

FEDERAL POLICY AND PATHWAYS THROUGH SYSTEMS



THE RISE OF ANTI-IMMIGRANT SENTIMENT

- The terrorist attacks of September 11, 2001 and the Great Recession led to immigrants used as scapegoats and blamed for causing economic problems in the US, and a loss of traditional American culture (Chavez, 2013).
- As a result of anti-immigrant rhetoric and fear of immigrants, numerous anti-immigration policies and enforcement strategies have been enacted at the federal, state, and local levels.



ENFORCEMENT DURING OBAMA ADMINISTRATION

- Obama administration oversaw more deportations than in any previous administration, mostly in interior
 - Fugitive operations, worksite raids, 287g agreements, Secure Communities
- 2014 border deterrence policy increased border apprehension
- Policies protecting families
 - Prosecutorial Discretion
 - ICE Sensitive Locations Memo (10029.2 – Enforcement Actions at or Focused on Sensitive Locations)
 - Transfer Memo
 - Limited ICE transfers away from attorneys and family





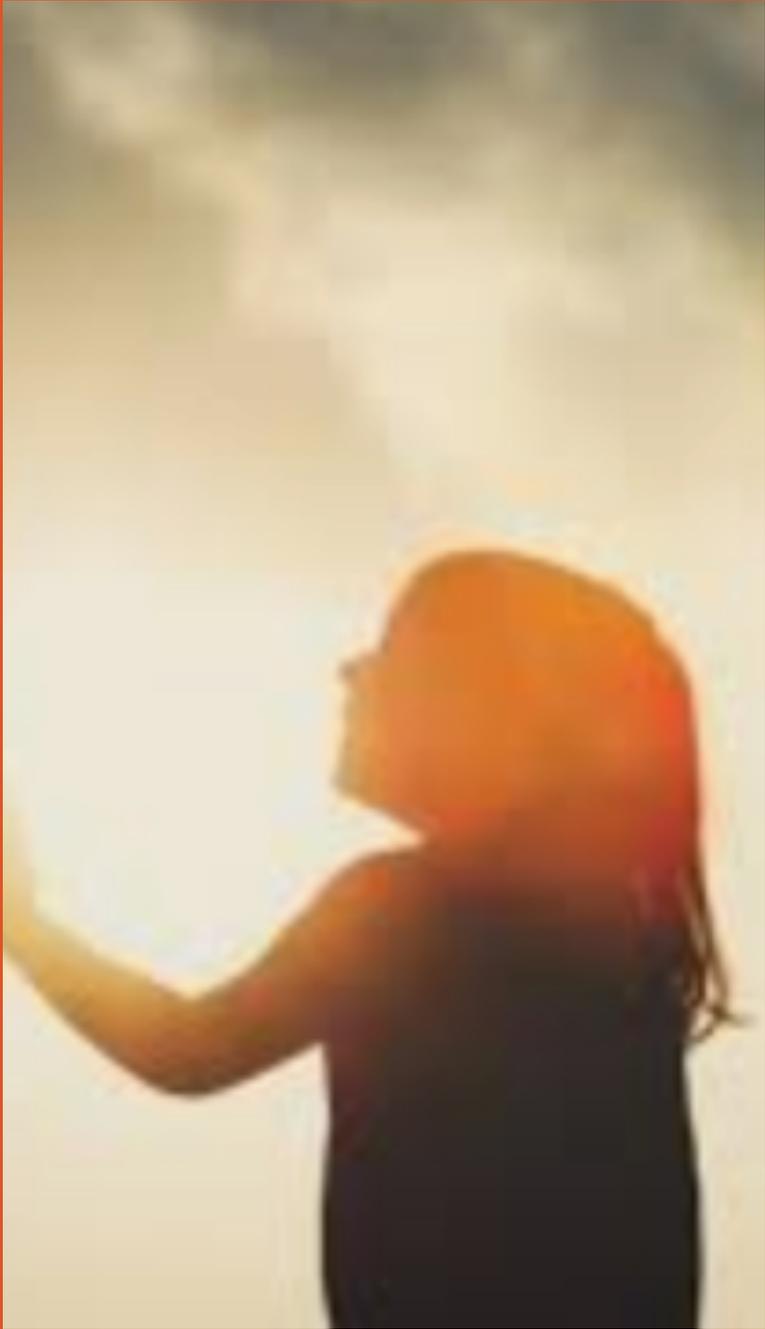
FEDERAL POLICY INCREASING FAMILY SEPARATION

- Executive Orders on Border and Interior Enforcement (Jan. 2017)
 - “Enhancing Public Safety in the Interior of the United States”
 - “Border Security and Immigration Enforcement Improvements”
- End to Temporary Protected Status (TPS) for Nicaragua, Honduras, El Salvador, and Haiti (Nov 2017-Jan 2018)
 - Ramos, et al. v. Nielsen, et al., No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018)



FEDERAL POLICY INCREASING FAMILY SEPARATION

- Zero Tolerance Policy
 - Ms. L v. Sessions, 2018
- Flores settlement proposal
 - Flores v. Reno, 1997
- Asylum proceedings changes
 - “Migrant Protection Protocols”



SILVER LINING?

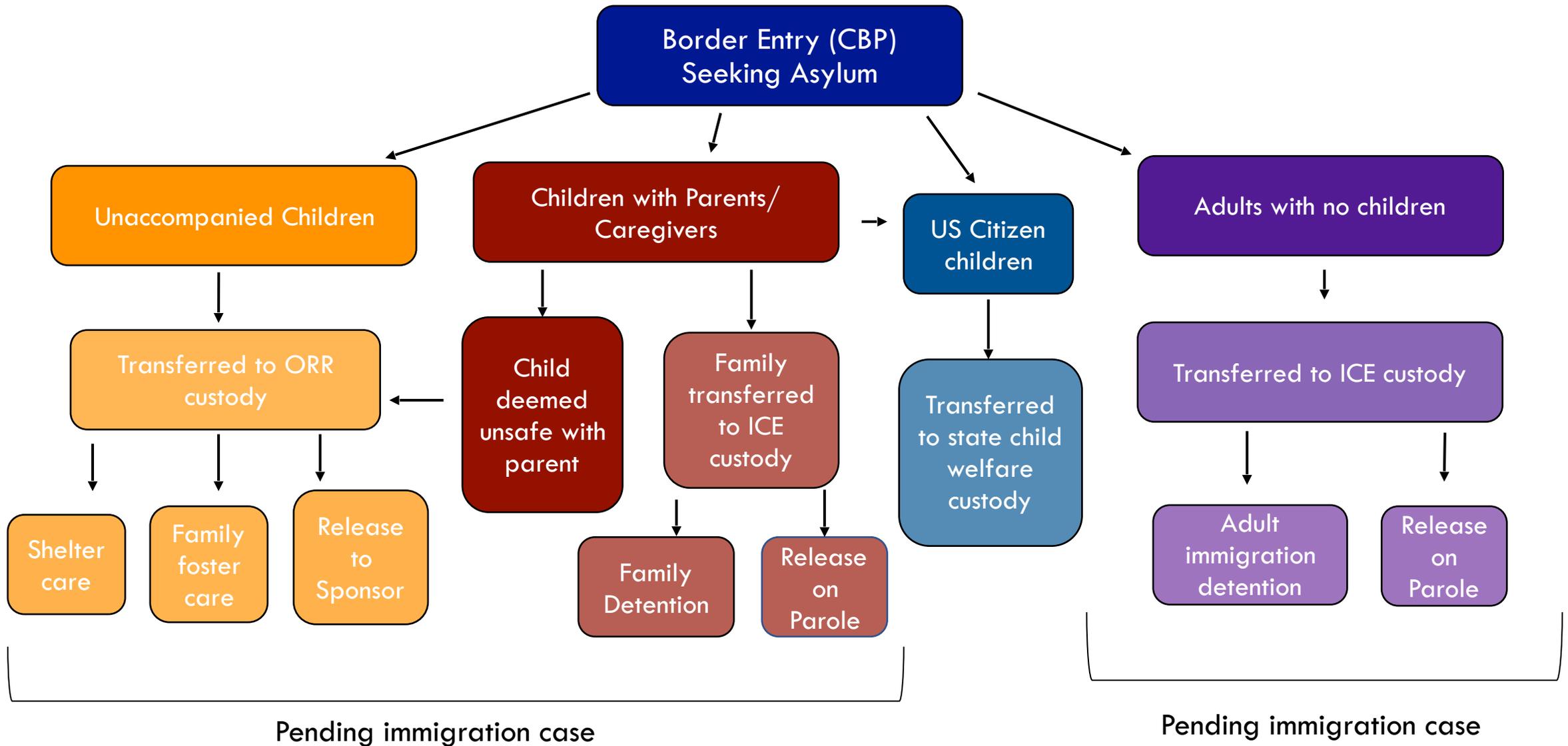
- Detained Parents Directive
 - 1064.2: Detention and Removal of Alien Parents or Legal Guardians (August 29, 2017)
- “Trafficking Victims Protection Reauthorization Act” of 2008 (TVPRA)
- California’s SB 1064 “The Reuniting Immigrant Families Act”

REFLECTION

- What are the policies you've seen most influencing the people you serve in your work?



PATHWAYS FOR ASYLUM SEEKERS AT BORDER

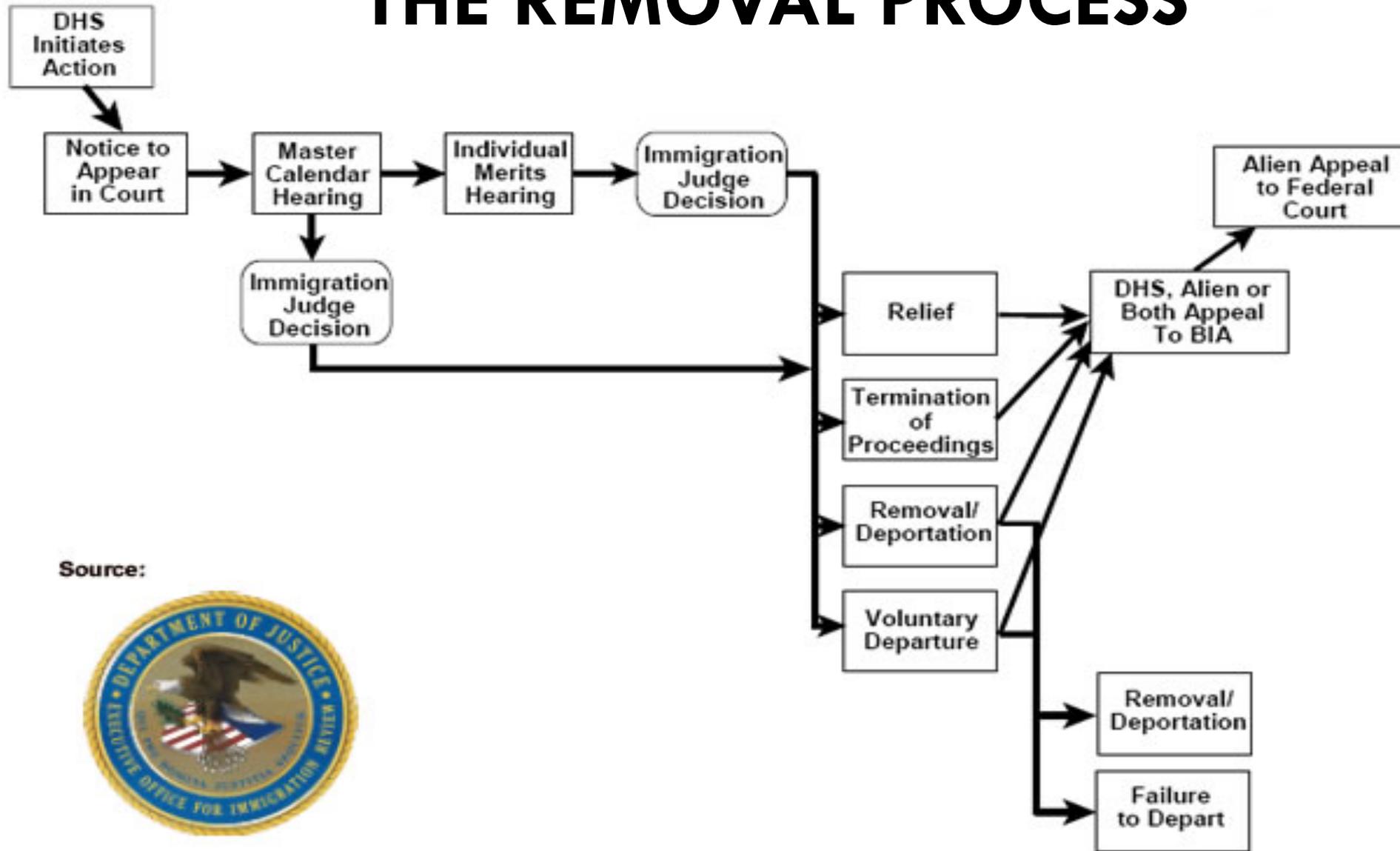


INTERIOR ENFORCEMENT

- Detention and deportation may occur via:
 - Planned raids of worksites
 - Routine stops or home raids
 - Release from local jail or prison
 - Cooperation local law enforcement
- When adults are detained, children may be:
 - Left with relative or kin caregiver
 - Placed in state child welfare custody



THE REMOVAL PROCESS



Source:



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.

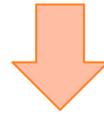
The state retains custody while child is in care and reasonable efforts are made toward family reunification. State child welfare agencies can ask state court to terminate parental rights

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

Ways in which Parental Detention and Deportation Can Affect Child Welfare Proceedings



Child has no caregiver after parent is taken into custody. Does not involve abuse or neglect



There are allegations of abuse or neglect. As the child welfare case is pending, the parent is detained or deported



Child is placed in foster care due to abuse or neglect from one parent while the other parent has been detained or deported