



THE CENTER FOR
IMMIGRATION
AND CHILD WELFARE

FINANCIAL ELIGIBILITY INCLUDING PERMANENT RESIDENCE UNDER COLOR OF LAW (PRUCOL)

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EMERGING POLICIES TO ADDRESS THE NEEDS OF IMMIGRANT CHILDREN AND FAMILIES IN THE CHILD WELFARE SYSTEM

ABOUT THIS SERIES

As the population of children in immigrant families increases in the United States, child welfare agencies will need to develop policies that respond to their unique needs. To facilitate policy development, the Center on Immigration and Child Welfare conducted a statewide survey of county child welfare agencies in California to identify emerging and innovative policies that address the unique issues that arise in child welfare cases with immigrant families. These policies may be used as examples for other California counties, as well as other states and jurisdictions, to build their capacity to meet the needs of this growing population.

Each brief in this series provides an analysis of policies that address topics unique to issues concerning immigrant children and families. Topics include:

- Memoranda of Understanding with Foreign Consulates
- Placement of Children with Parents or Relatives in a Foreign Country
- Placement of Children with Undocumented Relatives in the U.S.
- Case Planning for Parents Residing in a Foreign Country
- Immigration Relief Options for Undocumented Youth in Care
- Financial Eligibility including Permanent Residence Under Color of Law (PRUCOL)
- Language Access

This brief focuses on issues related to foster care funding for immigrant youth in care. Undocumented immigrant youth are typically not eligible for federal foster care funding, which may pose challenges for child welfare practitioners. In response to these challenges, the policies in this brief provide guidance to child welfare agency staff on obtaining foster care funds for immigrant youth. Included are policies that outline the procedure for applying for Permanent Residence Under Color of Law (PRUCOL) for undocumented minors. PRUCOL is not an immigration relief option, but rather a process through which undocumented children and youth become eligible for federal foster care funding.

Of the 46 counties that participated in this project, nine provided policies pertaining to foster care funding for immigrant children and youth. Thirteen categories of provisions were observed across these policies, two of which referred to foster care funding and funding eligibility more broadly and the remainder of which were more specifically related to the PRUCOL application. These included: 1) eligibility criteria for foster care funding, 2) use of county funds for undocumented foster children, 3) definition of PRUCOL, 4) PRUCOL eligibility, 5) determining child's legal status, 6) benefits under PRUCOL, 7) when to apply for initial PRUCOL, 8) documentation requirements for filing for PRUCOL, 9) changes in funding after PRUCOL application, 10) renewal of PRUCOL, 11) distinguishing between PRUCOL and SIJS, 12) transition from PRUCOL to SIJS, and 13) criminal charges against PRUCOL youth. Descriptions of these categories are discussed below and in the following pages. Following these descriptions, summary tables are provided that indicate which of the categories of provisions were included in each of the policy documents.

POLICY PROVISIONS

Eligibility criteria for foster care funding. Riverside County, in their policy pertaining to non-citizen foster children, outlines circumstances under which non-citizen

children may be eligible to receive federal AFDC-FC funding. The policy defines the conditions under which individuals are classified as qualified or non-qualified citizens for the purposes of eligibility for financial benefits. Among the situations in which non-citizen children may be eligible for federal foster care benefits are cases where the child's foster caregiver is not classified as a non-qualified non-citizen.

Use of county funds for undocumented foster children. Kings County, in their policy pertaining to foster care funding for undocumented youth, specifies that all county funding must be requested for undocumented minors placed in foster care. Their policy outlines the procedure that agency staff must follow to request funding.

Definition of PRUCOL. This provision explains the meaning of PRUCOL status. Eight counties include this provision in their relevant policies. Policies generally state that PRUCOL is not a category of immigration relief, but instead is used to refer to a category of undocumented individuals who may be eligible for certain public benefits. Policies also generally state that U.S. Citizenship and Immigration Services (USCIS) is aware that individuals falling under the category of PRUCOL are residing in the U.S. and have no intention of deporting them. PRUCOL status allows counties to receive federal AFDC-FC payments for undocumented youth in foster care.

PRUCOL eligibility requirements. Provisions falling under this category state that a child is eligible for PRUCOL status when their legal residency has not been established, they are a dependent of the juvenile court, and are placed in out-of-home care. Three counties have policies containing this provision.

Determining child's legal status. This category of provisions states that prior to filing for PRUCOL on behalf of a child in foster care, agency staff must first determine a child's legal status. Four counties have policies containing this provision. In addition to stating that agency staff must determine a child's legal status, San Bernardino and San Mateo specify that agency staff must ask a child's parents or guardians about a child's place of birth and citizenship status and seek appropriate documentation. San Bernardino lists the documents that verify a child's status, including birth certificate, U.S. passport, official statement from the U.S. Consular Office, a certificate of naturalization or certificate of citizenship, Department of State Form FS-240, or Form I-151 or I-551.

Benefits under PRUCOL. This category of provisions specifies the material benefits for which a foster child is eligible under PRUCOL. Six counties include this provision in their policies. Counties including this provision make reference to the child's eligibility for Medi-Cal health insurance benefits.

When to apply for initial PRUCOL. All provisions falling under this category state that the agency must file for PRUCOL on behalf of a child within 30 days of the child entering foster care. Four counties include this provision in their policies.

Documentation requirements for filing for PRUCOL. Policies that include this provision outline the procedure for filing for PRUCOL for an undocumented minor placed in foster care. Seven counties include this provision in their policies. All policies identify the form that should be completed by agency staff, information to be included in the form, and steps to be taken once the form has been completed. Policies most commonly state that agency staff should complete the G-845 form and submit to USCIS upon learning that the minor placed in foster care is undocumented. San Francisco and San Mateo further specify that USCIS will contact the county if they plan to deport the minor, and state that if agency staff do not hear from USCIS, they should ensure that a copy of the form is placed in the minor's file as proof that it was submitted.

Changes in funding after PRUCOL application. Policies containing this provision identify the change in foster care funding source after applying for PRUCOL on behalf of an undocumented minor. Six counties include this provision in their policies. Los Angeles, Riverside, San Bernardino, and San Francisco all specify that the foster care funding source will change from county funds to state AFDC-FC funds upon submission of the PRUCOL application, while San Mateo states that the minor will be eligible for federal funding and Santa Clara states that the child may be eligible for either federal or state funds. Riverside and San Francisco also state that when children are placed in relative rather than non-relative foster care, they will not be eligible for state funding.

Renewal of PRUCOL. This category of provisions states that agency staff shall re-apply for PRUCOL on behalf of a minor annually. Four counties include this provision in their policies. Fresno, San Francisco, and San Mateo also specify that agency staff must reassess the case to ensure that the minor is still eligible for PRUCOL. Fresno states that a minor is eligible for PRUCOL until their legal residency is established or until they exit the child welfare system.

Distinguishing between PRUCOL and SIJS. San Bernardino includes this provision in their policy. This provision outlines the difference between PRUCOL and Special Immigrant Juvenile Status (SIJS), and offers guidance on when agency staff should apply for PRUCOL and SIJS. The provision specifies that PRUCOL, in contrast to SIJS, does not give a minor legal residency status. The provision states that agency staff should apply for PRUCOL when a minor is ineligible for foster care funds, and should apply for SIJS when the minor remains a dependent of the juvenile court and reunification with one or both parents is not possible.

Transition from PRUCOL to SIJS. Policies including this provision outline the conditions under which children and youth with PRUCOL may be eligible to apply for SIJS. Three counties have policies that contain this provision, and the provisions generally state that when PRUCOL has been filed on behalf of a minor, agency staff should determine whether the child is also eligible to apply for SIJS. These provisions also generally outline that when a child is unable to reunify with one or both parents, agency staff should pursue SIJS as an avenue for obtaining legal permanent residency.

Criminal charges against PRUCOL youth. San Francisco includes this provision in their policy. This provision states that if the Probation Office or District Attorney's Office detain an undocumented minor under criminal charges, the assigned social worker should ensure that the PRUCOL application has been filed and inform the Program Director that an undocumented minor under PRUCOL status has been detained. The Program Director will then inform the City Attorney and Juvenile Probation that PRUCOL status has been filed for the minor in custody. The provision states that Juvenile Probation will decide whether to notify ICE regarding the minor's detention.

METHODOLOGY

Conducting a policy analysis is useful for systematically answering a set of questions related to the process through which a specified policy is developed, the content included in a given policy, or a policy's impact. In the case of this project, a policy analysis provided a systematic means of identifying shared content across a range of county child welfare policies pertaining to immigrant children and families. Initial contact was made with county administrators in each of California's 58 county child welfare agencies through the assistance of the California Department of Social Services and the California County Child Welfare Directors' Association. If counties agreed to participate, they were asked to participate in a 30 minute phone interview to identify policies and practices being implemented in their counties specific to immigrant families. Telephone interviews were conducted with county child welfare administrators in 46 of 58 California counties and policy documents were obtained. A preliminary review of policy documents resulted in the identification of 7 policy categories: 1) Memoranda of Understanding with foreign consulates, 2) placement of children with parents or relatives in a foreign country, 3) placement of children with undocumented relatives in the United States, 4) financial eligibility of youth in care including Permanent Residence Under Color of Law (PRUCOL), 5) case planning for parents residing in a foreign country, 6) immigration relief options for undocumented youth in care, and 7) language access. Within these categories, policies were analyzed to identify themes in content across counties. Atlas.ti, a qualitative data analysis program, was used to facilitate the analysis of policy documents.

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The Walter S. Johnson Foundation



ABOUT THE CENTER ON IMMIGRATION AND CHILD WELFARE

The mission of CICW, formerly the Migration and Child Welfare National Network (MCWNN), is to improve programs and policies related to immigrant children and families involved in the public child welfare system. CICW conducts and disseminates research, develops policy and practice recommendations, develops and disseminates resources, and works with federal, state, and local child welfare agencies to facilitate policy and practice improvements. The Center serves as a resource to learn from the knowledge and strategies of colleagues, and participates in collaborative efforts to improve services for immigrant families in the child welfare system. The center has four areas of focus: 1) research, 2) policy and advocacy, 3) promising practices, and 4) international issues.

TABLE 1. POLICY PROVISIONS

COUNTY	Eligibility criteria for foster care funding	Use of county funds for undocumented foster children	Definition of PRUCOL	PRUCOL Eligibility requirements	Determining child's legal status	Benefits under PRUCOL
FRESNO			◆			◆
KINGS		◆				
LOS ANGELES			◆		◆	◆
MADERA			◆	◆		◆
RIVERSIDE	◆		◆		◆	
SAN BERNARDINO			◆	◆	◆	
SAN FRANCISCO			◆	◆		◆
SAN MATEO			◆		◆	◆
SANTA CLARA			◆			◆

TABLE 1. POLICY PROVISIONS (CONTINUED)

COUNTY	When to apply for initial PRUCOL	Documentation requirements for filing for PRUCOL	Changes in funding after PRUCOL application	Renewal of PRUCOL	Distinguishing between PRUCOL and SIJS	Transition from PRUCOL to SIJS	Criminal charges against PRUCOL youth
FRESNO		◆		◆			
KINGS							
LOS ANGELES	◆	◆	◆			◆	
MADERA	◆	◆		◆			
RIVERSIDE		◆	◆			◆	
SAN BERNARDINO		◆	◆		◆		
SAN FRANCISCO	◆	◆	◆	◆			◆
SAN MATEO	◆	◆	◆	◆		◆	
SANTA CLARA			◆				