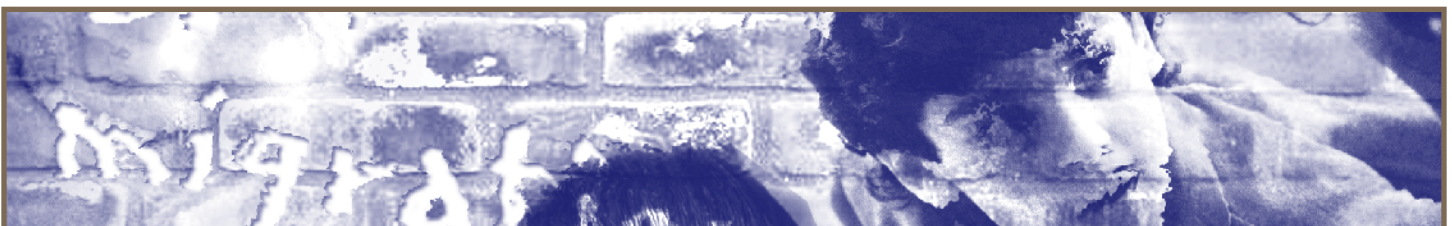
On day 2, panel sessions were held to address the current state of the key issues identified in the 2006 forum. These panel sessions brought together leading experts in the field from across the country to discuss new data, promising practices and recent advances made toward addressing these issues. In these proceedings, Jorge Cabrera and Melissa Proctor of Casey Family Programs provide a case example of a 15-year old boy in foster care and efforts to reunify him with family members in Mexico. Their presentation includes key practices and lessons learned throughout this process, as well as promising practices that are in place in San Diego County to facilitate permanency planning across borders. Following this, Alan Dettlaff, Tracy Vericker and Richard Speiglman provide important findings from current research projects that are advancing the knowledge base concerning immigrant children and families involved in the child welfare system. Also, Lyn Morland, Jorge Cabrera and Rowena Fong present information from the ongoing work of the Migration and Child Welfare National Network's Promising Practices Committee on the development of principles, guidelines and examples of promising practices with immigrant children and families.

On day 3, a joint session was hosted by the Migration and Child Welfare National Network, the National Immigrant Justice Center and the Immigrant Children's Lawyers Network. A keynote presentation was provided by Randy Capps of the Urban Institute and Joseph Hammell of Dorsey and Whitney that highlighted findings from the breakthrough research report, *Paying the Price: The Impact of Immigration Raids on America's Children*, conducted by the Urban Institute for the National Council of La Raza. In these proceedings, Randy Capps summarizes the findings from this study and offers recommendations for social service agencies and other entities responding to immigration raids.

It is our hope that this collection of presentations will provoke further discourse and provide the impetus for additional research, as well as the advancement of promising practices and policies that facilitate positive outcomes for immigrant children and families involved in the child welfare system. Through these advances, as well as the ongoing work of the Migration and Child Welfare National Network, positive outcomes can be obtained for all children and families, regardless of citizenship status or country of origin.

**Alan J. Dettlaff, Ph.D., editor, Conference Proceedings**

Assistant Professor, Jane Addams College of Social Work, University of Illinois at Chicago  
Co-Chair, Research Committee, Migration and Child Welfare National Network



## Day 1: Tuesday, April 1, 2008

### Preparing to Meet the Needs Skill-Building Sessions and Intensive Seminars

#### Skill-Building Session B1

#### Interagency Cooperation:

#### Collaboration as Best Practice

#### Presenters:

**Julie Rosicky**

International Social Service – *United States Branch*

**Laura Gardner**

Bridging Refugee Youth and Children's Services

**Cecilia Saco**

Los Angeles County Department of Children and Family Services, Special Immigrant Status Unit

#### Part I: International Social Service

International Social Service – United States of America Branch (ISS-USA) is the U.S. branch of an international federation founded in the 1920s. The federation was originally established to assist families separated due to migration by providing services along the dangerous journey to reunification. Since its creation, ISS-USA has worked with many different vulnerable groups including war refugees, international adoptees, abused and neglected children, and repatriating U.S. citizens. The ISS federation is composed of branches, affiliated bureaus and correspondents in over 150 countries worldwide, with its general secretariat in Geneva, Switzerland. Trained social workers around the globe are equipped to tackle a wide variety of socio-legal problems and help resolve child welfare issues that cross international borders.

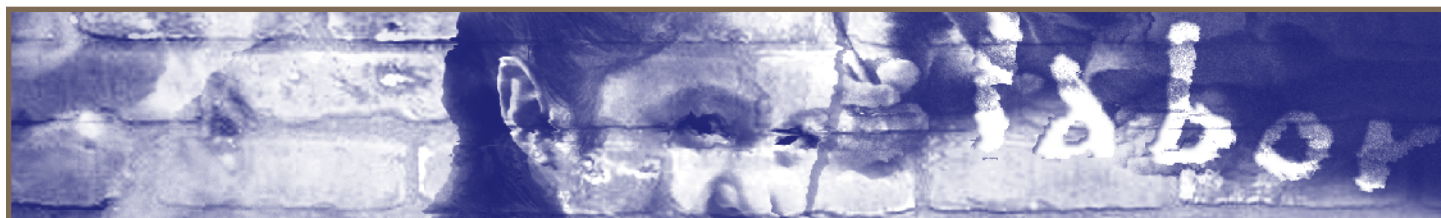
ISS-USA performs a number of transnational services aimed to help courts and others make decisions about what is best for a child whose situation involves two or more countries. International home studies are ordered when a child has the potential to live with family members in another country. ISS-USA facilitates both inbound (when a child resides outside the U.S. but has family in the U.S.) and outbound (when the child resides in the U.S. but has family outside the U.S.) home studies in collaboration with its federation partners and state and local service providers in the U.S. ISS home studies are conducted by professionally trained social workers, who are experts in how their own child welfare system works as well as the norms, laws and situations in their own countries.

ISS-USA facilitates the transfer of this information to the country, state or local service provider who will present the information to any parties responsible for making a decision about permanency.

#### Case Presentation

ISS-USA presented the case example of Jane Smith. Although based on a real case, the names and locations have been changed to protect the confidentiality and anonymity of the people and state/country involved. Jane Smith originally resided with both her parents in New Hampshire until her father was deported to the Dominican Republic after a four-year incarceration. After her father was deported and her mother was arrested, the child was placed in the temporary custody of the Department of Social Services (DSS) in New Hampshire. When her mother was released from prison, Jane was returned to her mother's custody. However, she was taken back into custody by DSS when her mother was re-incarcerated for drug charges. Kinship care in the United States was not an option because there were no approved family members available; therefore, the child was placed and currently resides in foster care within the state of New Hampshire. Jane and her father have had a long-term physical separation (Dad was removed from the U.S. to the Dominican Republic), but they maintained their relationship through telephone and mail contact. The child expressed a desire to live with her father in the Dominican Republic and the child's mother also expressed wishes for the child to be permitted to live with her father. However, because of his previous deportation, Jane's father was unable to return to the United States to seek custody. A home study in the Dominican Republic was ordered by the court in New Hampshire to determine whether the court would grant the father custody of his daughter.

Collaboration on transnational cases is essential to reaching a decision that is in the best interest of a child. Specifically, in the case described above, the collaboration must include: the child, the mother, the father, the foster family, the DSS worker, attorneys for the mother and father, DSS, the judge, ISS-USA and its caseworkers in the U.S. and abroad, a translator, funding sources for appropriate child welfare services, United States



Citizenship and Immigration Services (USCIS) (if there are any immigration issues) and any child advocates involved.

## Part II: Bridging Refugee Youth and Children's Services (BRYCS)

Laura Gardner, BRYCS technical assistance coordinator, first provided an overview of BRYCS' mission and services. BRYCS' mission is to strengthen the capacity of immigrant- and refugee-serving and mainstream organizations across the U.S. to support the successful development of newcomer children, youth and families by providing technical assistance that is locally driven, builds long-term capacity and promotes collaboration at the local, state and national levels.

BRYCS provides consultations by telephone (1-888-572-6500) and email ([info@brycs.org](mailto:info@brycs.org)) through its national staff and a National Technical Assistance Network. BRYCS social workers are available to consult on specific cases as well as to facilitate information-sharing and distribute materials and resources. BRYCS has an online clearinghouse ([www.brycs.org](http://www.brycs.org)) of over 2,000 resources that includes educational materials for service providers and clients. BRYCS writes many of its own materials, including quarterly spotlight articles on a variety of child welfare topics, toolkits and other publications, and short write-ups of dozens of "promising practices." An email alert is sent out to thousands of service providers each month to announce new BRYCS resources as well as share information on the newest relevant resources in the field.

Ms. Gardner next presented audience members with the following scenario:

"You are a relatively new director at your local child welfare agency in a community with a significant number of immigrants and refugees. While your agency does not have any formal relationships with any of the immigrant- or refugee-serving agencies in your community, you find out from your caseworkers that many of them have established relationships with staff of these agencies. Your caseworkers tell you that they regularly speak with the staff of the immigrant- and refugee-serving agencies in your community and occasionally use them for translation. You soon realize, however, that if any of your caseworkers with these relationships were to leave your agency, the relationships that they helped establish between agencies would be lost or would substantially deteriorate. You begin to think through how you might formalize some of these existing relationships as well as establish new ones."

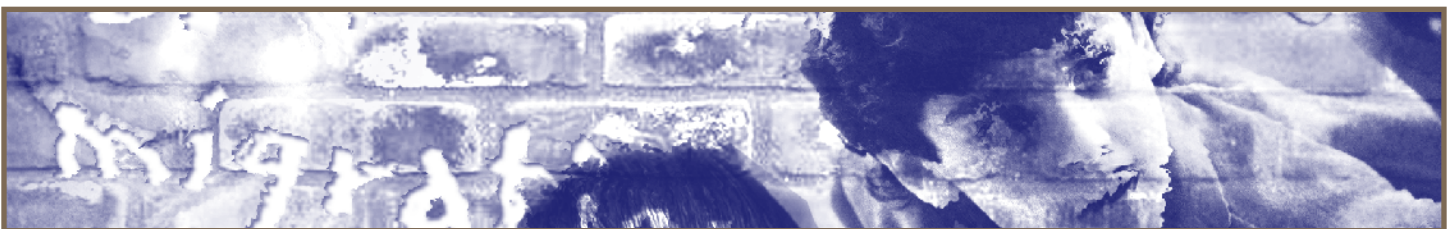
A question was then posed to the group: "You must convince upper management that it's worth the time, money and effort to build upon the existing informal relationships with the immigrant/refugee-serving agencies. What can the local immigrant-/refugee-serving agencies provide your child welfare agency with?"

An interactive discussion ensued regarding the ways in which immigrant and refugee organizations can support child welfare agencies. For example, immigrant and refugee organizations can provide culturally appropriate services, cultural consultations, interpretation/translation, training and liaisons to immigrant communities (for more information on this model, please see the slides on Collaboration and Challenges/Resources by Morland/BRYCS in our Fall 2007 Spotlight ([http://www.brycs.org/brycs\\_spotfall2007.pdf](http://www.brycs.org/brycs_spotfall2007.pdf))).

The next question raised was "What can your child welfare agency provide the immigrant-/refugee-serving agencies? The discussion continued and ideas were generated such as: training on the child welfare system and child abuse, information on what to do when immigrant families are involved with child protective services (CPS), and information on family preservation programs and other ways that child welfare agencies can support immigrant families. Child welfare can also play a large role in helping to dispel myths in immigrant communities that child welfare workers are only there to "take the kids away."

Ms. Gardner continued facilitating the discussion by asking, "How can these types of relationships be institutionalized?" Participants noted that it is important to have management "buy-in" and full participation among staff. In addition, policies and procedures, memorandums of understanding, task forces and contracts can be used. This followed with some discussion of how to deal with resistance from potential partners or other barriers in establishing these types of relationships. Conference participants stressed the importance of relationship building, patience and communication. In addition, participants pointed out the importance of emphasizing how agencies can support each other and essentially lessen staff's workload, rather than increase it.

Finally, ideas were shared for determining if there are other immigrant/refugee organizations that child welfare agencies could partner with. Ms. Gardner mentioned BRYCS, the Migration Policy Institute's Data Hub, refugee state coordinators or local refugee resettlement agencies, and data from the schools.



## The Intersection of Immigration and Child Welfare: Emerging Issues and Implications

### Part III: Los Angeles Department of Children and Family Services (DCFS)

Special Immigrant Juvenile Status (SIJS) is issued by the Department of Homeland Security U.S. Citizenship and Immigration Services (USCIS) to certain undocumented court-dependent children who are receiving permanent placement (PP) services, and for whom it has been determined it is not in their best interests to be returned to their countries of nationality. In 1987, the Los Angeles County Department of Children and Family Services (DCFS) established the Amnesty Unit with the passage of the Immigration Control and Reform Act. In 1991, the Special Immigrant Status (SIS) Unit was formed after the Immigration and Nationality Act of 1990 had passed. The SIS Unit is a centralized program serving 18 regional offices, including one focused on adoptions. It is composed of social workers and eligibility workers who complete the filings of SIJS applications on behalf of all eligible children in DCFS. Unit members are bilingual and bicultural. The functions of the SIS Unit include the following:

- Timely filings with USCIS for permanent resident cards and U.S. citizenship on behalf of eligible DCFS foster children.
- Emancipating every child with the proper tools to succeed in life and contributing to more permanent outcomes.
- Training of direct practice social workers about immigrant children, their needs and services available to them.
- Training on cultural competency.
- Doing own translations/interpretations. Compiling listings of resources available to immigrant children and their families.
- Filing delayed registrations of birth; obtaining disposition reports for delinquency arrests; preparing children for USCIS interviews; arranging transportation of children; finding *pro bono* immigration representation as needed.
- Maintaining a close relationship with government and community agencies serving immigrant/refugee children.
- Developing working agreements with local consulates and USCIS officials.
- Working out agreements with local agencies serving immigrant children/refugees.

- Quarterly meetings with sister immigration programs in child welfare agencies of Southern California counties serving immigrant children.

#### Interagency Collaboration:

##### *Within DCFS*

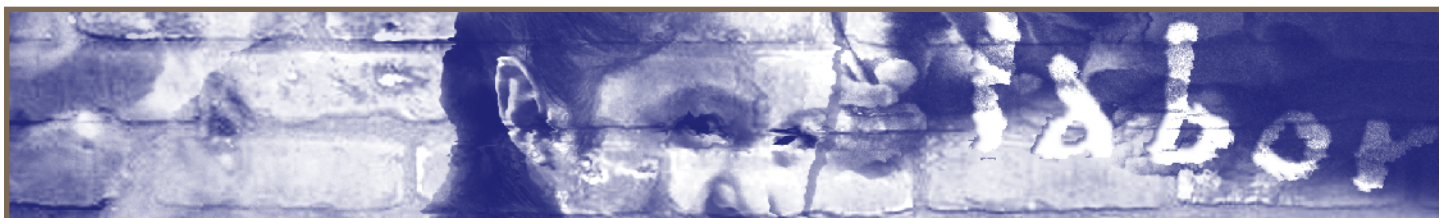
The SIS Unit has been able to maintain management buy-in by providing quality customer service within DCFS and developing a good name for the program. It has been advocating for policy within DCFS that addresses changes in immigration laws and has collaborated continuously with other DCFS programs (Emancipation, Probation Liaison, Kinship, Finance, Court Services, etc.)

##### *Outside DCFS*

The SIS Unit recognizes the importance of fostering working relationships by meeting on a regular basis with community partners and valuing the services they offer. The SIS Unit is continuously open to providing training and presentations for the agencies serving immigrant children and their families, attending their trainings and maintaining an open door to collaboration outside the county/state.

#### Barriers:

- Key contacts in organizations outside DCFS are no longer available. Need to invest time in rebuilding lost working relationships.
- Agencies not honoring previous informal agreements or new agencies that are unfamiliar with child welfare services providing services to immigrant children.
- Changes in immigration law and anti-immigrant sentiments. Reduction of government services.
- Attrition rate in DCFS calls for continuing training on immigration issues.



## Skill-Building Session B2

### Advanced Legal Issues on the Intersection of Immigration and Child Welfare Law

#### Presenter:

Maria Woltjen

Immigrant Children's Advocacy Project

#### **Integrating Child Welfare Principles Into the U.S. Immigration System: Guardians Ad Litem for Unaccompanied and Separated Immigrant, Migrant and Refugee Children**

Each year, tens of thousands of children — traveling alone, without parents — enter the United States. These children are fleeing extreme poverty, political and religious persecution, child labor or abusive family situations. They are transported by hired smugglers or make the journey on their own. They travel from all corners of the world, but primarily from Central America, Mexico, China, India and countries in Africa. Some of the children are caught and detained by the Department of Homeland Security. Last year, more than 8,000 unaccompanied children were taken into custody.

When unaccompanied immigrant children are apprehended by immigration authorities (at the border, airports or sea ports), they are placed in deportation proceedings before the Immigration Court. Unlike state child protection courts, which are designed to accommodate children, immigration proceedings are adversarial and require that children meet the same procedural, evidentiary and legal rules as adults. A 12-year-old must present the same evidence as a 30-year-old to prove her eligibility for asylum. The 12-year-old probably didn't arrive with documents to prove her life story. She may not know why she's here. She may have been coached to keep secret her life story; many children have been told repeatedly by adults — family or traffickers — to keep their stories secret.

One of the core principles of the Convention on the Rights of the Child is that "in all actions concerning children, the best interests of the child shall be a primary consideration."<sup>1</sup> The best-interest standard is well integrated in U.S. domestic law. However, unlike domestic juvenile and family court proceedings, there is no best-interest standard applied in immigration court in

the United States — immigration judges are required to decide whether or not to order a child removed without consideration of whether the child will be safe, whether an adult is available to care for the child in the home country or whether the child will be at risk if she is repatriated.

#### **Guardians for Immigrant Children**

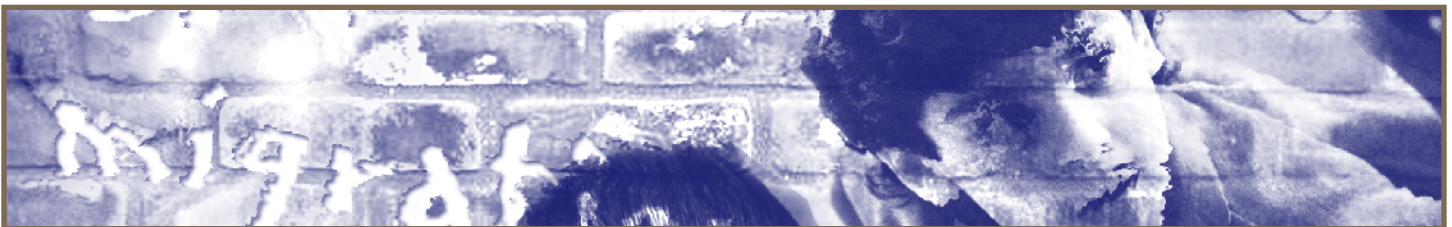
International standards set forth by the United Nations High Commissioner for Refugees (UNHCR) have long declared that children deprived of their families should have the special protection and assistance of guardians. Even the former Immigration and Naturalization Service recognized children's need to be accompanied in court by an advocate: "It is generally in the best interest of the child to allow a trusted adult to attend an asylum interview with the child asylum applicant. A trusted adult is a person who may bridge the gap between the child's culture and the U.S. asylum system."<sup>2</sup> Yet until now few countries have taken steps to establish such programs.

In 2004, the United States Department of Health and Human Services' Office of Refugee Resettlement (ORR) provided seed funding to develop a model project to provide guardians for unaccompanied immigrant children in federal custody in Chicago. Through the Immigrant Child Advocacy Center, law students and lay volunteers serve as child protection advocates (guardians ad litem) for unaccompanied and separated children. The Center has assigned advocates to hundreds of children and developed a model that leverages valuable volunteer hours with a modest budget.

The role of the advocate for an immigrant minor is to advocate for the child's best interest — namely, safety and well-being. The first task is to help unravel the child's life story. In most cases, children often don't understand how their experiences relate to a possible application for asylum or other immigration protections to which they may be entitled. Yet their stories hold the key to protection. For children who are eligible for asylum, the advocates often serve as a bridge between the children and their attorneys, especially when the children are represented by pro bono counsel (government-paid lawyers are not provided to adults or children in deportation proceedings). For children who are not eligible for asylum or other protective visas, the advocates help ensure the child's interests are represented and that the child is safe — whether released to a sponsor in the United States or repatriated to his or her home country.

<sup>1</sup> United Nations. *Convention on the rights of the child, Article 3*, adopted by the United Nations General Assembly November 20, 1989, entry into force September 2, 1990. The United States has signed but not ratified the Convention on the Rights of the Child.

<sup>2</sup> Immigration and Naturalization Service, U.S. Department of Justice. (1998, December 10). *Guidelines for children's asylum claims* (p. 5-6).



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In certain cases, the Immigrant Child Advocacy Center prepares a formal written best-interest report, following the template set forth in the UNHCR Guidelines on the Formal Determination of the Best Interest of the Child. Such cases include: situations in which the child is separated from the family against the parents' will; when there are doubts about the legitimacy of an accompanying family member; in complex cases in which decisions on temporary care must be made; when the child is at risk of removal to unsafe conditions; when there are no adult caregivers available; and when an attorney is not representing the child's interests. The report is given to the child's attorney (unless the attorney is not representing the child's interests) and is intended to inform the decision-maker — the Department of Homeland Security, ORR, the immigration judge — about the child's best interest, safety and well-being.

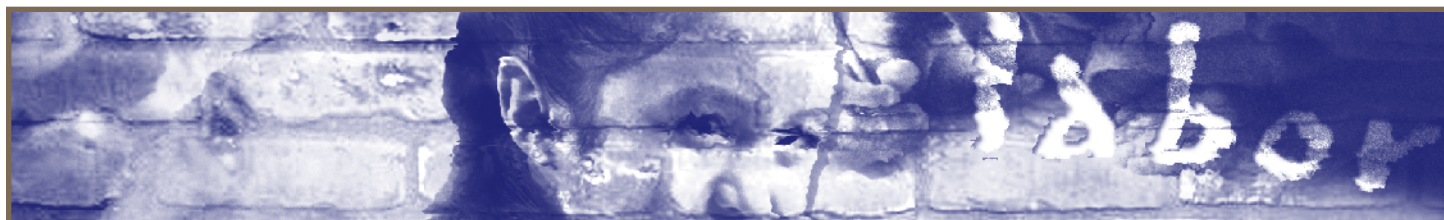
### **Policy Advocacy: Best Interest, Safety and Well-Being**

In its advocacy on behalf of individual children, the Center argues that longstanding international principles apply: the 1948 Universal Declaration of Human Rights, which provides that children are entitled to special protection and assistance; the International Covenant on Civil and Political Rights, which provides that children are entitled to protection, and, finally, the 1990 Convention on the Rights of the Child (CRC), which at its essence provides that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. Although the United States has not ratified the CRC, it is considered universal and customary international law, and therefore, we argue, the United States should not act in contravention of the CRC.

The mission of the Immigrant Child Advocacy Center is to promote consideration of best interest in all decisions affecting unaccompanied immigrant, migrant and refugee children in the United States. The movement to provide increased protections for immigrant children is analogous to the juvenile court movement in the U.S., which took decades of campaigns and advocacy on various issues (to provide compulsory education, to abolish child labor and to remove children from adult jails). Advocates around the country are engaged in various campaigns on behalf of immigrant children. With the weight of international law, treaties, conventions and guidelines, and the long history of applying the best-interest standard in domestic child protection and juvenile courts in the U.S., we are working to promote integration of child welfare principles — safety and well-being — into the U.S. immigration system.

### **Guiding Principles of the Immigrant Child Advocacy Center**

- In all actions concerning children, the best interests of the child shall be a primary consideration. *United Nations Convention on the Rights of the Child (CRC) Art. 3(1)*.
- Decisions that are made regarding unaccompanied children should take account of the long-term interests and welfare of the child whenever possible. *CRC Art. 3 (1), Art. 22(1), Art. 22(2)*.
- The views and wishes of unaccompanied children must be sought and taken into account whenever decisions affecting them are to be made, in accordance with their age and maturity. *CRC Art. 12(1)*.
- An unaccompanied child may need a guardian to advocate for the child's interests. *UNHCR Guidelines on Protection and Care, Chapter 10 (1994)*.
- Every child has the right to such protection and care as is necessary for his or her well-being. *CRC Art. 3(2)*.
- States shall take appropriate measures to ensure that a child who is seeking refugee status receives appropriate protection and humanitarian assistance in the enjoyment of applicable rights. *CRC Art. 22(1)*.
- Family reunion should be the first priority for the child. *UNHCR Guidelines on Protection and Care, Chapter 10 (1994)*.
- Children deprived of their families are entitled to special protection and assistance provided by the State. *CRC Art. 20(1)*.
- The importance of the traditional and cultural values of each people for the protection and harmonious development of the child must be taken into account. *CRC Preamble*.
- Unaccompanied children must be provided with accessible information about, for example, their entitlements, services available, the asylum process, family tracing and the situation in their country of origin. *CRC Art. 23*.
- Care must be taken not to disclose information about an unaccompanied immigrant child that could endanger the child or the child's family members in his or her home country. *UNHCR Guidelines on Protection and Care (1994)*.





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- The permission of unaccompanied children must be sought in an age-appropriate manner before sensitive information is disclosed to other organizations or individuals. *CRC Art. 16*.
- Organizations, government departments and professionals involved in providing services to unaccompanied children must cooperate to ensure that the welfare and rights of unaccompanied children are enhanced and protected. *CRC Art. 22(2), point B7*.
- The [Department of Homeland Security and Office of Refugee Resettlement] shall treat all minors in its custody with dignity, respect and special concern for their particular vulnerability as minors. *Flores v. Reno Stipulated Settlement Agreement, No CV 85-4544-RJK (Px) (C.D. Cal. Jan. 17, 1997)*.

UNHCR. (2006). *Guidelines on formal determination of the best interests of the child*. Retrieved December 8, 2008, from <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=447d5bf24>

United Nations. *Convention on the rights of the child*, adopted by United Nations General Assembly on Nov. 20, 1989, and in force since September 2, 1990. Ratified by 192 countries (except Somalia and the United States).

### Resources

American Bar Association. (2004, August). *Standards for the custody, placement and care; legal representation; and adjudication of unaccompanied alien children in the United States*. Retrieved December 8, 2008, from [www.abanet.org](http://www.abanet.org)

Executive Office for Immigration Review. (2007). *Policies and procedures memorandum 07-01: Guidelines for immigration court cases involving unaccompanied alien children*. Falls Church, VA: U.S. Department of Justice, Executive Office for Immigration Review.

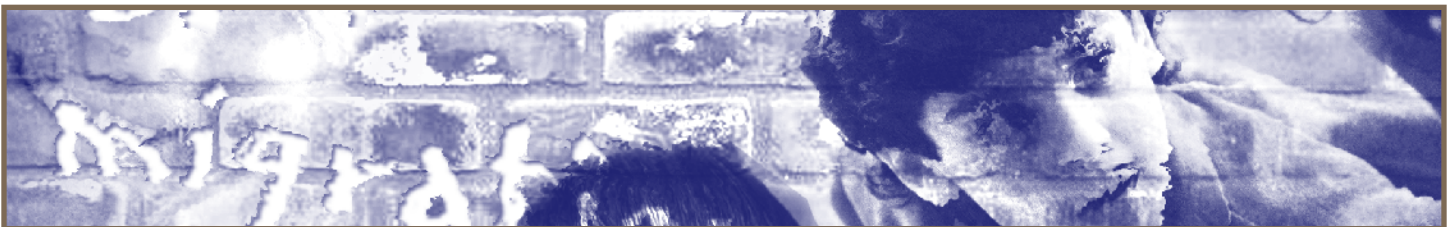
*Flores v. Reno Stipulated Settlement Agreement, No. CV 85-4544 RJK (Px) (C.D. Cal. Jan. 17, 1997)*.

Immigration and Naturalization Service. (1998). *Guidelines for children's asylum claims*. Washington, DC: U.S. Department of Justice, Immigration and Naturalization Service.

Lutheran Immigration and Refugee Service. (1998). *Working with refugee & immigrant children: Issues of culture, law & development*. Retrieved December 8, 2008, from [www.lirs.org](http://www.lirs.org)

UNHCR. (1994). *Refugee children: Guidelines on Protection and Care*. Geneva, Switzerland: Author. Retrieved December 8, 2008, from [www.unhcr.org/cgi-bin/texis/vtx/protect/opendoc.pdf?tbl=PROTECTION&id=3b84c6c67](http://www.unhcr.org/cgi-bin/texis/vtx/protect/opendoc.pdf?tbl=PROTECTION&id=3b84c6c67)

UNHCR. (1997). *Guidelines on policies and procedures in dealing with unaccompanied children seeking asylum*. Geneva, Switzerland: Author.



## Day 2: Wednesday, April 2, 2008

### Roundtable

#### Opening Presentation

#### Family Engagement and Permanency Planning Across the Border: A Case Study

##### Presenters:

**Jorge Cabrera**

Casey Family Programs, San Diego

**Melissa Proctor**

Casey Family Programs, San Diego

The purpose of the presentation was to share a case from Casey Family Programs' San Diego Field Office that involved reconnecting a 15-year-old boy in the U.S. foster care system with his family in Mexico. It highlights the importance of the services offered by the International Liaison's Office of Health and Human Service Agency of San Diego County, as well as an approach that emphasizes the most respectful treatment of family.

##### The Story

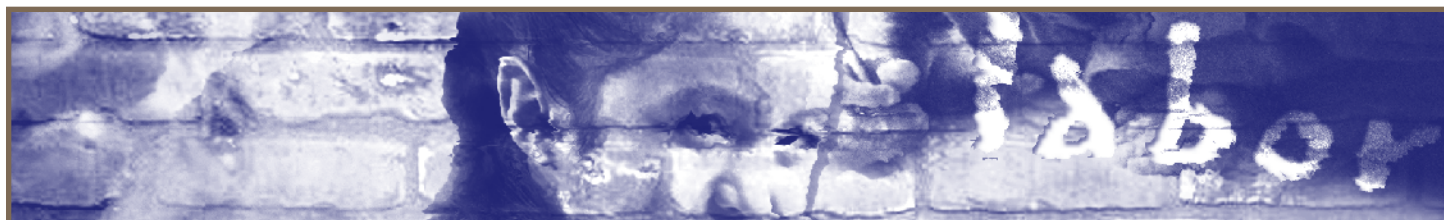
Francisco, a 15-year-old boy who lives in a local group home, was born in the U.S. but grew up with his father in Tijuana. His mother is deceased. Francisco's father worked on the U.S. side of the border and one day, when Francisco was about 10, his father went off to work and never returned. Francisco cared for himself and waited for his father's return until an adult noticed he was always alone in the community. That adult turned him in to DIF (Desarrollo Interagal de la Familia, Mexico's public social service agency) and, as he is a U.S. citizen, he was transported to San Diego and has been in foster and group home care since. Casey took this on as a test case, hoping to find and reconnect him with his family. At best, he would be placed with a family member straight from the group home, without ever needing an additional placement in a Casey home.

After researching what information (*both* surnames, state of origin for the family, etc.) is needed to find someone in Mexico, we mined Francisco's county file and were able to find the necessary information on a report from INS pertaining to an arrest of the father at the U.S. border. The report stated that the father had tried to bring

someone with false identification into the U.S. in his car. In fact, we later discovered that this arrest had led to the father's incarceration in the U.S. So, when San Diego's Health and Human Services Agency (HHSA) office was communicating with Mexican authorities in an attempt to find the father, he was actually in this country! Someone had gone so far as to inquire with INS and obtain the document, but did not follow up to find out that the father had been detained at a U.S. facility — nor did they realize that the information needed to search for this man and/or his family in Mexico was within the document. I [Melissa Proctor] submitted the information found in the INS arrest report to the International Liaison's Office and was in touch with Francisco's father about a week later.

The father was extremely happy to learn that his son was OK, as he had returned to Mexico to find Francisco gone and searched for him to no avail. On November 2, 2007, we held a family group conference (FGC) at a hotel in Tijuana. *[An FGC is a family involvement strategy that is led by the family, versus being professionally led. Not only does the process empower families but, most important, it allows them to make decisions on the part of their dependent relative. A video of Francisco's father describing his experience in regard to the two FGCs was part of the presentation.]*

In attendance at the FGC from San Diego were Francisco and a staff member from his group home, a Casey Family representative [one of the speakers], a Casey community specialist, the assigned HHSA social worker and two staff persons from HHSA's International Liaison's Office. The staff member from the group home was Francisco's identified emotional support and also served to translate for Francisco and his family during the private family time, as Francisco's Spanish has deteriorated significantly since he came to live in the U.S. In attendance from Tijuana were Francisco's father, stepmom, aunt, uncle, five cousins, grandmother and two sisters. The family was able to talk about what had happened and answer a great many questions for each other. They were also able to begin discussing whether Francisco should return to the care of his family. Lastly, we began the process to get clearance from both governments so that they can have visitation in the meantime.



A follow-up FGC was held a month later. Between FGCs both HHSA and Casey looked at how we would serve this family in case they decide to be reunified. We needed to find a way to allocate resources to this family, as their needs — financial and otherwise — are many. Another focus was to figure out how to help Francisco with what would surely prove to be quite a culture shock. The second FGC was held in December and the family was informed that Francisco would be able to visit them over the holidays. There was more discussion as to the logistics of reunification and the priorities of the family. The family members each wrote a letter about their personal feelings and opinions as to what should happen next. It was decided that the family would spend the next six months getting to know each other again and thinking about the different prospects for their future. The plan was made to convene again before the next court hearing so we can present the court with the family's wishes and a plan to bring them to fruition. Before that time we would prepare a proposal to meet the family's needs, which were outlined in the process of the second FGC, should they decide to reunify. *(That proposal was approved and appears below and is outlined later in this summary).*

The FGCs were not only a wonderful experience for this young man and his birth family, but there were other benefits derived from the process. The International Liaison's Office is going to change the process for relative search requests, asking that the county social worker submitting the request first uses the resources available to his or her office to inquire with INS, corrections, etc., to see if that person happens to be active with one of our systems in the U.S. Indeed, had this been done with Francisco's case, he would have been out of contact with his family for a short period and he would not have lost so much of his language and culture over the past five years. Also, the process has created a close working relationship with HHSA's International Liaison's Office and has enabled us to find and develop a contract with a company that specializes in finding relatives in Mexico. Both of these factors will greatly enhance our ability to aid in developing emotional and legal permanence for the Latino youth who are involved with Casey and have ties to family in Mexico.

**Issues highlighted by this case study include:**

1. The need to have staff members who are knowledgeable about the cultures/languages on both sides of the border.
2. The need for children to maintain their given names when they enter the child welfare systems of other countries.

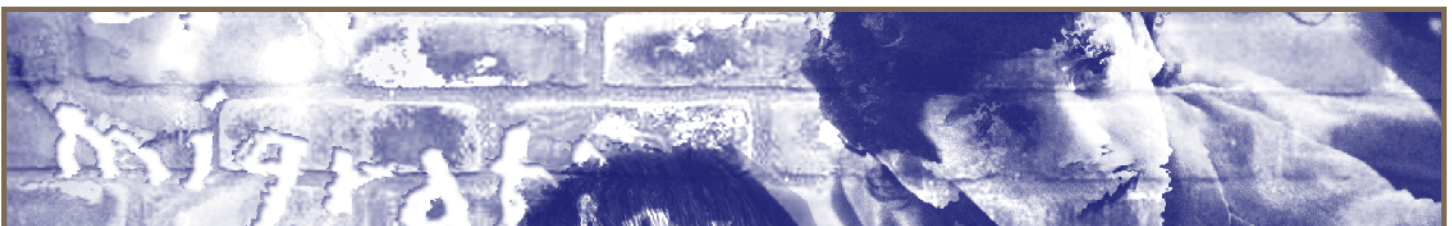
3. The need for all border communities to have an international liaison's office.
4. The need for procedural measures that ensure the care and safety of children when their parents are detained as a result of immigration issues.
5. The need for officials from both sides of the border to be able to access systems (correctional, CPS, etc.) in each country when searching for parents, relatives and children.
6. The need for parents to be able to learn that their child has become active in the child welfare system across the border.
7. The need for cooperation and a formalized system to allow and facilitate visitation, placement and services across borders.
8. The personal bias on the part of child welfare professionals as to what is in the best interest of a child when different cultures exist.
9. The loss of culture/language/family traditions a child suffers when he is placed in an unfamiliar environment and the difficulty of regaining that culture.

**Needs-based proposal of service provision for this family if they chose to reunify**

The following needs were identified:

1. Private schooling in the U.S. for Francisco (Casey)
2. Move to a bigger home (Casey)
3. Bedroom furniture and clothing for Francisco (Casey)
4. Individual and family counseling services (DIF)
5. One year of case management services (Casey/HHSA)
6. Adoption assistance payments (HHSA)

A proposal was submitted to Casey's headquarters and subsequently approved. Part of why approval was granted was the fact (outlined on the next page) that we made it clear that financing permanency for Francisco would be more cost-effective than continuing to raise him in San Diego's foster care system. This in turn saves money that can be reinvested in improving permanency outcomes in the child welfare system, which is Casey's primary focuses.



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The cost-related breakdown is as follows:

- Costs associated with reunification with the previously described services – \$6,216
- Costs associated with reunification without adoption assistance payments – \$18,216
- Costs associated with continued dependency – \$24,192
- Potential savings – \$18,000

- Adoption home studies
- Cross reports
- Parole letters
- Notice to consulate/embassies
- Screenings of all travel requests

Questions concerning the work on the part of Casey Family Programs or FGC should be directed to Melissa Proctor at [mproctor@casey.org](mailto:mproctor@casey.org) or (619) 683-5641.

Questions concerning San Diego Health and Human Service Agency's International Liaison's Office should be directed to Janet Barragan at [JANET.BARRAGAN@sdcounty.ca.gov](mailto:JANET.BARRAGAN@sdcounty.ca.gov).

### San Diego County's International Liaison's (IL) Office

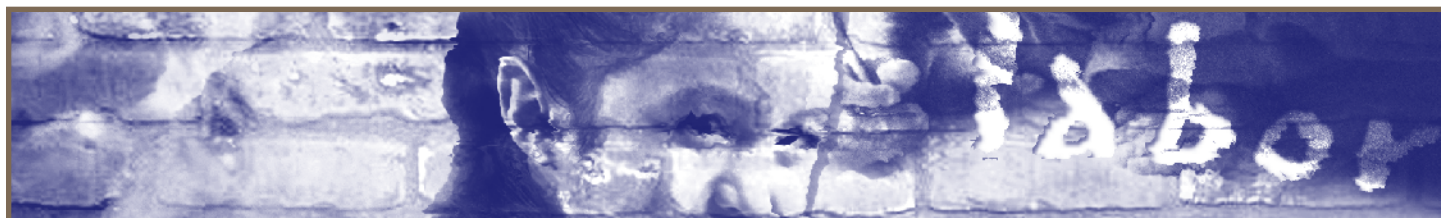
The work of this office on this and other cases has been invaluable. It is a travesty for bi-national families that every border community does not have such a unit within their local child welfare system. In highlighting the usefulness of their services and the excellent relationships they maintain with officials across the border we hope to spread the word as to the immense benefits of starting such a unit in other areas. The goals of the IL Office are to carry on with the agency's mission statement of protecting children and preserving families when coordinating the delivery of services with other agencies abroad, and to promote best practice and a proactive approach.

This unit liaisons with:

- All social services agencies abroad
- DIF Mexico
- Consulates and embassies of all nations (including U.S. consulates/embassies abroad)
- Customs and border protection (homeland security)
- INAMI (Instituto Nacional de Migración) or Mexican Immigration
- Mexican judicial liaisons at the state and federal levels
- Medical facilities and professionals — domestic and abroad

Examples of typical requests made to the unit include:

- Home evaluations
- Parent searches
- Criminal background checks
- Reunification services
- Birth, death, marriage certificates
- Home visits to monitor placements



## Panel Session

### What We Know About Immigrant Children and Families in the Child Welfare System: The Current State of Research Knowledge

#### Presenters:

**Alan J. Dettlaff**

Jane Addams College of Social Work, University of Illinois at Chicago

**Tracy Vericker**

Urban Institute

**Richard Speigman**

Speigman Norris Associates

In this panel session, leading national experts in the intersection of immigration and child welfare discussed the current state of empirical knowledge concerning immigrant children and families who have come to the attention of child welfare systems. The panelists presented results from recent national, state and local studies, and discussed the needs and directions for future research.

#### Presentation 1

### Latino Children of Immigrants in the Child Welfare System: Preliminary Findings From the National Survey of Child and Adolescent Well-Being

#### Presenters:

**Alan J. Dettlaff and**

Jane Addams College of Social Work, University of Illinois at Chicago

#### Background and Rationale

There is a lack of reliable data on the number of immigrant children and families involved in the child welfare system, as information on immigration status or country of origin is not collected at the local, state or national level. Several factors contribute to this lack of reliable data, including fear of reporting immigration status, mixed immigration statuses within families and inadequate reporting systems that are not designed to capture this information. However, this information is necessary to promote policy and practice improvements with this population. In addition, further research is needed on the unique needs of these children and families in order for child welfare

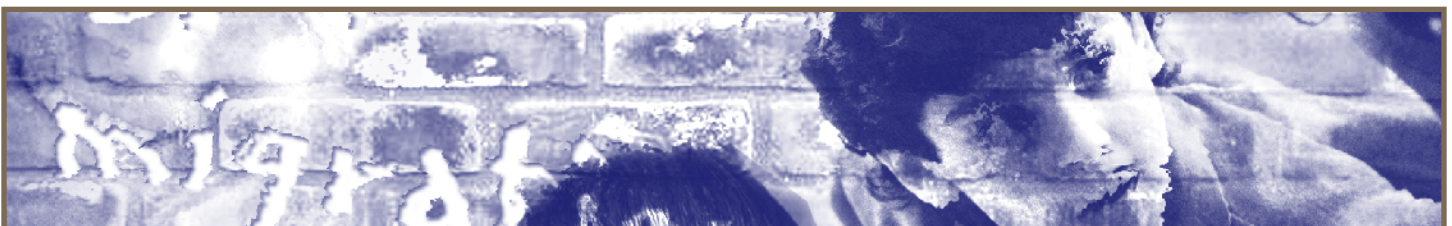
systems to respond appropriately to these needs.

Children in immigrant families are often considered at increased risk of maltreatment due to the stress and pressure experienced by the family system resulting from migration and acculturation (Korbin & Spilsbury, 1999; Roer-Strier, 2001). Fear, stress, loss, isolation and uncertainty about the future are often factors experienced by Latino immigrants as a result of migration. Additional pressures resulting from acculturation can lead to a variety of strains and difficulties on family systems, as parents and children experience changing cultural contexts along with the loss of previously established support systems (Partida, 1996; Roer-Strier, 2001). Combined with cultural differences in parenting styles and expectations (Jambunathan, Burths, & Pierce, 2000) as well as child discipline (Fontes, 2002; Newell, 2002; Wissow, 2001), these factors can affect the safety and well-being of children in immigrant families, and as a result, lead to involvement with child welfare systems.

Yet, despite these factors and the rapid growth of the Latino immigrant population, little is known about the prevalence of Latino immigrant families involved in the child welfare system, their characteristics or the risk factors associated with maltreatment that are present in these families. Additionally, little is known about how these factors differ from those in Latino families who are native to the United States. As a result, Latino children and families are often treated as a homogenous group, with little understanding of the potential differences that may exist among immigrant families. The purpose of this study is to analyze data from the National Survey of Child and Adolescent Well-being (NSCAW) to identify the prevalence, characteristics and risk factors of immigrant families who come to the attention of the child welfare system, and to compare these factors to those in native-born Latino families. An increased understanding and awareness of these differences can be used to improve the quality of service delivery to Latino immigrant children and families in child welfare systems throughout the United States.

#### Potential Challenges Experienced by Immigrant Children and Families

For many immigrant families, the migration experience denotes a significant life crisis. The initial act of entering the country can be dangerous, with many migrants experiencing violence, robbery and sexual assault during the migration process. Children are often separated from parents and other siblings for extended periods while



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placed with family or kin in the country of origin. Once in the new country, families continue to experience stress resulting from language barriers, unfamiliar customs and loss of routine. The stress associated with this initial transition can result in depression and anxiety, while individuals who experience significant trauma during migration may develop symptoms of post-traumatic stress disorder. Further compounding these difficulties is the possibility of pre-existing psychological concerns that may worsen as a result of the migration experience.

Following the initial crisis of migration, families continue to experience challenges as they struggle to learn the language and navigate confusing and unfamiliar systems. While many of these challenges are tangible (finding employment, shopping, paying bills, navigating the school and medical systems), each of these can result in significant anxiety, as individuals discover that their existing abilities and coping skills are no longer capable of meeting the demands of the new environment. Families coming from a background of poverty in their country of origin may also struggle to meet the basic needs of their family.

Immigrants who are undocumented are likely to experience additional stress, as they live with the ongoing fear of discovery and deportation. The anti-immigrant sentiment that exists in many parts of the United States has intensified these fears for many undocumented immigrants. As immigration laws become more punitive, families who are undocumented are at higher risk of discovery and increased stress. Along with fears of deportation, many undocumented parents also fear separation from their children, which has occurred in many of the raids conducted recently by Immigration and Customs Enforcement (ICE).

### **Immigrant Children and the Risk for Maltreatment**

No data exists concerning the prevalence of maltreatment among immigrant children. However, many of the risk factors for maltreatment — financial distress, personal dissatisfaction, depression, family conflict, stressful life events — are all factors associated with immigrant families experiencing high rates of stress as a result of their experiences with immigration and acculturation. The purpose of this study is to provide the first empirical data on the presence of maltreatment in immigrant families as well as to identify the risk factors associated with maltreatment.

### **Methodology**

Data were analyzed from the National Survey of Child and Adolescent Well-Being (NSCAW), a survey of a nationally representative sample of children who were the subjects

of reports of maltreatment to child protective service agencies. NSCAW was conducted under contract from the Administration on Children, Youth, and Families of the Department of Health and Human Services, and is the first national longitudinal study to address child and family well-being outcomes in detail and to relate these outcomes to the subjects' experiences with the child welfare system. NSCAW consists of two cohorts of children randomly selected to participate in this survey, along with their primary caretakers and child protective services caseworkers. The main cohort examined in this study includes 5,501 children sampled from investigations and/or assessments completed within a 15-month period beginning October 1999. This cohort was followed for three years with additional data collected at 12, 18 and 36 months.

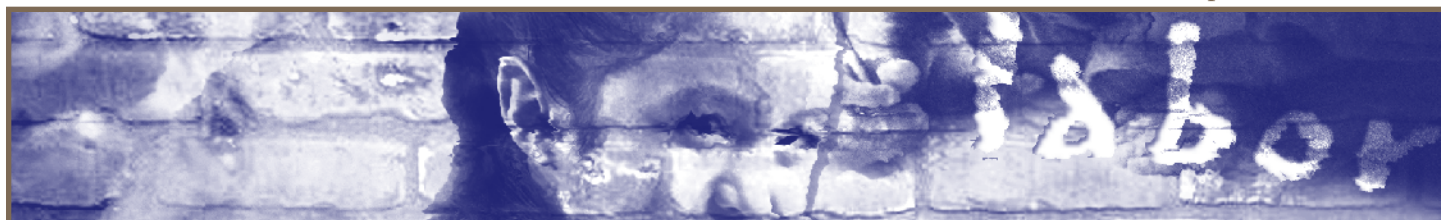
NSCAW employed a two-stage stratified sampling design. In the first stage, the United States was divided into nine sampling strata. Eight of these corresponded to the eight states with the largest child welfare caseloads. The ninth consisted of the remaining states and the District of Columbia. The nine strata combined to produce national estimates. Primary sampling units (typically child protective services agencies) were selected from within these nine strata. In the second stage, 5,501 children ages 0 to 15 were selected from investigations and/or assessments completed within the sampling period. Sampling was stratified by age, type of abuse, receipt of services and placement in out-of-home care.

The prevalence of maltreatment, risk and protective factors reported in this paper are population-based prevalence estimates, meaning that they have been weighted to adjust for NSCAW's two-stage sample design, stratification and other factors. Analyses were conducted in Stata 10.0 using survey commands to adjust for the two-stage sampling employed in NSCAW.

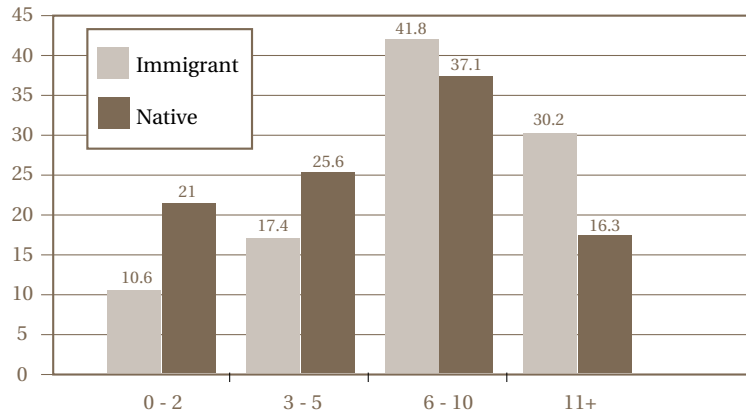
### **Preliminary Findings**

#### *Demographics*

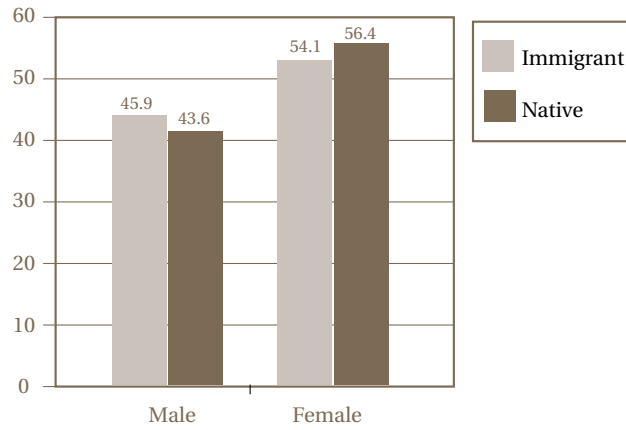
Overall, Latino children represent 18.2 percent of children who come to the attention of child welfare agencies. Of these children, 64 percent have a parent born in the U.S., while 36 percent have a parent not born in the U.S. Children of immigrants represent 9.6 percent of the total sample. Of these children, 68 percent are Latino. The tables that follow display differences in age, gender, caregiver age and income level. Overall, children of immigrants tend to be older than children of U.S.-born parents, but fairly similar in gender. Immigrant parents also tend to be older than U.S.-born parents. Immigrant families are also more likely to be living in households with incomes lower than \$20,000 (77.0 percent vs. 63.6



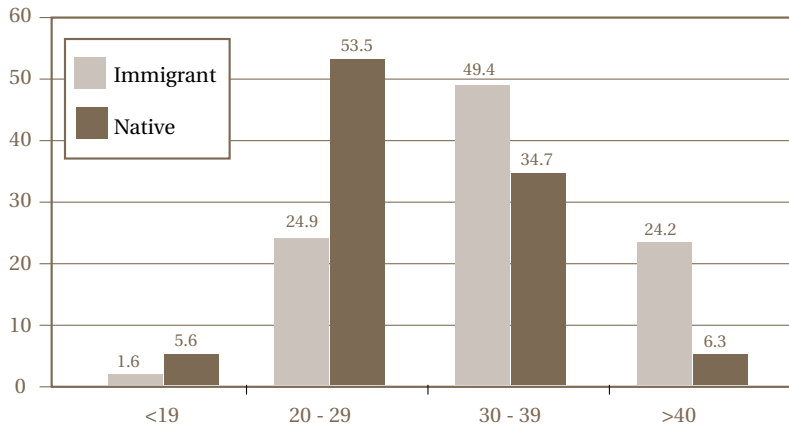
**Table 1: Age of Children of Immigrants and Children of Native Parents**



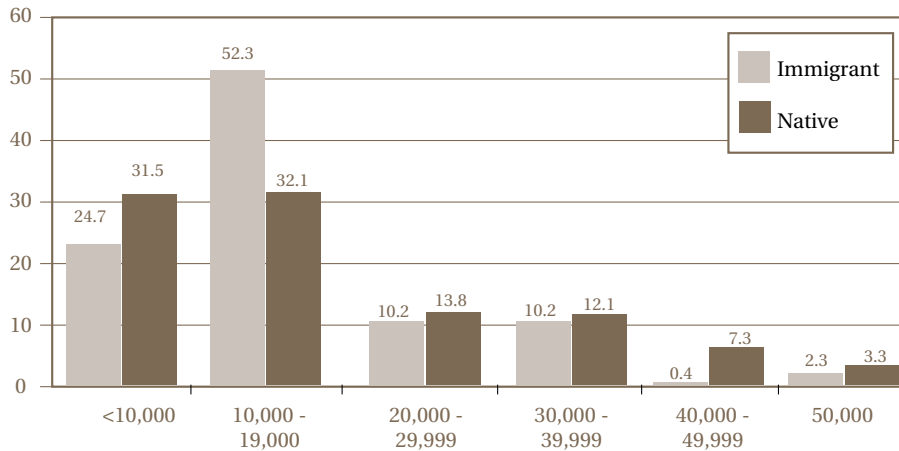
**Table 2: Gender of Children of Immigrants and Children of Native Parents**



**Table 3: Caregiver Age – Immigrant Caregivers and Native Caregivers**



**Table 4: Income Level – Households With Immigrant Parents and Families With Native Parents**



## The Intersection of Immigration and Child Welfare: Emerging Issues and Implications

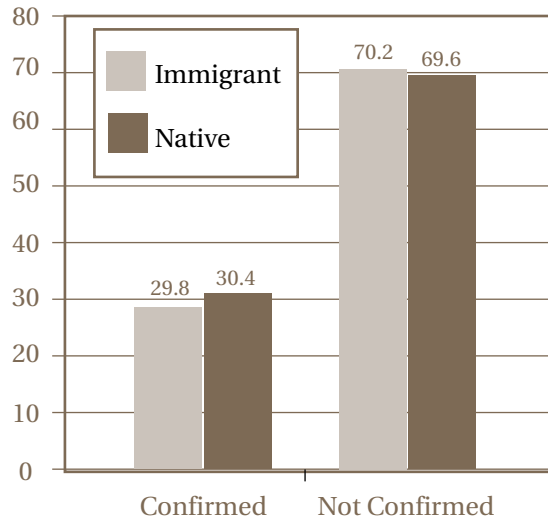
percent).

### *Presence of Maltreatment*

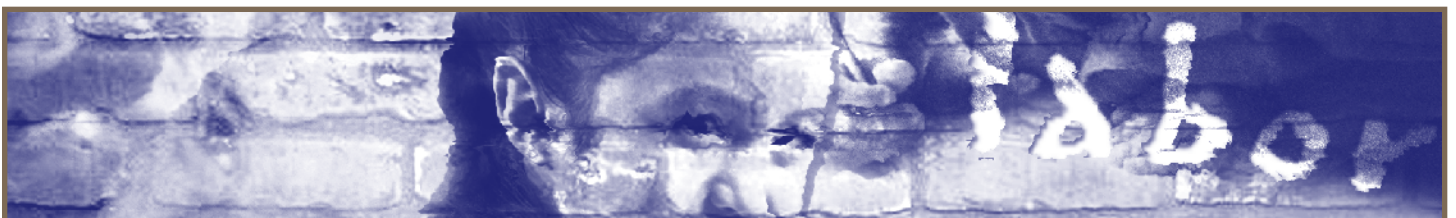
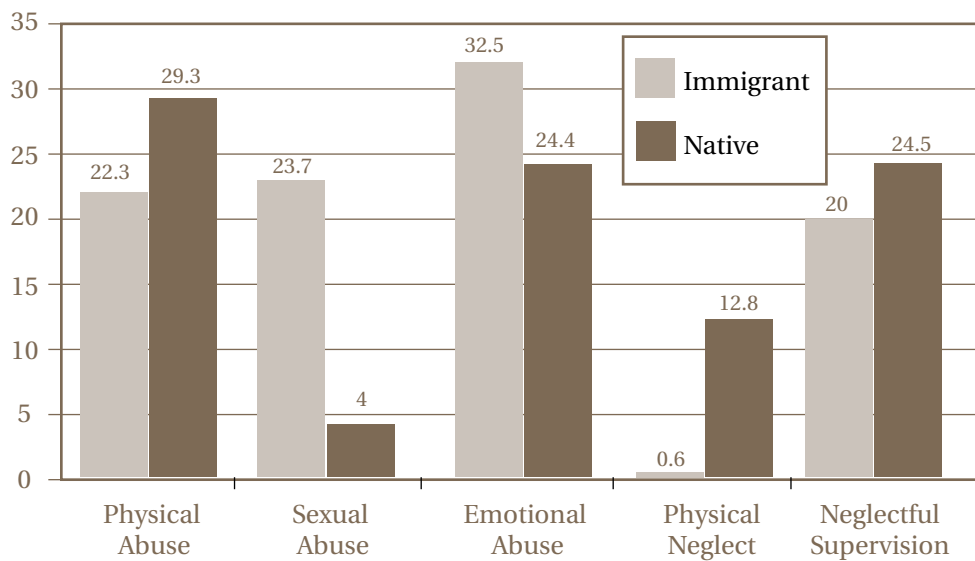
Tables 5 and 6 present results concerning the prevalence of maltreatment among children of immigrants and children of U.S.-born parents. Results indicate very little difference in the overall rate of maltreatment between children of immigrants and children of U.S.-born

parents (29.8 percent vs. 30.4 percent). However, when maltreatment is broken down into the various types of confirmed maltreatment, significant differences are noted, as shown in Table 6. Children of immigrants are nearly six times more likely than children of natives to be sexually abused, while children of natives are more than 20 times more likely to be a victim of physical neglect (i.e., failure to provide). Children of native parents are also more likely to be physically abused and victims of neglectful

**Table 5: Outcome of Maltreatment Investigations**



**Table 6: Confirmed Maltreatment by Type**





supervision, while children of immigrants are more likely to experience emotional abuse.

*Risk Factors*

Caseworkers' perceptions of risk factors are reported for multiple variables and displayed in Table 7. As indicated in the table, each risk factor was more likely to be present in households with U.S.-born parents than in households with immigrant parents, except for domestic violence, which was slightly more likely to be present in immigrant households. Additionally, native households were

**Table 7: Presence of Risk Factors**

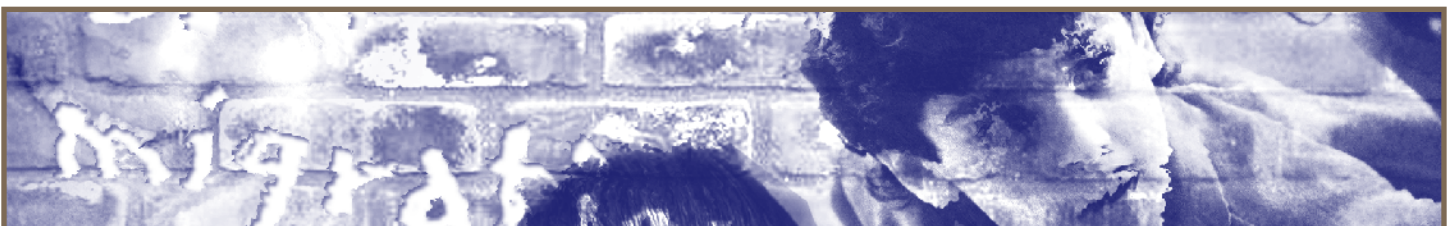
Risk Factors	Native Caregiver	Immigrant Caregiver
Alcohol use	15.9	13.9
Drug use	12.7	2.3
Mental health problem	7.1	5.4
Intellectual impairment	2.6	0.1
Poor parenting skills	26.0	17.4
Domestic violence	32.4	34.9
Excessive discipline	24.1	19.5
History of abuse	36.6	23.9
Difficulty meeting basic needs	25.6	13.6
History of arrest	5.5	1.9
At least 1 risk factor	67.8	57.5

more likely to have at least 1 risk factor present in the home (67.8 percent to 57.5 percent).

Table 8 presents caregivers' perceptions of risk factors within their communities. Similar to

**Table 8: Community Risk Factors**

Community Risk Factors	Native Caregiver	Immigrant Caregiver
Assaults/muggings	21.5	17.3
Gangs	34.9	32.9
Drugs	34.9	24.3
Unsupervised children	42.8	27.7
Unsupervised teens	38.7	19.0



household risk factors, native households were more likely to indicate the presence of each of the community risk factors.

Finally, Table 9 displays several variables that might be considered protective factors to determine the presence

**Table 9: Protective Factors**

Protective Factors	Native Caregiver	Immigrant Caregiver
Relative in home	18.0	17.5
Biological father in home	18.6	40.6
Caregiver stability	87.1	97.7
Helpful neighbors	58.2	79.8
Safe neighborhood	70.8	82.6
Involved parents	56.0	60.4

of these factors in immigrant and native households. In opposition to the previous results, 5 out of 6 of these factors were more likely to be present in immigrant families.

**Practice Implications**

While part of a larger, ongoing study, these preliminary results provide new information that can be helpful in understanding the prevalence of maltreatment in immigrant families as well as differences between Latino families with immigrant parents and those with U.S.-born parents. This information can be used to improve our understanding of Latino immigrant children and families who become involved in child welfare systems.

These data suggest that while many immigrant families may experience stress and multiple challenges following immigration, it is important to identify the potential family and community strengths that may counterbalance some of the risk factors that may result from this stress. In these analyses, most risk factors were more likely to be present in families with U.S.-born parents, while immigrant families were more likely to have several

protective factors in place that may reduce risk for maltreatment. When maltreatment is present, these protective factors can be built upon during service planning in order to prevent out-of-home placement.

**References**

Fontes, L.A. (2002). Child discipline and physical abuse in immigrant Latino families: Reducing violence and misunderstanding. *Journal of Counseling and Development, 80*, 31-40.

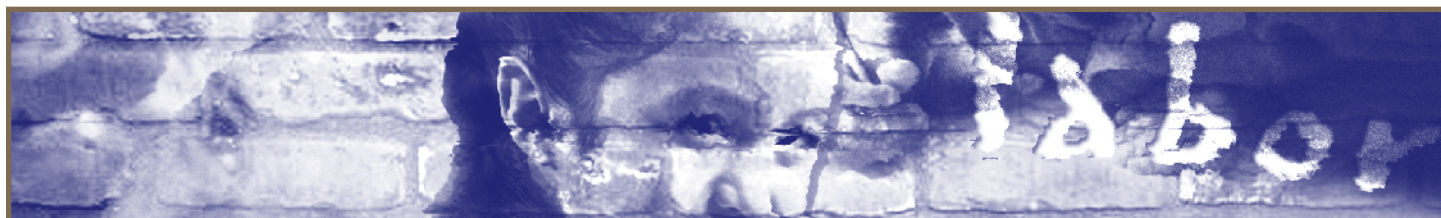
Jambunathan, S., Burts, D. C., & Pierce, S. (2000). Comparisons of parenting attitudes among five ethnic groups in the United States. *Journal of Comparative Family Studies, 31*, 395-406.

Korbin, J., & Spilsbury, J. (1999). Cultural competence and child neglect. In H. Dubowitz (Ed.), *Neglected children* (pp. 69-88). Thousand Oaks, CA: Sage.

Newell, P. (2002). Global progress towards giving up the habit of hitting children. In B. Franklin (Ed.), *The new handbook of children's rights*. London: Routledge.

Partida, J. (1996). The effects of immigration on children in the Mexican-American community. *Child and Adolescent Social Work Journal, 13*, 241-254.

Roer-Strier, D. (2001). Reducing risk for children in changing cultural contexts: Recommendations for intervention and training. *Child Abuse & Neglect, 25*, 231-248.



Wissow, L. S. (2001). Ethnicity, income and parenting contexts of physical punishment in a national sample of families with young children. *Child Maltreatment*, 6, 118-129.

## Presentation 2

### Immigration Issues in the Child Welfare System: Findings From Texas

#### Presenter:

Tracy Vericker  
Urban Institute

#### Acknowledgments

The Annie E. Casey Foundation generously provided funding for this project. The Texas Department of State Health Services and the Texas Department of Family and Protective Services graciously provided the data for this study. Numerous reviewers provided helpful feedback during the development of the research project and the writing of this article: Jennifer Macomber, Marla McDaniel, Karina Fortuny, Everett Henderson, Karin Malm, Erica Zielewski, Deborah Mullin and Doug Wissoker, all of the Urban Institute, as well as Rob Geen of Child Trends and Hye Chung Kum of the University of North Carolina.

#### Study Purpose

Immigrant involvement with child protective services is largely an unexplored field in the research community. This is predominately because most child welfare systems lack good information on the immigrant status and country of origin of the children in their care, as well as the nativity and origin of parents. Given the special circumstances of immigrant families, we realize that immigrant children, whether first or second generation, may be a particularly vulnerable population within the child welfare system. To begin to understand immigrant involvement and experience with child protective services, we are currently undertaking an exploratory study in Texas.

#### Background

The population of immigrants in the United States has increased substantially in the last 25 years, with Texas experiencing a large share of this influx. From 1980 to 2005, Texas witnessed a 178-percent increase in first-generation or immigrant children — most came from Latin America and Mexico in particular. Latino immigrant children comprised nearly 80 percent of all immigrant

children in 2005. Overall, 7 percent of children in Texas in 2005 were born in Latin America. Similar to the increase in first-generation children over a 25-year period, Texas has also witnessed an increase in second-generation children — those born in the U.S. with at least one foreign-born parent — of 240 percent. It would stand to reason that with this increase in the number of children in immigrant families comes an increase in their contact with social service systems.

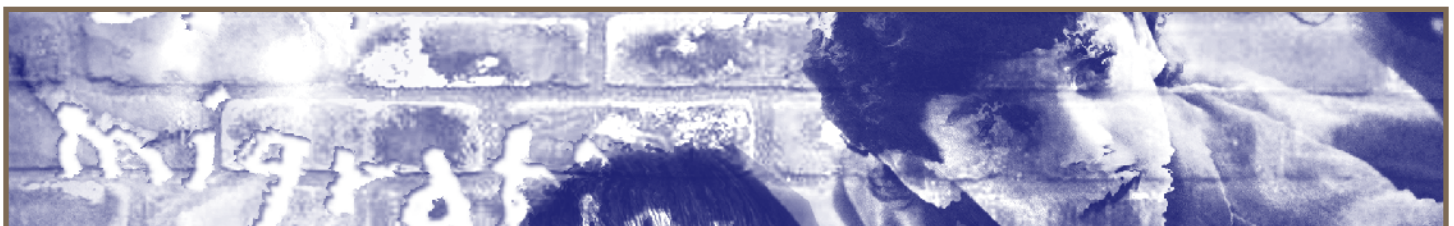
There are likely both risk and protective factors that either predispose or protect children of immigrants from child protective services (CPS) involvement. For example, children of immigrants are poorer than children of natives, which is associated with a higher risk for CPS involvement. Limited English proficiency and low educational attainment among immigrant parents may also increase the risk of CPS involvement. On the other hand, children of immigrants are more likely than natives to be living in two-parent homes, which may serve as a protective factor, as a disproportionate share of children involved with CPS are from single parent homes. It is not known the extent to which lack of citizenship and legal status could lead to higher or lower system involvement, but it is likely that unauthorized families have less contact with CPS, as they have been shown to have less contact with other social welfare systems.

#### Research Questions and Methodology

The findings from Texas are a first-ever attempt to identify children of immigrants in the child welfare system by linking vital statistics records (birth certificate records) with child welfare administrative data. Based on this link we address two key research questions:

- Are first-generation immigrant children and second-generation children of immigrants over-represented or under-represented in the child welfare system?
- How do their experiences in the child welfare system differ from those of children with U.S.-born parents (“children of natives”)?

In order to address our key research questions, we had to first gather information on child and parent nativity. In Texas, child nativity was provided in the child welfare administrative data we obtained from the Texas Department of Family and Protective Services. However, the administrative data did not include information of parents’ nativity, which was necessary to identify the second generation, i.e., U.S.-born children with immigrant



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parents. In order to determine parental nativity, we gathered birth certificate records of all children born in Texas over an 18-year period; we obtained a database with all these birth records from the Texas Department of State Health Services. We used a number of identifying characteristics to match the birth certificate records to child welfare records. We relied very heavily on children and their mothers' social security numbers, but names and dates of birth of the children and their parents were also crucial.

We relied on a data-matching software package called LinkageWiz to match records for us. LinkageWiz took all the identifying information for each child and assigned weights to possible matches. The higher the weight assigned to the child-pair matched across the two datasets, the more likely the match. Using the software's suggestions for setting thresholds for acceptance of a likely match, as well as our own analysis of the matched cases, we achieved a very high match rate — 92 percent. However, this match rate does not include two groups of children — those born after December 2004 (because we did not have vital statistics data for 2005 or 2006) and the approximately 2,400 children born out of the state.

We examined all children in out-of-home care in Texas on March 31, 2006, for this study. Of particular interest were four populations: Latino immigrant children, also known as first-generation Latino children, who were born in Latin America before immigrating to the U.S.; children of Latino immigrants, or second-generation Latino children, who were born in the U.S. but who have at least one parent born in Latin America; Latino children of natives; and non-Latino children of natives. Children of natives are often referred to as third-generation immigrants because both they and their parents were born in the United States.

### Findings

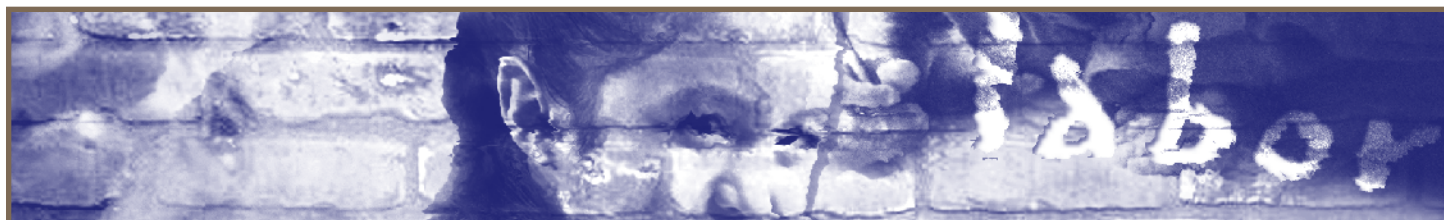
**Removal from the home.** The most important question this study sought to address was *How often are children of immigrants removed from their homes and placed in out-of-home care?* In general, we found evidence of disproportionality when we compared the numbers of children in the Texas child welfare system by ethnicity and nativity to Texas population estimates based on the Current Population Survey. Specifically, we found *under-representation* of Latino immigrant children and children of Latino immigrants in the child welfare system. Latino immigrants represented approximately 1 percent of all children in care, but they made up 7 percent of all children in Texas in 2005. Similarly, approximately

8 percent of all children in care were Latino children of immigrants, though they made up nearly 20 percent of all children living in Texas in 2005. Third-generation Latino children, on the other hand, were *over-represented* in the child welfare system. While approximately 33 percent of the children in care in Texas were Latino natives, they only represented 22 percent of all children in Texas. An important question raised by the data is: Why is it that Latino children of natives are over-represented in the child welfare system, but Latino children of immigrants are under-represented? The reason is not likely Latino ethnicity, because virtually all of these children are of Mexican origin in Texas. It must be either that there are some protective factors that prevent child abuse and neglect in Latino immigrant families, or that when incidences of abuse and neglect do occur in immigrant families they go unreported or do not lead to removal of children from the home.

**Demographic characteristics.** Looking at the demographics characteristics of the populations of interest, we found very large differences in the age and gender of Latino immigrant children. Specifically, we found that Latino children were more likely to be female and more likely to be older than the other three groups of children in care. Fifty-nine percent of Latino immigrant children were female compared to 49 to 52 percent of the other groups. Further, 37 percent of Latino immigrant children were between the ages of 16 and 18, while this age group represented a much lower share of the overall child welfare population in the other groups.

**Placements and case goals.** We also looked at differences in placement types by ethnicity and nativity. We focused on four placement types: (1) relative foster family homes; (2) non-relative foster family homes; (3) group homes and institutions; and (4) other placement categories. The major finding was that both immigrant and second-generation immigrant children were much less likely to be living in relative foster care, particularly immigrant children. Only 8 percent of immigrant children and 20 percent of second-generation children were living in relative foster care compared to 28 percent of children of natives. Further, we found that immigrant children in particular were more likely to be living in group homes and institutions than their counterparts.

We also looked at case-goal differences by nativity and ethnicity. Similar to placement types, we found that immigrant children were less likely to have case goals associated with relatives. For instance, immigrant children



were less likely than most other groups to have a goal of reunification or relative adoption. Instead, they were more likely to have a goal of independent living or long-term foster family care.

**Reasons for removal.** We also investigated differences in the reason for removal by ethnicity and nativity. We did find that Latino immigrant children (i.e., the first generation) were three times as likely as natives, and twice as likely as children of immigrants, to be removed for sexual abuse. We did not find any substantial differences among the generations in the share of children removed for neglect, emotional abuse or physical abuse.

The obvious assumption would be that the high *share* of removals for sexual abuse among immigrant children is somehow related to the age and gender distributions of the general population of immigrants. The expectation would be that perhaps the general immigrant child population in Texas is predominantly female, and on average older than the native-born population, because these characteristics are highly correlated with sexual abuse.

While the Texas immigrant child population is older than the native-born Texas child population, we found that this is still not the only factor in the disproportionately high share of removals for sexual abuse experienced by immigrant children. Even among the sub-sample of youth who are 16 to 18 years old, the share of Latino immigrant children removed for sexual abuse is still more than twice the share of native children removed for sexual abuse. Even after controlling for age, the discrepancies between these populations still exist.

With regard to the gender hypothesis, data from the 2005 Census Population Survey suggest that in fact the general population of immigrant children in Texas is predominantly male, rather than predominantly female. The disproportionate representation of males in the general immigrant population would be associated with a *lower* share of removals for sexual abuse, rather than the *higher* share of removals for sexual abuse. Thus, gender does not explain the disproportionately high share of sexual abuse in the immigrant population, either.

While the data do not allow us to verify this theory, we believe we may be observing unaccompanied alien minors (a special category of runaways) and victims of commercial sexual exploitation in the data. These populations are especially vulnerable to sexual abuse, and there is reason to believe that they may be particularly

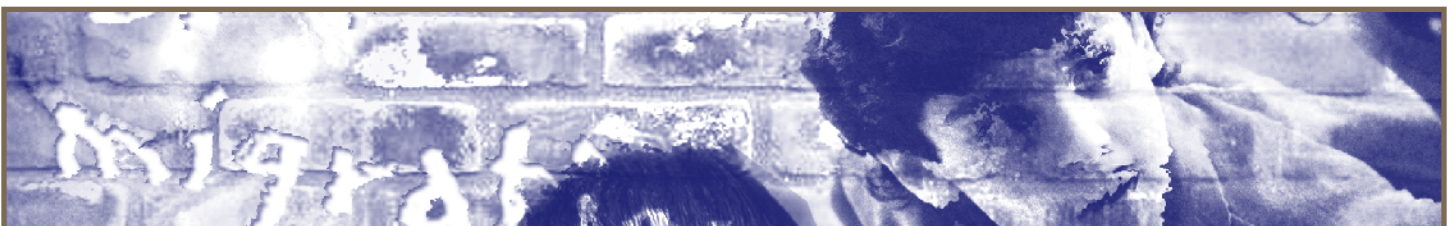
prevalent in places like Houston, where we observed an even higher share of immigrant children removed for sexual abuse. Houston is the largest city in Texas and has a fast-growing population. Many consider Houston a gateway city for immigrants because it is along I-10, a major east-west highway from the border to the east coast. Nevertheless, it is important to note that Texas CPS does not have the authority to make the initial investigation in unaccompanied alien minor or commercial sexual exploitation case, but they may still come into contact with these children as they are processed through the legal system.

**Title IV-E.** Our last major finding has implications for child welfare financing. We found that only 5 percent of Latino immigrant children were eligible for Title IV-E funding. This means that Texas cannot seek federal reimbursement for the costs of care for these children. It is likely that these children are not IV-E eligible because of their immigrant status. The Welfare Reform Act of 1996 specified that states can only seek reimbursement for qualified aliens. It is likely that most Latino immigrant children are not qualified aliens, as approximately 70 percent of all Latin American-born children in Texas are undocumented.

### Policy Implications

**Removal from the home.** The disproportionately *low* removal of children from immigrant families may mean that protective factors, such as fewer immigrant children living in single-parent families, outweigh risk factors, such as poverty, economic hardship and language barriers. Alternatively, children of immigrants may be less likely to come into contact with reporters; parents may be fearful of agency contact, due to issues such as distrust of government or fears of deportation.

**Placements and case goals.** The belief in the field is that children should be placed with relatives whenever possible, and placements should be the least-restrictive and most like a home setting as possible. This study found that Latino immigrant children were much less likely to be placed with relatives, and similarly were less likely to have case goals associated with relatives. And, in contrast with most native-born children, Latino immigrant children were more likely to be placed in group homes and institutes and have case goals such as long-term family foster care and independent living. Given this disconnect with the prevailing beliefs in the field about placement and permanency planning, it is clear that more thought needs to be given to how to handle the placement of immigrant children in care. Child welfare agencies are



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increasingly trying to find relatives internationally, though this is not something we explored in Texas. Additionally, we are only looking at state placements in our study. It is possible that some children are being placed with relatives through private or informal channels.

**Reasons for removal.** With regard to the finding of sexual abuse, more removals for sexual abuse may indicate reluctance to report in immigrant families, or different reasons why immigrants come to the attention of CPS (e.g., as runaways or from trafficking). More intensive research efforts are needed to better understand what we observed in the data. One important policy implication here is that the relatively high share of sex abuse among first-generation immigrant children in the Texas child welfare system may mean that this group of children needs more intensive services than other children.

**Title IV-E.** There are two key implications of the finding that immigrant children are less often IV-E eligible. The first implication is the most obvious — as the immigrant population grows, PRWORA rules will likely mean that more and more children will not be IV-E eligible. The more children not IV-E eligible, the more Texas will have to be the sole source of financing for these children.

The second implication affects immigrant children in care. Federal law allows undocumented children who are under supervision of a court to seek Special Immigrant Juvenile Status (SIJS). SIJS provides undocumented children the opportunity to immediately file for legal permanent residency in the United States. This would allow an avenue for children to become legal residents, though it is unclear whether this would provide an avenue for states to seek IV-E eligibility for children who have become legal residents.

### Additional Information

Additional information about this study can be found in three policy briefs posted on the Urban Institute website, as well as an article published in *Protecting Children*:

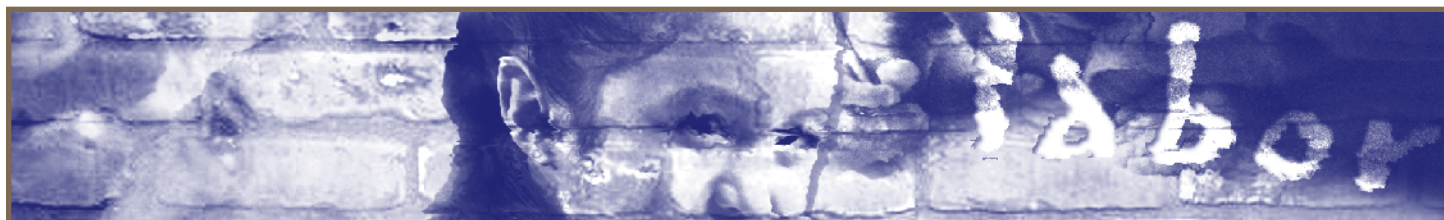
Kuehn, D., Vericker, T., & Capps, R. (2007). *Child sexual abuse: Removals by child generation and ethnicity*. Available from <http://www.urban.org/publications/311460.html>

Vericker, T., Kuehn, D., & Capps, R. (2007). *Foster care placement settings and permanency planning: Patterns by child generation and ethnicity*. Available from <http://www.urban.org/publications/311459.html>

Vericker, T., Kuehn, D., & Capps, R. (2007). *Title IV-E*

*funding: Funded foster care placements by child generation and ethnicity*. Available from <http://www.urban.org/publications/311461.html>

Vericker, T., Kuehn, D., and Capps, R. (2007). Latino children of immigrants in the Texas child welfare system. *Protecting Children*, 22(8), 20-40.



### Presentation 3

## Citizen Children and Their ‘Not Qualified’ Immigrant Parents: Health and Well-Being in CalWORKs-Supported Families

### Presenter:

Richard Speigman  
Speigman Norris Associates

*... to discuss the state of empirical knowledge concerning immigrant children and families who have come to the attention of child welfare systems.*

#### — Roundtable mission

With the objective of *minimizing* the need for child welfare involvement, this presentation considers one group of children who have not yet been identified — at least as a group — as coming to the attention of child welfare officials because of poverty-associated neglect. I refer to Temporary Assistance for Needy Families (TANF)-supported children whose parents are ineligible for TANF, have timed-out or have failed to make satisfactory progress in the post-welfare-reform era. As a result of parental ineligibility for aid in these families, benefits are fewer than in cases with aided adults. One such group of children is composed of the citizen children of immigrants not qualified for TANF. In this talk I address the significance of this group of “not-qualified” immigrant families in the context of California’s TANF benefit system generally.

The welfare reform legislation that resulted in the TANF program failed to include, as a program goal, reduction of child poverty or promotion of child well-being.<sup>3</sup> Perhaps Public Law 104-193 (1996) does refer obliquely to a concern with possible child welfare system referrals by including among TANF purposes assisting “needy families so that children can be cared for in their own homes.”<sup>4</sup> California’s 1977 implementation of TANF as

the California Work Opportunities and Responsibility to Kids (CalWORKs) program did include more relevant objectives. In particular, Chapter 270, Statutes of 1997 declared that a goal of CalWORKs was to “reduce child poverty in the state” and continued:

It is further the intent of the Legislature to ensure that the implementation of Public Law 104-193 does not result in unanticipated outcomes that negatively affect child well-being, the demand for county general assistance, or the number of families affected by domestic violence.

Accordingly, California adopted a policy to continue ongoing aid to children when parents lose CalWORKs benefits because they have exceeded the five-year TANF lifetime limit for aid or have been sanctioned for not complying with work requirements.<sup>5</sup> The former group of children is funded under a CalWORKs “safety net” program that leaves children on aid when adults time-out or are sanctioned. In part because of these two new categories of child-only grant recipients, and in part because the total number of CalWORKs cases has declined so substantially in the past 10 years, the composition of the California welfare population has changed radically. While at its onset the large majority of CalWORKs cases included an aided adult, in federal fiscal year 2005/06 over half of CalWORKs cases, 257,000 out of 462,000, received aid just for the children.

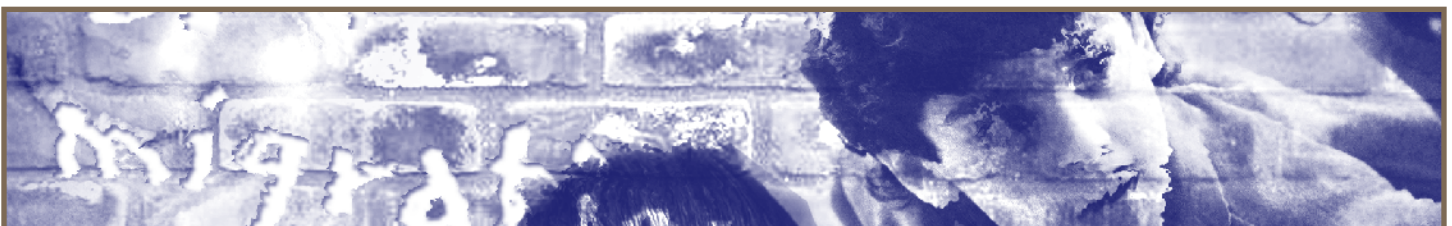
These developments help define, in California, a larger set of policy questions concerning welfare policy. For the last few years, the majority of California TANF cases have included no aided adult; they are “child-only.” In these cases the cash assistance grant is to support only the eligible children. As previously noted, such cases include families in which parents have timed-out or been sanctioned for non-compliance. Child-only cases also include those in which parents with citizen children lack immigration status that would permit their own receipt of assistance, as well as a group composed of non-parental caregivers who are not eligible for assistance for themselves but who care for CalWORKs-eligible youth, often their grandchildren or other family members.<sup>6</sup>

<sup>3</sup> While generally presuming to address poverty through the promotion of work, TANF includes no poverty-reduction goal and permits termination of assistance regardless of parents’ self-sufficiency.

<sup>4</sup> Public Law 104-193 also includes the following TANF purposes: “reduce the dependency of needy parents by promoting job preparation, work and marriage”; “prevent out-of-wedlock pregnancies”; and “encourage the formation and maintenance of two-parent families.”

<sup>5</sup> California is one of six states with no full-family sanction.

<sup>6</sup> This presentation discusses neither a fifth sizeable group, in which parents receive SSI benefits for themselves because of old age or disability and CalWORKs provides cash assistance for their children, nor several much smaller categories of child-only assistance.



## The Intersection of Immigration and Child Welfare: Emerging Issues and Implications

Once a case becomes child-only in California, as long as the family continues to meet, for example, income regulations, there are: (a) no time limits (other than that based on the child reaching age 18); (b) generally no welfare-to-work activities required of the adults; but also (c) no CalWORKs child care and transportation subsidies and no behavioral health and other services. It is as though, without planning or policy-making, welfare policy for these families in California has been transformed from TANF back to Aid to Families with Dependent Children (AFDC). There are no work requirements and no time limits, but cash assistance at a lower — much lower in terms of real dollars — grant level.

The financial impact of a child-only grant is quickly summarized as follows: an *aided-adult* cash grant for a family assistance unit of three (for example, one parent or caregiver and two children), with no adjustment for employment or other income, amounts to \$8,676, or about 50 percent of the federal poverty level.<sup>7</sup> The cash value of a *child-only* grant (two children, no adult) falls to \$6,576, without considering estimated effects on possible change in value of any Food Stamps and housing subsidy benefits.<sup>8</sup>

Timed-out and sanctioned families *become* child-only CalWORKs cases. At some point in the past the adult(s) as well as the children received cash assistance. Immigrant and non-parental caregiver cases differ in that the parents or caregivers in the family may *never* have been on aid. It seems probable that despite their likely financial need, and perhaps because of the limited benefits accruing to child-only families from CalWORKs, many families presumptively eligible for this assistance for their children fail to request it. Nevertheless, the not-qualified immigrant and non-parental caregiver cases remain numerically large but yet two of the least understood groups within the heterogeneous child-only category.

California research on child-only cases has generally focused on sanctioned and timed-out cases and finds,

extreme disadvantages such as overcrowded housing and household food insecurity, young children in fair or poor health or with a limiting condition, and substantial and numerous obstacles to employment among parents. As barriers to employment, many of these obstacles — for example, children with health limitations — are unlikely, in the short-term, to respond to services or other interventions in order to promptly address parents' obstacles to employment. As a second example, housing instability, an influential obstacle to employment evident in our recent child-only study, would probably not be likely to change quickly, absent the availability of new housing subsidies or a major new anti-poverty effort.<sup>9</sup>

From the perspective of poverty and United States immigration policy, it is important to understand that the citizen children of impoverished, unauthorized immigrant parents are qualified for TANF assistance. Hence, policy research efforts should focus in this area to understand critical issues at the intersection of immigration, cash assistance and child welfare. Previous research efforts in which my colleagues and I have been involved in California suggest that “typical” TANF families in which there are no aided adults on the case — with parents sanctioned or timed-out from receipt of aid — include parents beset with obstacles to employment. While it seems likely that many immigrant families include a working parent and may include parents generally in good health, very little is actually known about this population, including how the children — citizens or not — are doing. We believe it is important to focus research studies on parent and child health and well-being, neighborhood and community health, and access to and utilization of public and private services for not-qualified immigrant as well as other child-only families. The conclusion of such inquiries would promote consideration of federal and state policy and practices.

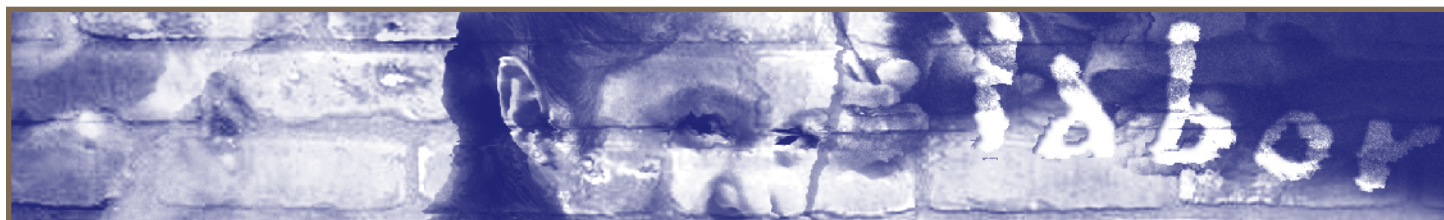
The research agenda should also examine whether child-only case status serves as an indicator of a risk factor for child neglect, and, if so, consideration of possible

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<sup>7</sup> A number of critics observe that the federal poverty level has, generally, become outmoded and that it is especially problematic in California where, because housing costs have been disproportionately large, a multiplier is required. A full-family grant for a three-person assistance unit brings the family to about 13 percent of median California income.

<sup>8</sup> By definition along three dimensions these cash assistance grants are not calculated to fully meet the family's needs. First, their size, historically speaking, is inadequate, given that the real dollar value of CalWORKs grants has declined 40-plus percent below the late 1980s AFDC benefit. Second, child-only grants fall further below the already inadequate monthly grant that would be provided to the full family unit. Third, CalWORKs law includes a “family cap” that, for purposes of computation of grant size, limits number of eligible children in the family to those born within 10 months of initial receipt of aid.

<sup>9</sup> See Speiglmán and Li, *Barriers to Work: CalWORKs Parents Timed-Out or Sanctioned in Five Counties*, and an accompanying policy brief, *Addressing Barriers on the Path to Self-Sufficiency*, both posted at [www.cfpic.org](http://www.cfpic.org).





strategies to lessen the need for child welfare system and juvenile justice system engagement.

It is unknown how many families qualify for citizen children's assistance, and we are aware of no studies calculating the proportion of eligible families that secure this benefit for their children. Also unknown is how — or why — probability of benefit receipt may vary from county to county or state to state, or the degree to which the benefit solidifies families' economic security and addresses poverty issues, or how families not receiving the benefit make do.<sup>10</sup>

We believe that, whether for purposes of poverty reduction, immigrant assimilation into the larger communities or other public policy reasons, data are needed for policy and program development. Areas of policy and practice concern include the well-being of parents and of children; the political, social and economic implications of policy (at the community, county and state level); and the roles that should be played by county and state government, service providers, advocates, policymakers and the philanthropic sector.

The first related project of which we are aware, intended to begin to fill the policy research void and to serve as preliminary work toward further research, involves a one-county case study to examine first system, and then non-system, barriers to benefits access for citizen children of not-qualified immigrant parents. The former might involve county welfare agency outreach practices, interpretation services, translation of written materials, availability and attitudes of bilingual staff, procedural hurdles and messages about the eligibility of citizen children. Non-system barriers might include parent fear of immigration consequences from being in contact with official agencies, aversion to receipt of benefits for fear of subsequent impact on gaining legal status or misinformation about welfare agency practices.

As a collaboration of the Urban Institute, American Humane Association, and the Child and Family Policy Institute of California, the case study is intended to be descriptive, relying on key informant interviews with county social services agency and community agency staff and focus groups with immigrant parents presumed eligible for CalWORKs assistance for their citizen children — both parents who do and do not receive this assistance.

Our objective is to understand the conditions, structures and attitudes operating in the community. This study is currently being conducted in one California Central Valley county. Funds are sought for replication in two or more additional counties, located in diverse areas of the state, or in other parts of the country.

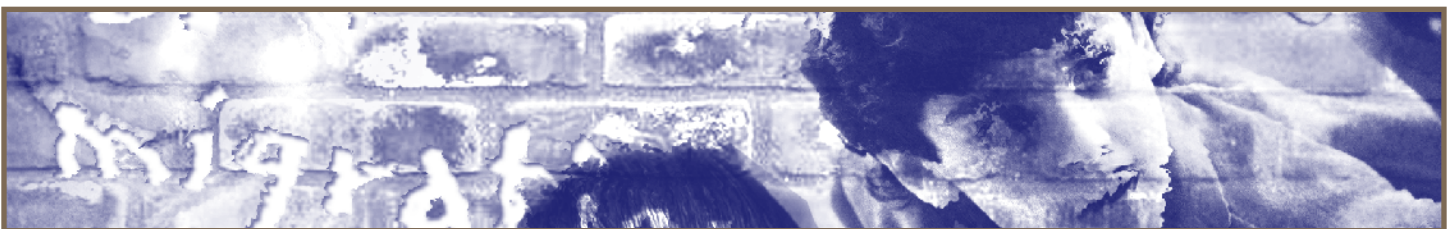
A second project, designed by colleagues at the Goldman School of Public Policy, University of California, Berkeley and Urban Institute as well as the Child and Family Policy Institute of California, exists as a concept paper submitted for review that proposes a four-county survey of 800 not-qualified immigrant families — some receiving assistance for their citizen children and some not — in an effort to understand how the families “work,” including a look at employment, other income, benefits, children's and parents' health and well-being, and service need and utilization.

It is hoped that, together, the two studies will contribute to formulation and implementation of sound anti-poverty, welfare and immigration policy.

*Acknowledgements: Support for this project has been provided by The San Francisco Foundation (Grant Number 13305), the Zellerbach Family Foundation and the California Department of Social Services (Grant # OCAP CFPIC\CO 0708). Special thanks to Jodi Berger for her comments on a draft of this write-up.*

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<sup>10</sup> In Child-only CalWORKs Study Report #1, *When Adults Are Left Out: CalWORKs Child-only Cases in Seven Counties*, Speiglmán, Bos and Ortiz examine prevalence of cases of this type across seven counties and find, among other things, that CalWORKs-receiving immigrant families, like other child-only cases, are more likely to have been on aid for a greater proportion of the previous 12 months, compared with CalWORKs families including an aided adult. This report is posted at [www.cfpic.org](http://www.cfpic.org).



## Panel Session Legal and Child Welfare Practice

### Presenters:

**Lyn Morland**

Bridging Refugee Youth and Children's Services

**Jorge Cabrera**

Casey Family Programs

**Rowena Fong**

University of Texas at Austin

### Introduction (Lyn Morland)

*A child who comes to the U.S. alone and undocumented, to join her mother here, and then is abused by her mother's new husband...*

*A child whose parents never come home one day because they were caught up in an immigration enforcement operation at work...*

*A child who loses his parents here and whose only remaining family is far away in another country...*

*A teen who was tricked into coming to this country with promises of employment, only to find herself in a situation of forced prostitution...*

*A family who fled extreme persecution and violence to find safety here for their children, and finds instead that their children are removed by CPS due mainly to language barriers and cultural misunderstandings...*

*A youth who ages out of foster care to find he is now an undocumented adult who cannot attend college or legally work in this country...*

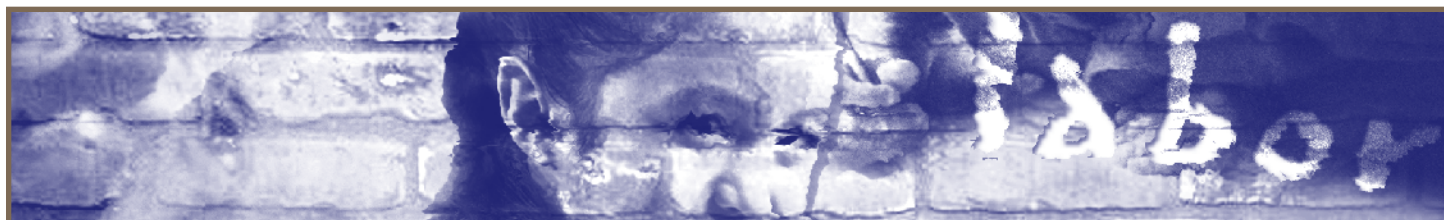
Child welfare workers are serving more and more children in heartbreaking situations such as these every day. Our goal as members of the Migration and Child Welfare National Network (MCWNN) Promising Practices Committee is to support child welfare workers as they serve immigrant children and families by identifying guiding values and principles for practice, developing tools and resources, and documenting and sharing the innovative and effective practices currently in use around the country. Ultimately, this will help ensure safety, well-being and permanency for immigrant children.

For the past year, the MCWNN Promising Practices Committee has met together in person or by conference call in order to identify practice issues in working with immigrant children and their families and to develop a response that directly supports practitioners' needs. Co-chaired by Lyn Morland (BRYCS/United States Conference of Catholic Bishops ) and Roque Gerald (Child and Family Services, Washington, DC), the committee chose to start by drafting guiding principles for practice. Elena Cohen (Safe Start Center, JBS International) provided the first draft of these principles, and committee members Jorge Cabrera (Casey Family Programs), Rowena Fong (University of Texas at Austin) and the two co-chairs worked to further develop the major principles. A very preliminary draft is being circulated at this session for early input from all of you here at the conference, while we continue to refine these principles into a brief, user-friendly and comprehensive statement.

In addition to our work on these principles, we are excited to announce that the Annie E. Casey Foundation and Casey Family Programs have offered to assist with developing a "toolkit" for practitioners that would include an agency self-assessment and other resources to support practitioners in their work with immigrant families. In addition, Jorge Cabrera has agreed to co-chair this committee, bringing tremendous experience and leadership to this effort.

We benefit immensely from a broad range of members on our committee, and especially need and appreciate input from practitioners in the field. We encourage you to join us!

Our panelists today are Jorge Cabrera, who will describe the impact of migration and culture on families and issues for child welfare practice, with a special focus on safety, permanency and well-being for immigrant children and families. Rowena Fong will discuss the importance of evaluation and outcomes to our practice, and critical cultural competence issues when evaluating practice with immigrants and refugees. I [Lyn Morland] will address the key importance of collaboration with other service providers for immigrant families, and Rene Velazquez (Annie E. Casey Foundation) and Lourdes Rodriguez (Burgos Coordinator for the Illinois Department of Children and Family Services) will address the special challenges of access to appropriate prevention and intervention services for immigrants.



### **Beyond Cultural Competence (Jorge Cabrera)**

Effectively serving immigrant youth and families impacted by child welfare requires the development of skill sets in practice that takes into account the broader social, economic and political contexts that impact these populations.

To be able to effectively intervene in situations where abuse and neglect may be occurring requires child welfare practitioners to possess a skill set above and beyond the cultural competence where typically practitioners rely on understandings of the cultural traditions and world views of different cultural groups. Although cultural competence is important and relevant, it also requires a broader understanding of issues such as acculturation, the family's "story" of migration, the social, economic and political circumstances that led to the migration experience, the struggles and hardships experienced by the family in their journey and the levels of isolation and connection that they may be experiencing in their present community settings. The circumstances of abuse and neglect need to be contextualized within these larger systemic factors that also include recognition of the strengths, cultural and ethnic traditions, extended familial and community supports, etc.

The child welfare practitioner working with immigrant populations needs to have knowledge of the relevant policies as well as promising and best practices that will likely lead to a more effective engagement of families in the planning and the mobilization of community supports and resources at the service of securing the core outcomes of permanency, safety and well-being for all youth involved in the system. These practices include the use of family group conferencing, the family-to-family team decision making approach and other similar methodologies that reproduce culturally preferred ways of gathering and deciding for many ethnic groups, which come from a place of respect, and are more likely to consider the full spectrum of cultural and life experiences in placement and permanency planning efforts. In addition, child welfare practitioners need to have working knowledge of ethnic-based organizations in the community. Some jurisdictions such as Ramsey County, Minnesota and Fresno County, Calif., have effectively engaged ethnic communities by partnering with recognized community leaders who serve as "cultural brokers" and key informants and experts, and provide important linkages between the child welfare system and the community.

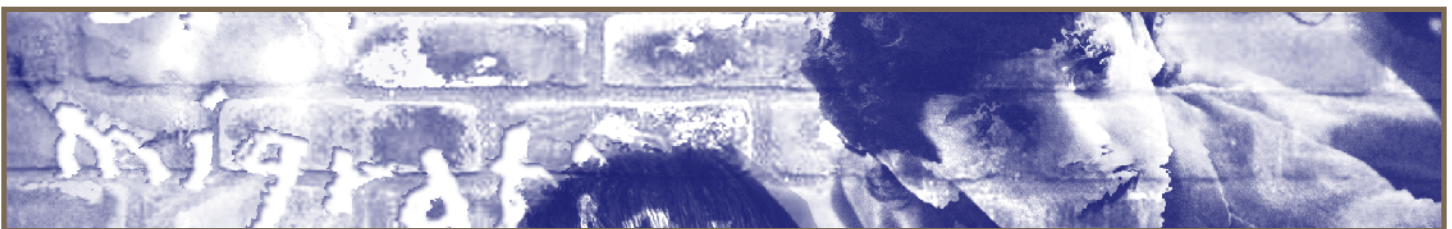
Finally, child welfare agencies who are committed to effectively serving immigrant populations need to ensure that they have the policies, procedures, relationships and formal agreements in place to support practitioners in their ability to conduct their core functions, including securing the needed training and cultural and linguistic capacity to effectively respond to the needs of these groups in order to prevent unnecessary child welfare placements and/or facilitate timely reunification and/or permanence.

### **Collaboration (Lyn Morland)**

Collaboration is at the heart of the work we do to ensure safety, well-being and permanence for children in the child welfare system. To address the basic needs of families, we might coordinate with housing and economic support services; to address root causes of problems, we may work with domestic violence, mental health and substance abuse programs; and to increase opportunities for prevention and early intervention, we often work together with the public schools. We must work with the courts, and often with the juvenile justice system. We may draw resources from local faith-based organizations and other community agencies, and we frequently rely on extended family and other neighborhood supports. Family-centered and community-based approaches have become mantras in child welfare in recent years. So how is this type of collaboration different when we are working with immigrant children and families?

The context for immigrant families is at once more **specific** (with regard to migration experience, culture and language), more **complex** (with regard to immigration status, mixed-status families, service eligibility and acculturation) and **broader** (since family members and other resources, documentation and even the most appropriate placement may be in a different country).

This means that our partners for immigrant children and families must be broadened to include interpreters, cultural consultants, legal immigration services, ethnic community-based organizations, refugee resettlement agencies, foreign embassies and consulates, and transnational social service agencies, such as International Social Services and the American Red Cross, to name a few. Furthermore, issues such as the importance (and definition!) of extended family and community may be even stronger for immigrant families due to their cultural context, and distrust between these communities and



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child protective services may also be even greater due to their immigration status and the role of government authorities in their countries of origin, as well as previous negative experiences in the United States.

We have identified a number of promising practices in collaboration. At the informal service coordination level, a refugee resettlement agency and the public child welfare agency in St. Louis, Mo., have developed a strong, multidisciplinary response when child protection is needed. Their collaboration includes a joint hotline response, interpretation and cultural consultations, joint case management, and culturally appropriate education and prevention services. This coordination evolved out of an informal relationship between staff members, with no additional resources needed to support this effort.

Some agencies have also implemented agreements and contracts to formalize their collaborative relationships. For example, the District of Columbia's Child and Family Services contracts with over 30 community agencies, including the Latin American Youth Center and other ethnic community-based organizations. These agencies provide a range of services, including interpretation and consultation, development of resource families and culturally appropriate family strengthening, as well as services that support the reunification plan for immigrant children and their families.

We will continue to document promising practices such as these, and look forward to continuing to refine this principle of collaboration for effective child welfare practice with immigrants as we work together as members of this collaborative effort, the Migration and Child Welfare National Network.

### **Evidence-Based Outcomes (Rowena Fong)**

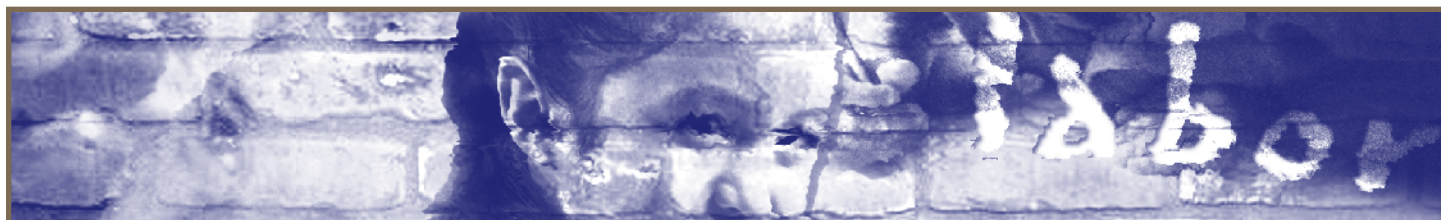
Evidence-based outcomes describe a program's successes and specifically which interventions within the program actually help clients. Evidence-based outcomes allow public and private agencies to document the effectiveness of their interventions for funders, legislators, the public and clients themselves, and to advocate for their programs based on data rather than conventional wisdom or common practice. Quality agencies, of course, attend to evidence-based outcomes not only because they are required to do so by funders, or because they want to appear to be "cutting edge," but because they want to serve clients well. Thus, agencies need to integrate information sharing and communication technology into their programs to increase knowledge and transfer skills and remain abreast of evidence-based practices and outcomes.

Ongoing professional working relationships among researchers, practitioners and case managers in academia and in private, state and federal agencies allow participants to routinely track and capture customer satisfaction and respond to their concerns. This allows evidence-based outcome data to drive informed change, enhance service delivery, integrate areas that need improvement and elevate overall system quality.

In child welfare and other areas of practice, evidence-based outcomes provide research data that can be used to determine the effectiveness of practice and guide decision-making. Outcome data help identify symptoms and underlying issues that clarify goals and outcomes of the services provided. Outcome data facilitate the development of targeted case plans that prescribe appropriate and specific interventions, expertise, resources and timetables to achieve positive outcomes. Agency practitioners are also able to use evidence-based outcomes to determine not only that an intervention works, but also to identify which components of the intervention are necessary for the intervention to succeed.

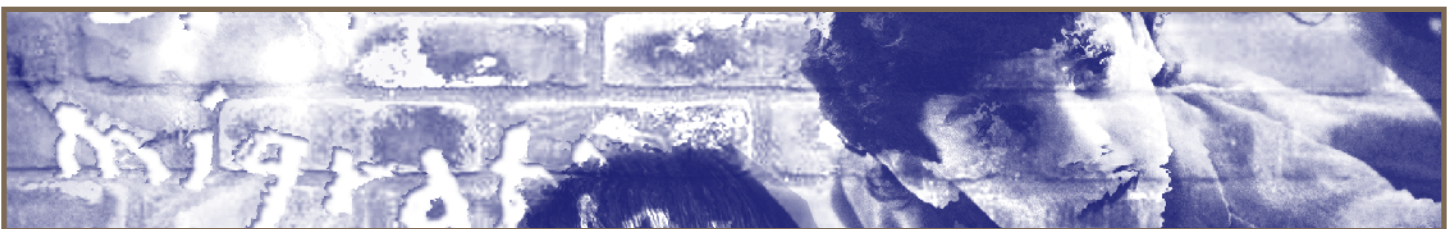
Though grounded in data, drawing guidance from evidence-based outcomes requires informed professional insight and discernment. Practitioners, for instance, may need culturally appropriate solutions for different populations. Practitioners working with ethnic minority or immigrant clients from other cultures may need to take cultural differences into account. If the client system is a family whose ethnic values esteem family cohesion rather than individuality, a family intervention may be required and a research evaluation outcome framework should include measures of family functioning compatible with the cultural values of the family client system. Culturally competent evidence-based outcomes need to integrate indigenous practices and cultural beliefs and traditions into their evaluation frameworks to ensure that effectiveness is accurately determined. In working with immigrant and refugee families some of these indigenous interventions are community-based, requiring outcome evaluations from community-based participatory action rather than random clinical trials. A changed perspective in practice is insufficient. What is needed is a paradigm shift in practice and policy.

In addition to program and practice development and accountability, evidence-based outcomes guide policy development and implementation. Informed policymakers and researchers employ evidence-based outcomes to shape, evaluate and recommend policy practices with maximum impact on legislative and institutional decision-making.



Practitioners and decision leaders at all levels need to keep current with evidence-based outcomes because circumstances change. What was effective a few years ago may no longer apply in a changed context. Ongoing evaluations of programs as they are developed, interventions as they are practiced and policies as they are implemented all need to reflect cultural competency with the multicultural families in our increasing immigrant and refugee populations in the United States.

In conclusion, practitioners, community collaborators, policymakers, and researchers need to have knowledge about best practices and relevant policies that will effectively engage ethnically diverse families in the planning and mobilization of community supports. Best practices with immigrant families are beyond cultural competence. The context for immigrant families is more specific, complex and broad; in other words, it is necessary to include interpreters, cultural consultants, legal immigration services, ethnic community-based organizations, refugee resettlement agencies, foreign embassies and consulates, and transnational service agencies. To evaluate if services and interventions are culturally competent, it may require a determination to see if the research design has a framework that best fits the cultural values of the ethnic population. Evidence-based outcomes (which drive informed change, enhance service delivery and integrate areas of improvement) may need a paradigm shift to be not only funding-driven but also immigrant client-centered.



## Day 3: Thursday, April 3, 2008

### Joining Forces: Ensuring the Safety and Well-Being of Immigrant Children

#### Keynote Session

#### Paying the Price: The Impact of Immigration Raids on America's Children

**Presenter:**  
**Randy Capps**  
Urban Institute

Recently, large scale migration to the United States — particularly from Mexico and Central America — has greatly exceeded the capacity of the country's official immigration system. As a result, there are now an estimated 12 million immigrants living in the United States without legal authorization. Due to the lack of a political consensus about their right to remain in the country, these unauthorized migrants face an increasingly hostile social and political climate, as well as stepped up enforcement of immigration laws by U.S. government authorities.

There are about 5 million U.S. children who live with at least one unauthorized parent, and in the current enforcement climate, these children are increasingly vulnerable. Across the country, over 5,000 unauthorized immigrants were arrested at their workplaces during 2007, a tenfold increase over 2002. Other arrests — for criminal violations, violations of deportation orders, and by state and local police acting as immigration agents — have been increasing rapidly as well.

Researchers at the Urban Institute have been focusing on the health, well-being and social rights of children in U.S. immigrant families over the past several years. In a recent study we described the experiences of some of the most vulnerable children, those with parents arrested in U.S. immigration raids. We also made recommendations on how the U.S. federal government, state and local government agencies, the nonprofit sector and community leaders could work to protect children in these troubling circumstances.

#### Urban Institute Study of Worksite Raids

During spring 2007, Urban Institute researchers visited three locations where the U.S. government's Immigrant

and Customs Enforcement (ICE) agency had arrested large numbers of unauthorized migrants working in manufacturing plants. We visited New Bedford, Mass.; Greeley, Colo.; and Grand Island, Neb., between two and six months after the raids took place. In each of these sites, we spoke with arrested immigrants, their family members, consular staff, immigration lawyers, public and private service providers, social workers, educators and others in the community. The research focused on the raids' short-term impacts on families with children.

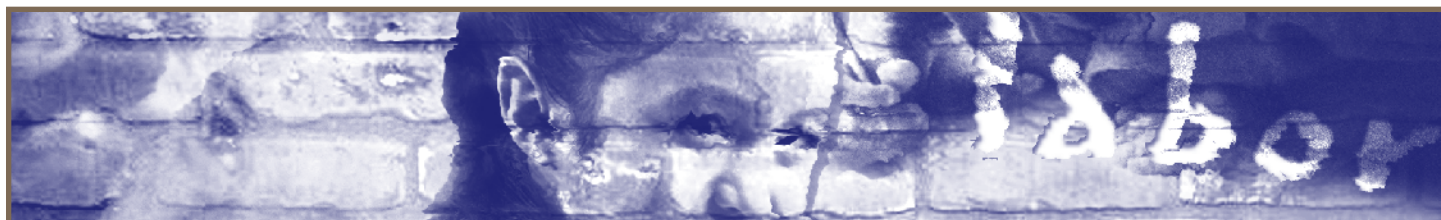
Altogether, 900 unauthorized immigrants were arrested, including parents of over 500 children, two-thirds of whom were U.S. citizens by birthright. Other children were indirectly affected if they lived in households that took in directly affected children, or if they were related to or friends of the children whose parents were arrested.

In New Bedford, most of those arrested were Central Americans — the largest group from Guatemala's Maya Kiche people. Many had fled Guatemala's poverty and civil unrest, during which people had "disappeared" in government-sponsored raids eerily similar to the ICE raid. Most Guatemalans lived in young families, and in some cases, those arrested were single parents. Almost three-quarters of the children affected in New Bedford were age 5 or under.

In Greeley and Grand Island most arrested immigrants were from Mexico, but there were also a significant number from Guatemala. Mexican immigrants generally had been in the United States longer than the Guatemalans or other Central Americans, and had established broader social networks. The majority of children in Grand Island and Greeley were also young — two-thirds were ages 10 or under, and most lived with both of their parents prior to the raids.

#### Consequences of the Raids for Migrant Parents

These were large-scale enforcement actions, involving hundreds of agents and large numbers of vehicles as well as helicopters. Despite the size and detailed organization of these operations, there was little communication between ICE and state and local governments. Massachusetts was the only state where social workers



were notified ahead of the raid. In all three sites, it was several days (and in Greeley weeks) before ICE provided a full and accurate list of the names of arrested immigrants to state and local governments. Lack of information and the general atmosphere of confusion surrounding the raids led to panic in immigrant communities and greatly complicated efforts to assist affected families.

**Immediate deportation.** According to lawyers and consular officials interviewed for the study, a large number of arrestees were deported within a few days, in some cases without contact with families, lawyers or home country consulates. Mexican migrants were more likely than those from Central America to sign “voluntary” departure papers, because they knew they would be deported to the U.S.-Mexico border. For instance, in Greeley, over 100 arrested migrants were deported to the Arizona-Sonora border within 48 hours, before the Mexican Consulate could reach them.

**Long-term detention and deportation appeals.** Other arrestees were held in detention for days or weeks, and there were still a few people in detention when we visited these sites six months after the raids. We were told that most Guatemalans appealed their deportation. Because of dire home country conditions, they attempted to remain in the United States as long as possible. In fact, some Guatemalans had credible asylum cases because of the persecution they had faced before they fled to the United States. But by remaining for months or longer to fight their deportation cases, many of the Guatemalans also exposed their families to prolonged economic hardship and uncertainty about the future.

**Communication complicated by remote detention and lack of telephone access.** Detained parents sought to communicate with their spouses or others to let them know that they might not get out in time to pick up the children from school, or that the children needed milk, food, clothes or other necessities. But they often could not find working telephones or pay to use them. Lack of telephone access made finding children and arranging care more difficult.

**Communication with families was further complicated by remote detention.** In all three sites, most long-term detainees were moved out of the state in which they were arrested, for instance from Massachusetts to Texas, or Nebraska to Georgia.

**Limited number of humanitarian releases.** In all three sites ICE released small numbers of migrants on the day of the raids or within a few days because they were single parents or parents of very young or sick children. ICE had stated that their policy was one of “humanitarian release” in these cases, but at the time of our research there was no written policy, and we found the policy implemented inconsistently across the sites. For instance, it required the intervention of the governor of Massachusetts, two U.S. senators and over 30 social workers to obtain the release of 21 parents who had been arrested in New Bedford and shipped to Texas. In November 2007, just after our report was published, ICE put their humanitarian release policy in writing.

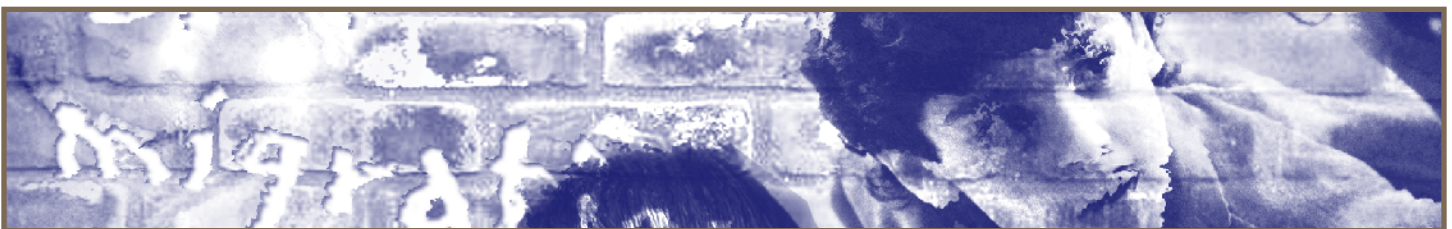
**Reluctance to admit presence of children.** Further complicating things, many of the arrested parents were reluctant to divulge that they had children out of fear that ICE or child welfare agencies would also take their children into custody. It is difficult to communicate the depth of fear that these families had of government authorities following the raids — and this fear extended to child welfare agencies as much as to the federal government.

### Impacts on Children

Our research focused on the short-term impacts of these three worksite raids on children, and follow-up work we are conducting will examine longer-term outcomes. The children in the study experienced a variety of challenges, including separation from parents, economic hardship, isolation and social stigma.

**Family separation.** The majority of children went from having two parents in the home (formerly a major strength of these families) to living with a single parent after the other was arrested. Children felt that their parents “disappeared” and especially young children could not understand why their parents left them. Some of the children had both parents arrested, and others had a single parent arrested; in a few cases these children wound up with other relatives, babysitters or neighbors for a period of time. But usually single parents were released relatively quickly.

Across the sites, none of the children with arrested parents were placed in the custody of child welfare agencies. In New Bedford, however, three adolescents who had been arrested for working at Michael Bianco were released by ICE to the Massachusetts Department of Social Services, and then placed with relatives in the local immigrant community.



## The Intersection of Immigration and Child Welfare: Emerging Issues and Implications

**Economic hardship.** Because many families lost the adult with the better job, household incomes plunged. For instance, the meat-packing jobs in Greeley and Grand Island paid more than \$10 per hour, were full- or overtime unionized jobs and offered full benefits. With the arrest of a working parent, families fell back on informal jobs, savings and assistance from social service agencies and informal networks in the community.

For a while, extended families and informal networks helped provide child care and economic support, keeping the majority of children from living alone without supervision or becoming homeless. But over time, these informal sources of support weakened, and families increasingly needed assistance from public or other private sources.

Most families received some form of community assistance for three or four months after the raids, but after about six months, most of the forms of community assistance raised from private or public funds had expired. Some families lost their homes or crowded in with other families. Utilities were temporarily cut off for some families, and many experienced difficulty affording food.

**Fear and social isolation.** The raids created a climate of fear, especially in Grand Island, where ICE continued to conduct follow-up raids in people's homes for over a week. (ICE returned to the worksites to arrest a small number of migrants in both Greeley and Grand Island more than a year after the initial raids.) Researchers spoke to families that hid in their homes for days or weeks; some hid in closets or basements. Many were fearful of seeking help — even at trusted locations such as churches. Some would not open the doors for people who brought food baskets and other assistance. We were unable to document the psychological impact on children of living in hiding for a prolonged period of time.

**Social stigma.** Parents and caregivers who were not arrested struggled to explain to children what had happened. It was especially difficult for younger children to understand. One child said that his parent was “arrested for working.” Some of the older children, mostly high school students, went to the work sites and saw their parents taken away in handcuffs. Some children faced hostility by teachers and other adults in the community, or were taunted by their peers. Greeley was especially polarized, with many native-born Americans expressing support of the raid, and many migrants feeling increasingly isolated.

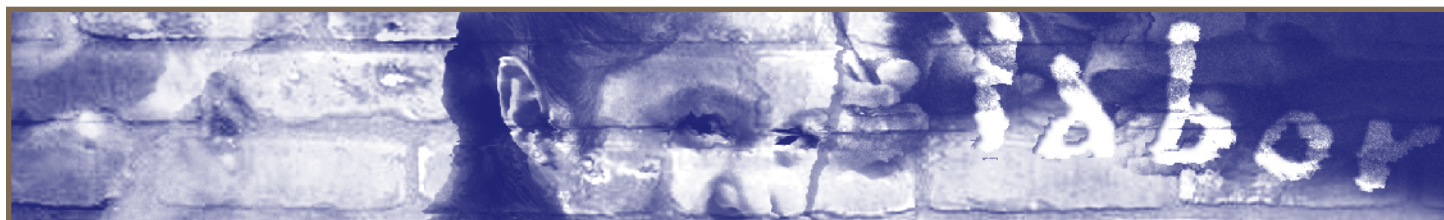
**Children's mental health.** The separation, economic hardship, fear, isolation and stigma led to children showing more aggressive behavior, changes in sleep patterns and appetites, mood swings and prolonged bouts of crying. Mental health professionals that the researchers interviewed spoke of elevated stress in children, signs of depression and even suicidal thoughts. The researchers were unable to interview a random sample of parents and could not document the prevalence of mental health effects; however, we plan to return to these raid sites to investigate ongoing mental health impacts on children in more detail.

### Community Responses

All three communities initiated intensive and broad response efforts to assist immigrant families after the raids. The relief effort was especially well organized in New Bedford, where the Massachusetts Immigration and Refugee Advocacy Coalition led an effort to bring together state and local government officials, representatives from the Honduran and Maya Kiche communities, faith leaders, foundations and home country consulates to plan the relief effort. Local foundations and individual philanthropists raised a significant amount of money, and aid was distributed to families for rent, housing, food assistance, clothing and other necessities. In Greeley and Grand Island, the employer — Swift and Company — provided financial support for services, which were mostly delivered through local community-based organizations and churches.

Churches emerged as central distribution points for relief because immigrant families trusted them. In all three sites, public agencies and nonprofit service providers stationed their staff at churches. Staff from home country consulates stationed themselves at churches and participated in meetings there with the local public and private service providers. Religious and community leaders went door-to-door to provide assistance, although in some instances families were afraid to open their doors even to them.

The public schools also played important roles in protecting children. The Grand Island public schools had developed a plan in advance of the raid and made public statements that they would not allow immigration enforcement agents to come to the schools and arrest children or their parents. The public schools in all three sites worked hard to ensure that no children were dropped off by buses to empty homes, that classrooms were open late for pick-ups. In the end, only a few older children who usually walk home went home from school to empty homes.





### **The Role of Public Health and Social Service Agencies**

Public health and social service agencies played varying roles in assisting families across our three study sites. In general, few families came forward requesting cash benefits or food stamps, which was not surprising given that parents and other adults in the household were generally unauthorized and thus ineligible for benefits. It is important to bear in mind, though, that two-thirds of the affected children were U.S. citizens and therefore faced no restrictions on their eligibility for benefits.

The Massachusetts Department of Social Services sent workers to Texas to interview detainees about their children. In Massachusetts, virtually all the children were enrolled in public health insurance.

In Colorado, at the time of the raid in December 2006, the counties had just implemented a state law requiring identification for benefit applicants and setting penalties for presenting fraudulent identification. Signs in the welfare offices in Greeley kept everyone away following the raids, and very few families signed up for health care or any other form of public assistance.

In Nebraska, there had been a high-profile case a few years earlier in which a Guatemalan mother had lost custody of her child for a period of time due to an abuse report. Following the report, the child was removed from the home, and the mother was removed from the country. She could not get back for her court date and lost custody. It took lawyers more than a year to get her back into the country to argue her case and be reunified with the child. Guatemalan communities across Nebraska remembered this case, and so affected families stayed away from the State Department of Human Services following the raid in Grand Island. As in Greeley, very few families signed up for health care or other assistance.

### **Conclusions and Recommendations for Children**

Children are among the most vulnerable members of society, and the United States has developed systems to protect them. These systems are designed to meet children's basic needs such as food, shelter and health care, and to keep them safe from psychological and physical harm. Yet, these systems cannot replace parents when they are taken away from children.

In the report, we recommend that state and local social service and child welfare agencies prepare plans to respond to immigration raids. But realistically it may be very difficult for child welfare agencies to get involved. New guidelines require ICE to contact the U.S.

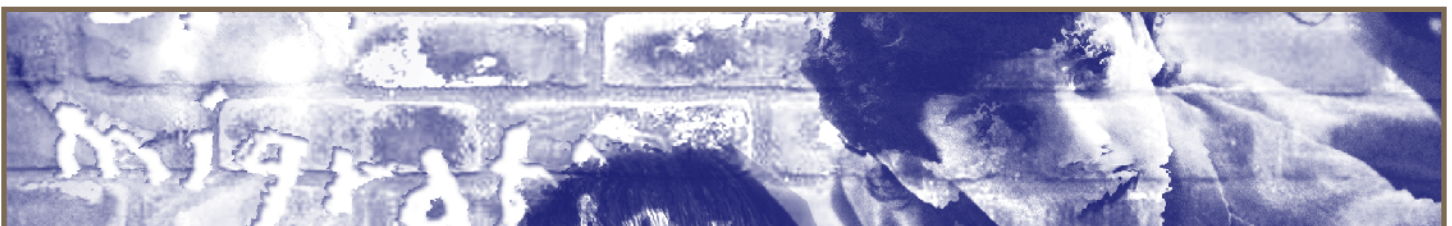
Department of Health and Human Services or state social service agencies in advance of a major raid. But in smaller raids such contact is discretionary. We found that once a raid is in progress, there is a lot of confusion and there are communication difficulties among federal, state and local governments.

The hardest things are often getting names from the federal government and determining whether arrested immigrants have children. Our report recommends that ICE allow social workers to interview arrestees to determine if they have children. ICE accepted this recommendation in their new guidelines, but these guidelines are only mandatory for large-scale raids.

After raids, affected immigrant families tend to go into hiding, and they rely primarily on their extended networks of families and friends. Faith-based organizations are often the only institutions they trust or approach for assistance. Immigrants who have not been arrested often fear child welfare agencies as much as they fear ICE. Clearly, those agencies with greater cultural competence and better relations with immigrant communities may fare better, but in general it is very difficult for these agencies to address concerns about children's safety and well-being.

Finally, the report offers the following specific recommendations for the federal government and entities responding to immigration raids:

- The U.S. Congress should provide oversight of immigration enforcement activities to ensure that children are protected.
- ICE should work on the presumption that there will always be children — generally very young children — affected by raids. ICE should develop consistent, written policies for parents' release — single parents should be released same day — during all raids, not only the largest ones.
- ICE should assume many parents will not divulge they have children, so they should allow access to intermediaries such as consular officials, lawyers and social workers.
- ICE should allow contact between arrested migrants and their families by providing access to working telephones at reasonable cost, and not moving parents to remote detention facilities, where it is more difficult for them to contact family members.



## The Intersection of Immigration and Child Welfare: Emerging Issues and Implications

- Schools should develop systems to help ensure that children have a safe place to go in the event of a raid, and to reduce the risk that children will be left without adult supervision.
- Social service agencies should prepare to respond to immigration raids and develop outreach plans. Public assistance may need to be provided for months (up to six months in our study sites), until parents are released and their cases are resolved.
- Because religious institutions are trusted, they should be considered central points for assistance and outreach to families. Consulates and social service providers should coordinate assistance with churches and other religious institutions.
- Immigrant parents and other relatives, friends and community leaders, as well as service providers, should develop plans in the event of arrests (e.g., school pick-up) and assemble children's documents.

Urban Institute researchers are going into the field in 2008 to investigate the impact of immigration enforcement activities on children in six sites. Two of these will involve return visits to New Bedford and Grand Island, sites in the 2007 study. We also plan to visit two other sites with recent (2008) large-scale worksite raids, as well as sites with other types of enforcement — raids in homes or sweeps by the local police. Preliminary results from this ongoing research should be available in late 2008 and 2009.

For more information and to download the complete forum program please visit [www.americanhumane.org/migration](http://www.americanhumane.org/migration).

