



THE CENTER ON
IMMIGRATION
AND CHILD WELFARE

SUPPORTING CHILDREN IN IMMIGRANT FAMILIES IN THE CURRENT IMMIGRATION LANDSCAPE

Megan Finno-Velasquez, PhD, LMSW

Anayeli Lopez, PhD, MSW

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OBJECTIVES



- ✓ Discuss relevant immigration policies and procedures that impact family unity and child well-being in NM
- ✓ Help social workers recognize the traumatic impact of immigration policies and processes on children and families, including child welfare system involvement.
- ✓ Identify strategies to mitigate the traumatic impact of immigration policies on children and their families.

AGENDA

- Demographic Profile of Immigrants and Refugees in NM
- Immigration 101
- Recent Migration Trends, Federal Policy & Pathways Through Federal and State Systems
- The Impact of Immigration Policies on Children and Families
- Providing Support to Children in Immigrant Families
- Resources, Questions, and Wrap Up



DEMOGRAPHIC PROFILE OF IMMIGRANTS AND REFUGEES IN NEW MEXICO



CHILDREN IN IMMIGRANT FAMILIES (2017)

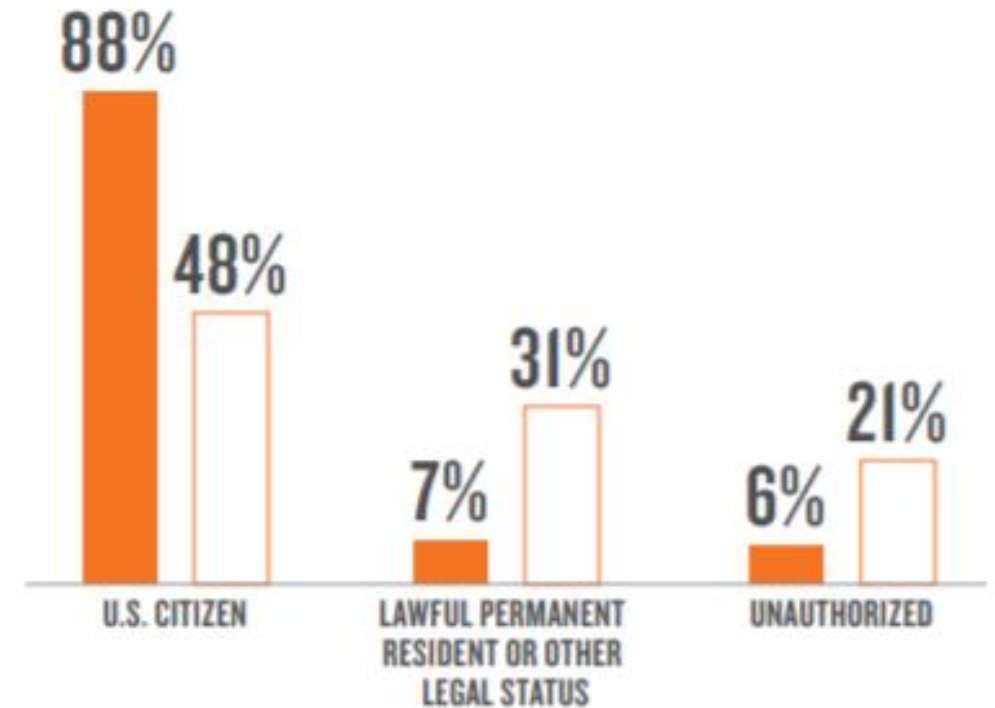
- 18,577,000 children in immigrant families
 - 90% are US Citizens
 - 14% are foreign born
 - 39% non US Citizen parent
 - 6% are unauthorized
 - 21% have at least one unauthorized parent

Children in Immigrant Families = Child was born outside the US or has at least one foreign born parent.

Source: datacenter.kidscount.org

IMMIGRANT STATUS OF CHILDREN AND THEIR PARENTS

■ CHILD □ PARENT



SOURCE: Migration Policy Institute analysis of data from U.S. Census Bureau 2014 American Community Survey and 2008 Survey of Income and Program Participation by Bachmeier and Van Hook.

NOTE: Percentages may not sum to 100 due to rounding.

CHILDREN IN IMMIGRANT FAMILIES IN NEW MEXICO

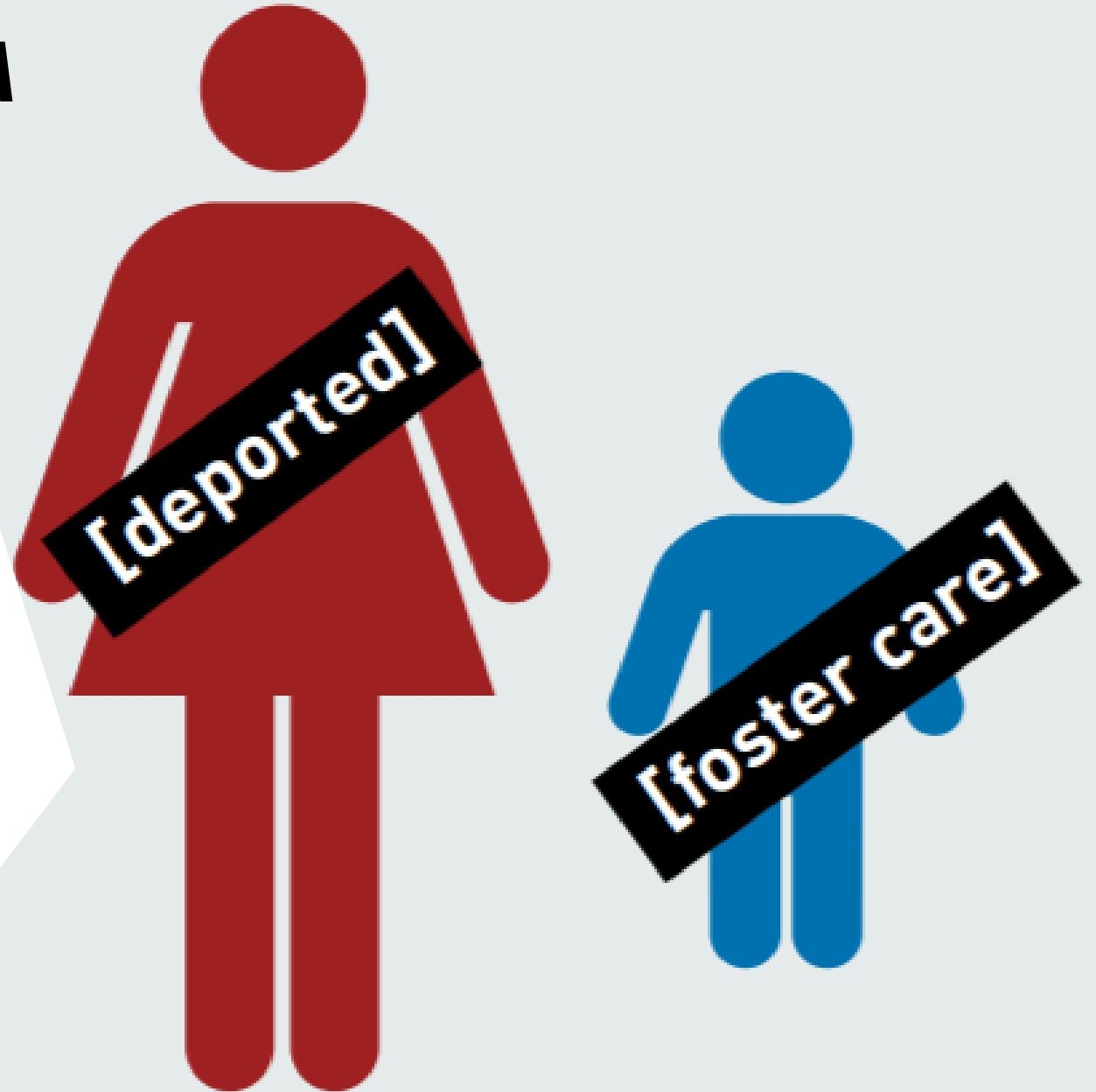
- 20.2% of children (89,808) in New Mexico are children of immigrants
- 1 in 9 is a U.S.-born citizen with at least one immigrant parent
- 1 in 11 (44,653) was a U.S. citizen living with at least one undocumented family member (2010-2014)
- About 6,000 Deferred Action for Childhood Arrivals (DACA) recipients live in New Mexico.

Source: datacenter.kidscount.org



CHILD WELFARE SYSTEM INVOLVEMENT

- 5,100 children in the child welfare system due to parental detention and deportation
- Estimated to increase by 15,000 in 5 years
- Parental detention and deportation → foster care and long-term family separation
- Sometimes, these children are never see their parents again e.g., when court terminates parental rights (Wessler, 2011).



IMMIGRATION 101

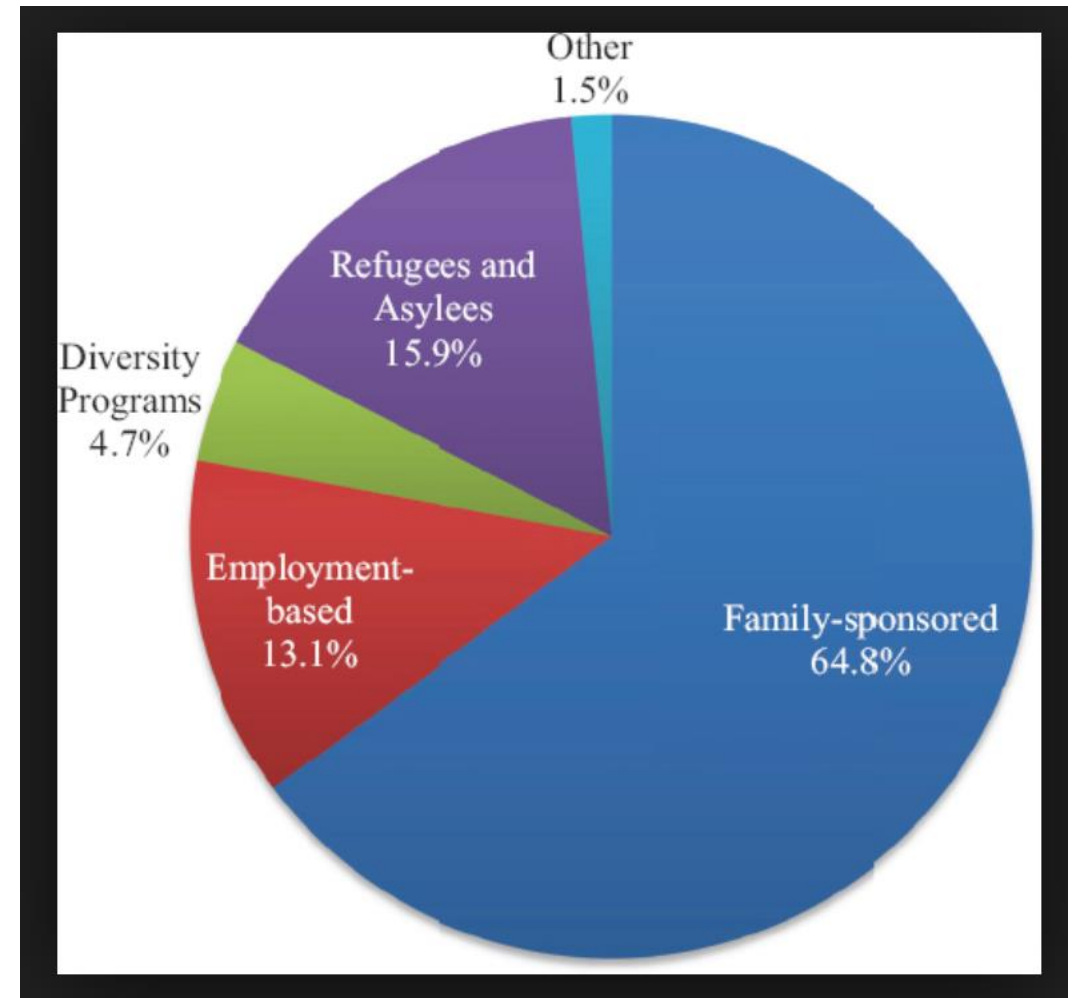


MAJOR IMMIGRATION CATEGORIES

- **U.S. Citizen** (born here, derived or acquired citizenship, or applied & granted citizenship) – ONLY category which cannot be deported
- **Legal Permanent Resident** (i.e., “green card” holders, eligible to apply for citizenship in 3-5 years)
- **Temporary visa** (travel, student, or work visa)
- **Undocumented** immigrant (border crosser or lapsed temporary visa)
- Most immigration households are “**mixed status.**”

LEGAL PERMANENT RESIDENCY

- Most common is a family based petition (limited # visas available each year, some countries may take 10-15 years)
- Employment skills, employer-sponsored, and other special categories



Source: National Academies Press, 2014.

WHAT IT MEANS TO BE UNDOCUMENTED

- Entered on a visa that later expired or entered without inspection
- Cannot work lawfully (in many cases), cannot receive federal financial aid
- Can be deported if found by the DHS even with no criminal history



What Part of Legal Immigration Don't You Understand? Mike Flynn and Shikha Dalmia

Illustrated by Terry Colon

Opponents of illegal immigration are fond of telling foreigners to "get in line" before coming to work in America. But what does that line actually look like, and how many years (or decades) does it take to get through? Try it yourself!



Do you have family in the USA?

No → [Flowchart continues]

Yes → Is your relative a U.S. citizen or lawful permanent resident?

UNITED STATES CITIZEN

Are you that relative's parent, spouse, or minor child?

Yes → Congratulations! You've found one of the easiest ways to become an American. There is no annual cap on the number of spouses, minor children, or parents of U.S. citizens who can enter, and they generally can receive green cards.

No → Adult children and siblings of U.S. citizens can apply for a green card. Wait time depends on home country and marital status.

Single adult children: six-to-14-year wait. Married adult children: seven-to-15-year wait. Siblings of U.S. citizens: 11-to-22-year wait.

After five years (three if you're a spouse), a green card holder is eligible to become a citizen. After you file your naturalization papers and endure six to 12 months of processing delays, you can take a language and civics test. Pass it, and you're a citizen.

Total time to immigrate and become a citizen: BEST CASE: SIX TO SEVEN YEARS. Total time to immigrate and become a citizen: 12 TO 28 YEARS.

LAWFUL PERMANENT RESIDENT

Are you the spouse or child of a lawful permanent resident?

Yes → If you're the child, are you a minor? Spouses and minor children of lawful permanent residents can apply. Wait time depends on home country. Wait time: five to seven years. With a green card, you likely can become a citizen after six years. Total time to immigrate and become a citizen: 11 TO 13 YEARS.

No → Are you single? Sorry, you don't qualify to apply. Wait time depends on home country. Total time to immigrate and become a citizen: 14 TO 20 YEARS.

Are you skilled?

No → [Flowchart continues]

Yes → Do you have a college degree in a specialty occupation? OK. Then you have a shot, if... you have a job offer.

Can you prove that you are a genius? How about a star athlete? Or an investor with \$1 million?

No → Sorry! There is virtually no process for unskilled immigrants without relations in the U.S. to apply for permanent legal residence. Only 10,000 green cards are allotted every year, and the wait time approaches infinity. (Those who receive H-2A or H-2B temporary visas for seasonal work cannot transition to a green card.)

Yes → Congratulations! You have found the quickest way to get a green card, taking 12 to 18 months. But you would have made it anywhere, Mr. Beckham.

Sorry, you're out of luck.

Is your employer willing to file the paperwork for a labor certification? And conduct a new job search for your position? And pay up to \$10,000 in legal and other fees?

No → Sorry, you're out of luck.

Yes → The wait time for a green card is typically six to 10 years. After your green card, count on another five to six years for citizenship. Total time to immigrate and become a citizen: 11 TO 16 YEARS.

If an employer can't wait six to 10 years for you to start work... ...is he willing to apply for your temporary work visa (H-1B)?

Then you have a 50/50 chance of getting your H-1B, because these visas are capped at 85,000 per year, well below the total demand. They run out on the first day they become available. If you are lucky enough to get one, you can start working in the country and your employer can apply for your labor certification and green card.

No → Sorry, you're out of luck.

RELIEF OPTIONS: PATHS TO LEGAL PERMANENT RESIDENCY

- **Asylum** is for noncitizens who fled home country because of a well-founded *fear of persecution* based on their race, religion, nationality, political opinion or membership in a particular social group.
- **Special Immigrant Juvenile Status (SIJS)** is for undocumented minors who receive local court order and/or are under the jurisdiction of a juvenile court verifying that the child cannot be reunified with a parent due to abuse, abandonment or neglect.
- **DACA** allows young people to remain in the U.S. and apply for a work authorization document from the government that entitles them to legally work in the U.S.

RELIEF OPTIONS: PATHS TO LEGAL PERMANENT RESIDENCY

- **Temporary Protected Status (TPS)** is for noncitizens from certain countries who have experienced natural disasters, civil wars or other destabilizing events.
- **U-Visas** are for those who have been victims of serious crimes and are able to obtain the signature of a law enforcement or child welfare agency certifying that they cooperated in the investigation of the crime.
- **T-Visas** are available to victims of severe forms of trafficking
- **VAWA** is for victims of domestic violence, where the abuser is a legal permanent resident or US citizen.

RECENT MIGRATION TRENDS & FEDERAL IMMIGRATION POLICY



ENFORCEMENT DURING OBAMA ADMINISTRATION

- Obama administration oversaw more deportations than in any previous administration
 - Ramping up of fugitive operations, worksite raids, 287g agreements, Secure Communities
- 2014 border deterrence policy increased border apprehension
- A few policies that protected families
 - ICE Parental Interests Directive- Prosecutorial Discretion
 - ICE Sensitive Locations Memo (Policy Number: 10029.2 – Enforcement Actions at or Focused on Sensitive Locations)
 - Locations include pre-schools, primary schools, childcare and early education programs

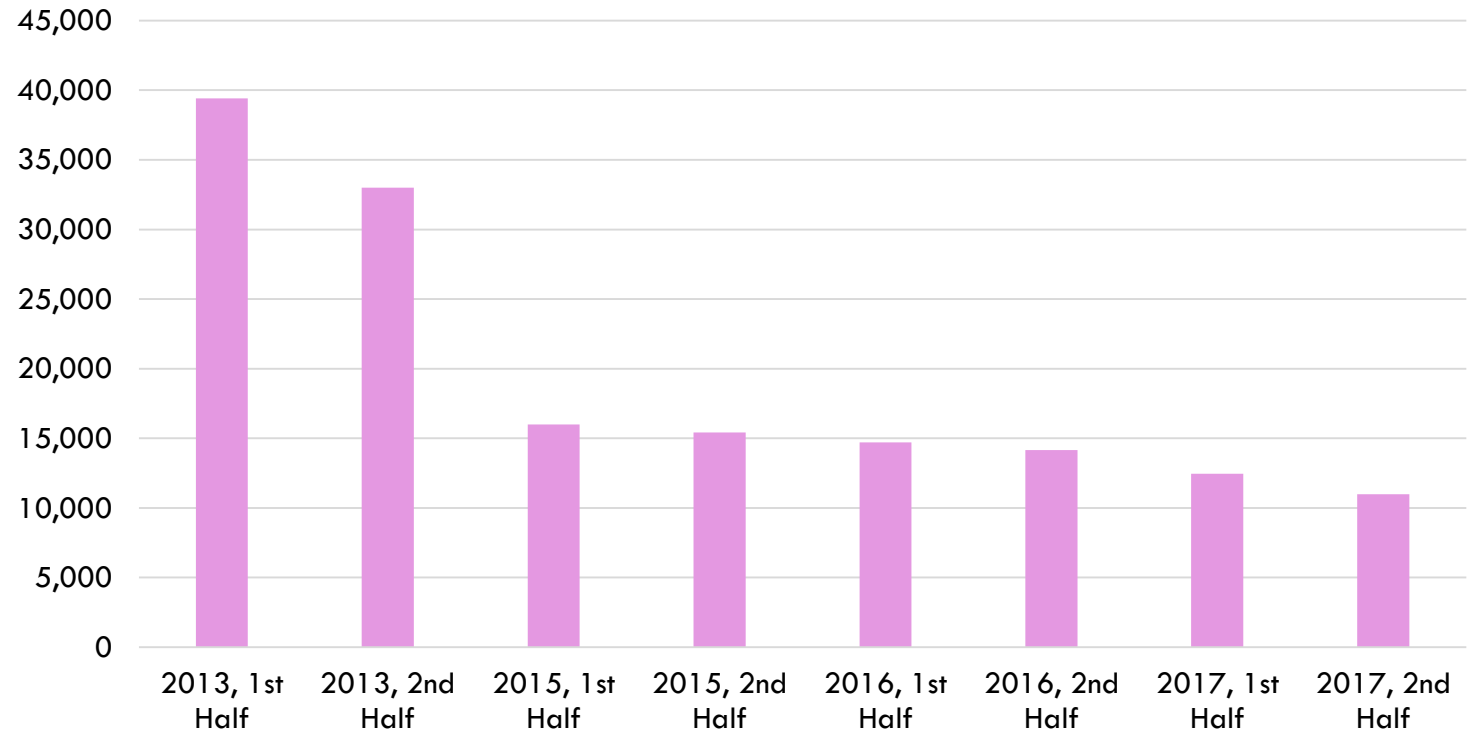


U.S. CHILDREN AFFECTED BY DEPORTATION

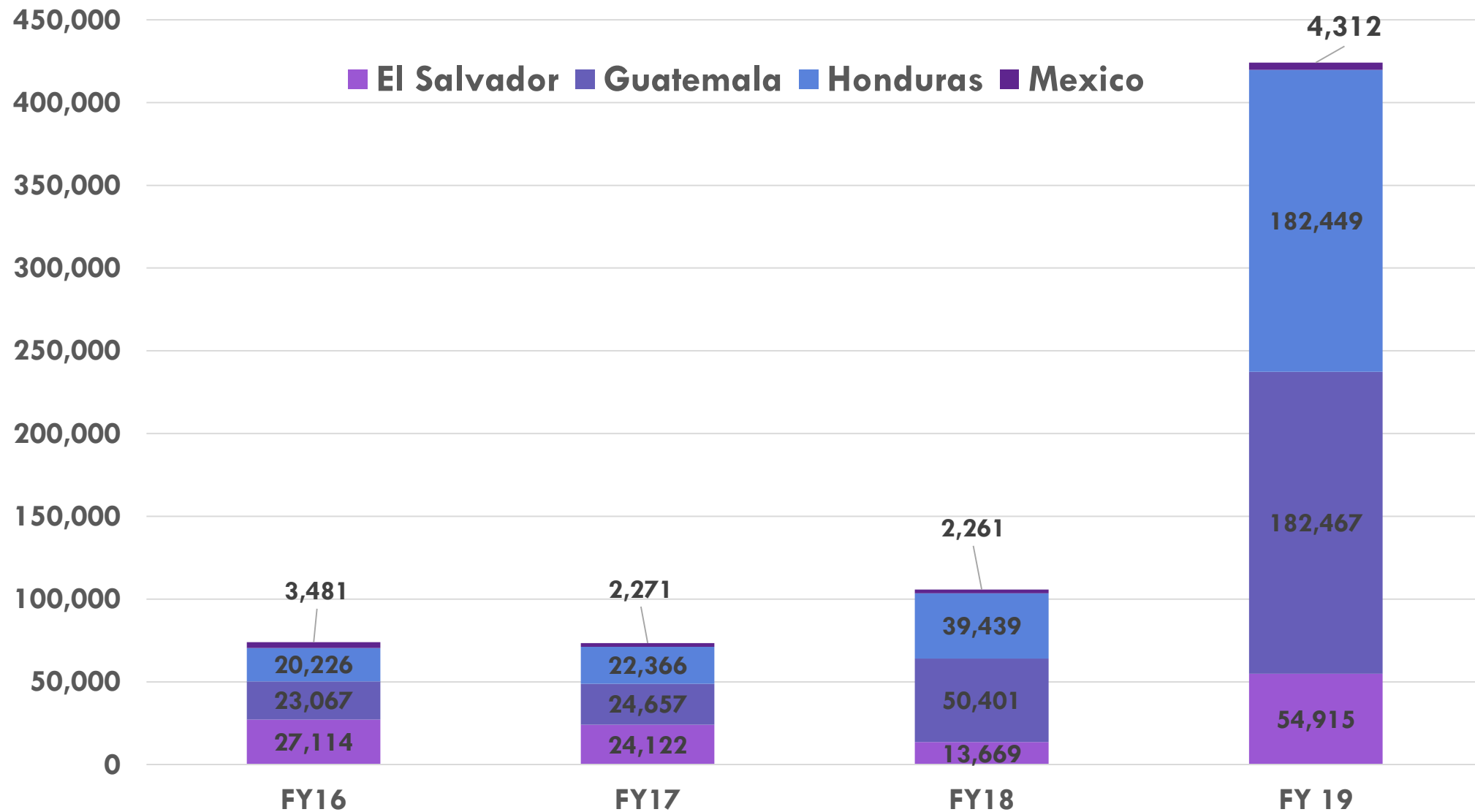
Deportation Orders for Parents with U.S.-Born Children

YEAR	# OF DEPORTATION ORDERS
2010-2012	200,000
2011-2013	500,000
2013	72,410
2015	31,411
2016	28,860
2017	23,445

Number of Removals of Aliens Who Claim to Have US-Born Children



FAMILY UNIT MIGRATION : 2016 - 2019



U.S. Customs and Border Protection. (2018). U.S. Border Patrol Southwest Border Apprehensions by Sector FY2018. Retrieved from <https://www.cbp.gov/newsroom/stats/usbp-sw-border-apprehensions>

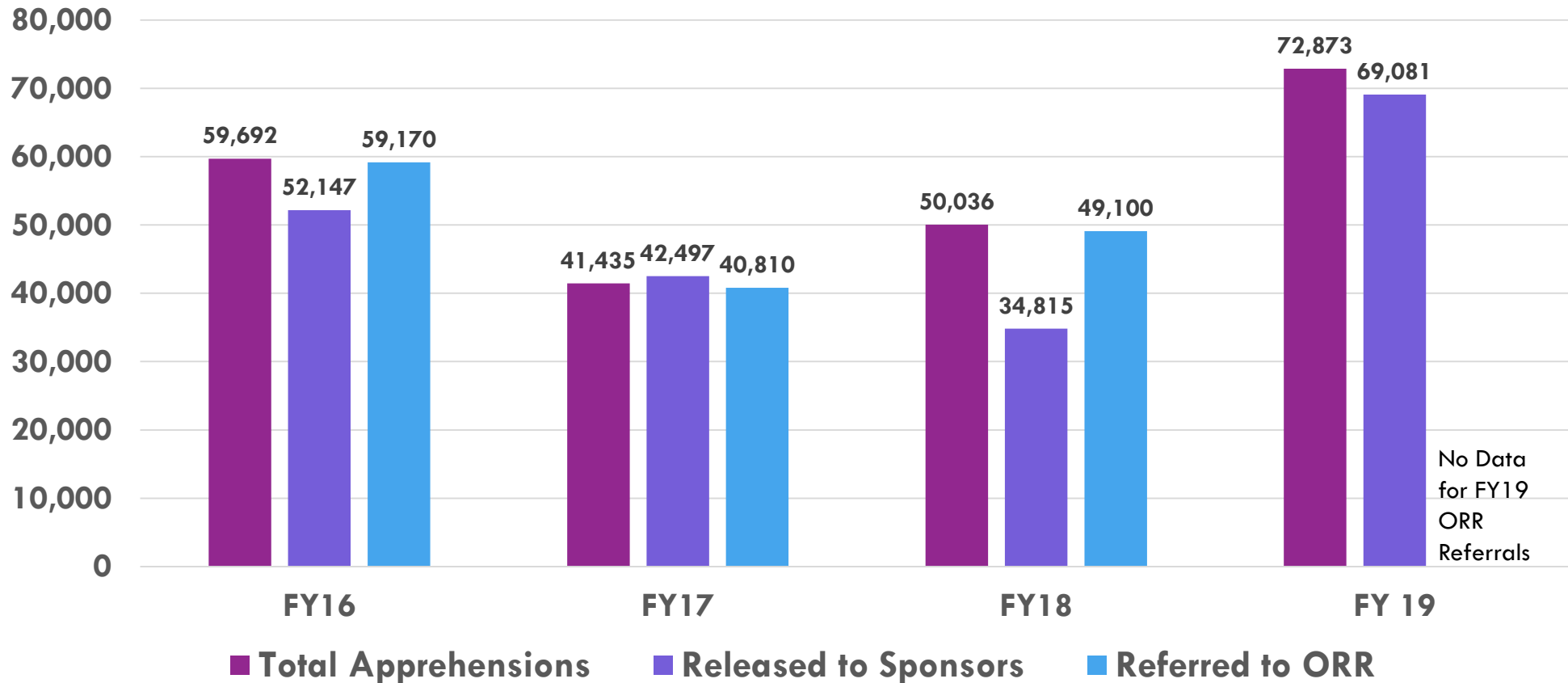
U.S. Customs and Border Protection. (2019). Southwest Border Migration FY 2019. Retrieved from <https://www.cbp.gov/newsroom/stats/sw-border-migration>

Number of ORR Referrals/ Children Currently in Care:

- ORR has provided care for and found suitable sponsors for almost 390,000 UAC.
- For the first nine years of the UAC Program at ORR, fewer than 8,000 children were served annually. Since FY2012 this number has jumped dramatically:
- As of August 25, 2019, there are approximately 7,000 UAC in HHS care. ^{2,3}
- Due to the crisis on the southern border, ORR has seen a dramatic increase in referrals of UAC from the U.S. Department of Homeland Security (DHS).

YEAR	REFERRALS
FY2018	49,100
FY2017	40,810
FY2016	59,170
FY2015	33,726
FY2014	57,496
FY2013	24,668
FY2012	13,625

UNACCOMPANIED MINORS



Office of Refugee Resettlement. (2019). Facts and Data. Retrieved from <https://www.acf.hhs.gov/orr/about/ucs/facts-and-data>

Office of Refugee Resettlement. (2019). Unaccompanied Alien Children Released to Sponsors By State. Retrieved from <https://www.acf.hhs.gov/orr/resource/unaccompanied-alien-children-released-to-sponsors-by-state>

U.S. Customs and Border Protection. (2017). U.S. Border Patrol Southwest Border Apprehensions by Sector FY2017. Retrieved from <https://www.cbp.gov/newsroom/stats/usbp-sw-border-apprehensions-fy2017>

U.S. Customs and Border Protection. (2018). U.S. Border Patrol Southwest Border Apprehensions by Sector FY2018. Retrieved from <https://www.cbp.gov/newsroom/stats/usbp-sw-border-apprehensions>

U.S. Customs and Border Protection. (2019). Southwest Border Migration FY 2019. Retrieved from <https://www.cbp.gov/newsroom/stats/sw-border-migration>

Where are ORR children housed?



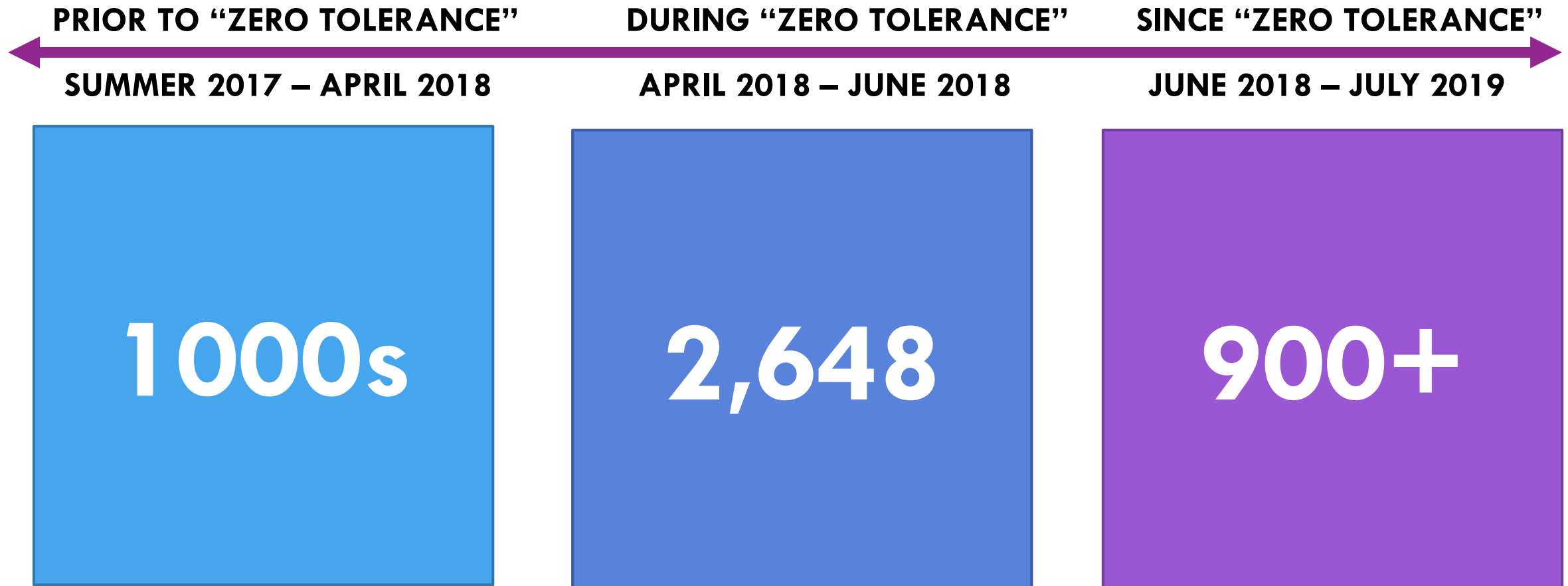
Bogado, A. (2019, September 6). Here's a map of shelters where immigrant children have been housed. Retrieved from <https://www.revealnews.org/article/heres-a-map-of-shelters-where-immigrant-children-have-been-housed/>

FEDERAL POLICY INCREASING FAMILY SEPARATION

- Executive Orders on Border and Interior Enforcement (Jan. 2017)
- End to Temporary Protected Status (TPS) for Nicaragua, Honduras, El Salvador, and Haiti (Nov 2017-Jan 2018)
- Zero Tolerance Policy
- Asylum proceedings changes
 - “Migrant Protection Protocols” (“Remain in Mexico”)



FAMILY SEPARATION DURING TRUMP ADMINISTRATION



Silva, D. (2019). ACLU says more than 900 migrant children separated from parents in last year. *NBCNews*. https://www.nbcnews.com/news/latino/aclu-says-more-900-migrant-children-separated-parents-last-year-n1036436?fbclid=IwAR1uWb6uxrcPLe5WQKWFeovxOiXqL79GEa_0308JmQ1phOhd3npr3VyBOxU

U.S. House of Representatives Committee on Oversight and Reform. (2019). Child Separations by the Trump Administration. Retrieved from <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-07-2019.%20Immigrant%20Child%20Separations-%20Staff%20Report.pdf>

MIGRANT PROTECTION PROTOCOLS

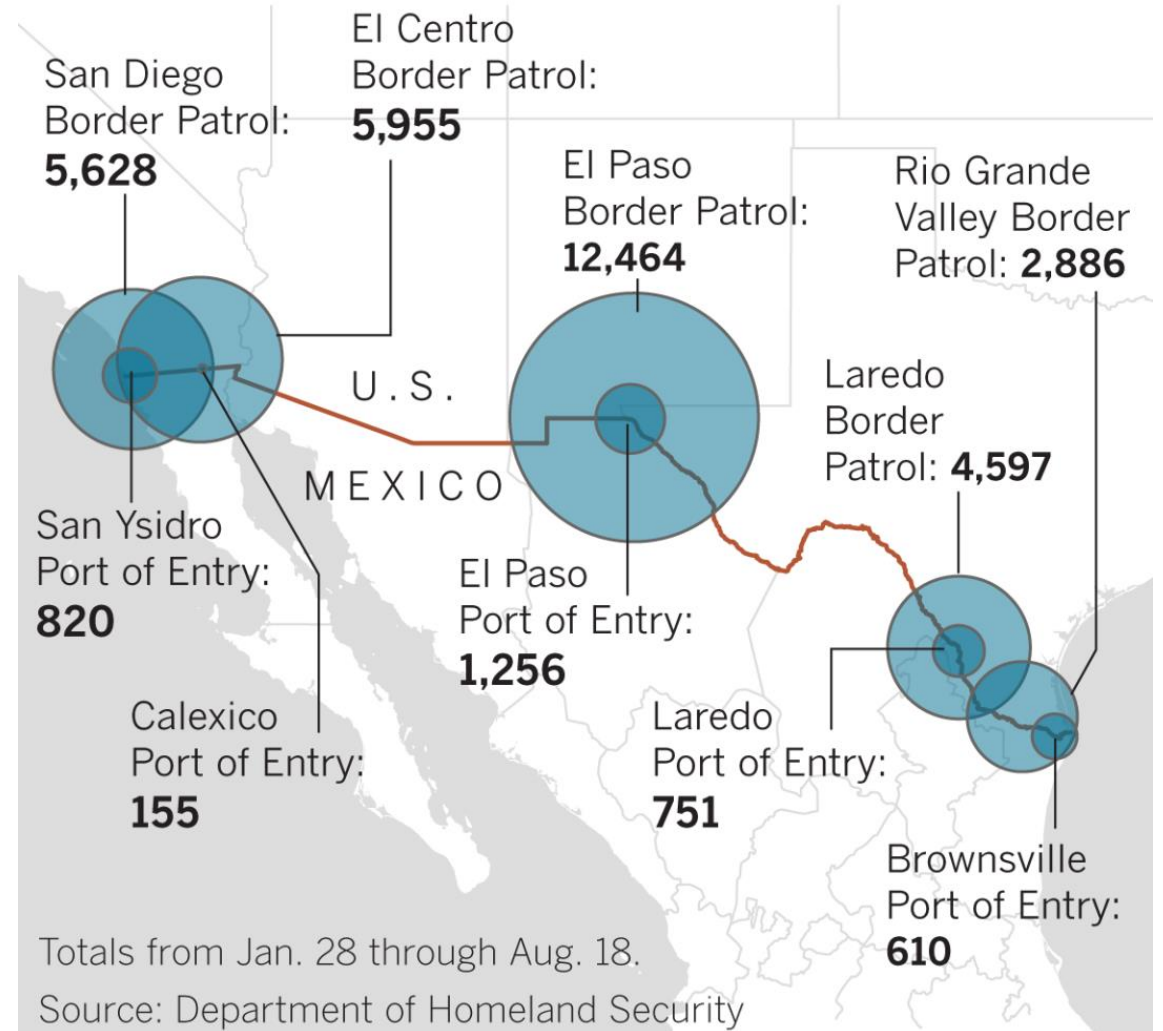
Asylum seekers returned to Mexico

U.S. officials have sharply increased the number of returns of asylum seekers to Mexico since launching the “Remain in Mexico” policy.



Source: Department of Homeland Security

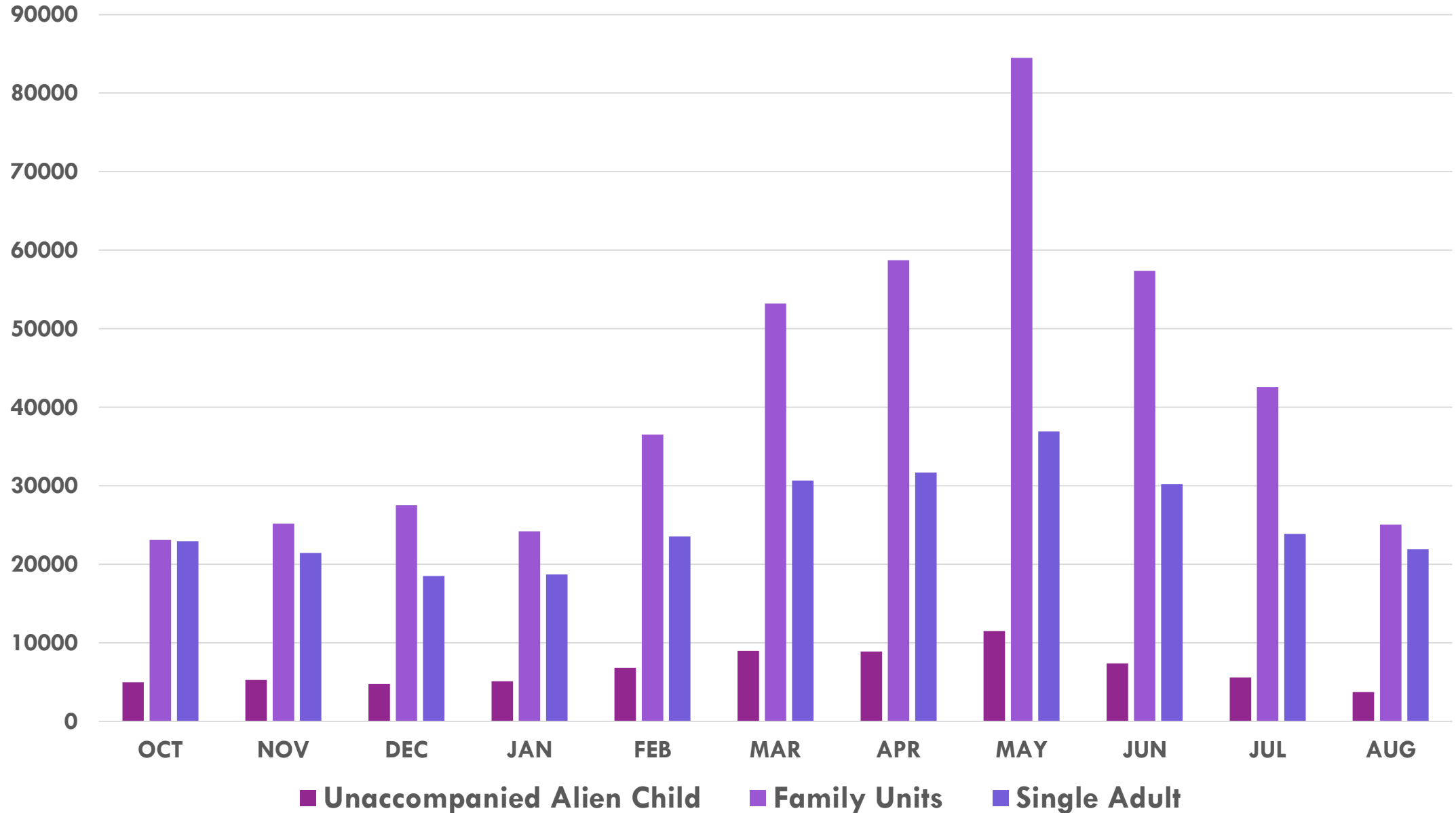
Returns of asylum seekers borderwide



O’Toole, M. (2019, Aug. 28). Trump administration appears to violate law in forcing asylum seekers back to Mexico, officials warn *Los Angeles Times*. Retrieved from

<https://www.latimes.com/politics/story/2019-08-28/trump-administration-pushes-thousands-to-mexico-to-await-asylum-cases>

Southwest Border Apprehensions FY 2019



PUBLIC CHARGE RULE CHANGES

August 2019

- Public charge: Person who receives benefits for more than 12 months over a 36 month period
 - Benefits include Medicaid, SNAP, Section 8 housing, TANF, SSI, etc.
- Immigrants may be “inadmissible” if they are likely to become a “public charge.”
- U.S. citizen children’s use of benefits does not affect immigrant parents’ standing
- Protected groups —such as refugees, asylees, survivors of domestic violence, and others seeking SIJS, U visas, or T visas are not subject to “public charge” determinations and would not be affected
- Public charge is not a consideration when lawful permanent residents (green card holders) apply to become U.S. citizens.



PATHWAYS THROUGH FEDERAL AND STATE SYSTEMS



4 PATHS FOR CHILDREN AT BORDER

1. If child with parent
 - Processed through CBP and into ICE custody with parent
 - Released from CBP into community on parole
 - Released back in Mexico
 - If deemed at risk, into ORR custody
2. If unaccompanied child,
 - Into ORR custody
3. If child with other relative, kin, or family member
 - Into ORR custody
4. If U.S. citizen child,
 - Into state child welfare custody



ORR Services

SERVICE	DESCRIPTION
HEALTH	Provides a complete medical exam within 48 hours of admission; routine medical and dental; family planning; emergency; immunizations; administration of medication and special diets
MENTAL HEALTH	Within 24 hrs of admission, intake assessment to identify mental health concerns; within 5 days, full mental health history assessment; individual counseling session per week from trained clinician, and 2 group sessions per week
EDUCATION	UAC are not enrolled in the local school systems.; technically must receive a minimum of six hours of structured education 5 days a week throughout the entire year
LEGAL	In general, UACs are not provided government-appointed counsel to represent them in immigration court

DIFFERENCES BETWEEN FEDERAL & STATE CHILD WELFARE

Office of Refugee Resettlement (ORR)

Temporary shelter/care to unaccompanied immigrant children while locating sponsors and resolving immigration case.

Children remain in federal custody until reunified with a parent in ICE detention, released to a parent/sponsor, or removed from the U.S.

ORR's oversight of care ends upon release to sponsor or removal from the country. This has no bearing on parental rights- sponsor does not have legal guardianship.

Federal immigration authorities can deport a parent, but cannot terminate parental rights or make a child available for adoption.

State/County Child Welfare

Temporary care to abused or neglected children who cannot remain safely with parents or primary caregiver.

Children remain in state foster care while parents engage in court-approved plans to change circumstances that led to abuse or neglect.

The state retains custody while child is in care and reasonable efforts are made toward family reunification. State child welfare agencies can ask state court to terminate parental rights

Child may become available for adoption if parental rights are terminated by state courts, only with a finding that the parent is unfit.