

THE IMPACT OF IMMIGRATION POLICIES ON CHILDREN, FAMILIES, & THE CHILD WELFARE SYSTEM



VIOLENCE AND TRAUMA EXPOSURE

Country of Origin

- Homicide rates in Honduras, El Salvador, and Guatemala are ranked first, fourth and fifth in the world.
- In global standards, 4 of 10 homicides occur in this region, with more than a quarter of homicide victims under the age of 20 (UNICEF, 2014).
- Violence against women and girls often goes unprosecuted (Inter-American Commission on Human Rights, 2015).

Migration Journey

- Human trafficking is second in profit only to drug trafficking (United Nations Office on Drugs and Crime, 2013).
- 60% of women and girls crossing the U.S.- Mexico border were sexual assaulted in the journey (Amnesty International, 2010).
- About 20,000 migrants are kidnapped each year. Estimated ransom is \$50 million each year.

WHAT IS CHILD TRAUMA?

- Witnessing or experiencing an event that poses a real or perceived threat.
- The event overwhelms the child's ability to cope.
- Child traumatic stress refers to the *physical and emotional responses* of a child to threatening situations. (NCTSN)
- Traumatic events overwhelm a child's capacity to cope and elicit feelings of terror, powerlessness, and out-of-control physiological arousal. (NCTSN)
- Bruce Perry: “an experience, or pattern of experiences, that impairs the proper functioning of the person's stress-response system, making it more reactive or sensitive”



IMPACT ON PARENTS IN THE U.S.

- Daily concerns about detection by authorities, deportation and separation from family members: “trust no one”
- Fear of retribution if voice concerns about unfair conditions
- Unmet needs for physical and mental health, lack of access to needed services
- More likely to have experienced some form of trauma (physical or sexual assault, robbery, threats, extortion, witness to murder through process of immigration)
- Acculturative stress, loss and adaptation



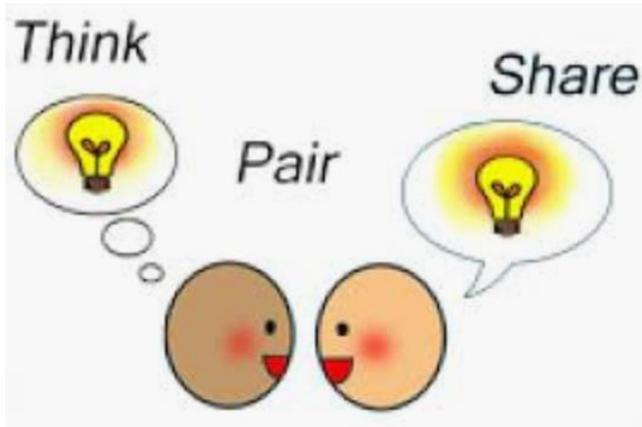
IMPACT ON CHILDREN

- Family economic hardship
- Difficulty accessing social services due to language barriers, difficulty documenting eligibility, mistrust and fear
- Significant levels of traumatic stress, due to witnessing arrest, not knowing what happened to detained parent, unstable caregiving in the aftermath of arrest.
- Higher risk of involvement or entering into child welfare system
- When in foster care, reunification may be compromised due to lack of coordination between immigration and child welfare systems; parent's inability to attend court hearings; policy misinterpretations and biases

CHALLENGES IN CHILD WELFARE PRACTICE

- Lack of coordination between local ICE and CPS agencies
- Difficulty assessing immigration status of children
- Difficulty identifying viable relatives for placement
- Inability of parents to participate in cases that cross borders
- Difficulty coordinating reunification at the time of a parent's release/deportation
- Inability of parents to visit with child, meet child welfare case plan requirements, participate in family court proceedings
- Barriers to receipt of needed services
- Strict child welfare timelines that can result in termination of parental rights

DISCUSSION



Pair & Share. Turn to someone next to you and take turns asking and answering the following questions.

- How do immigration enforcement policies impact families in your community?
- What are some of the challenges you have experienced in serving immigrant families in your community?
- Which practices have been effective for you in responding to the needs of immigrant families in your community?

PROVIDING SUPPORT TO CHILDREN IN IMMIGRANT FAMILIES



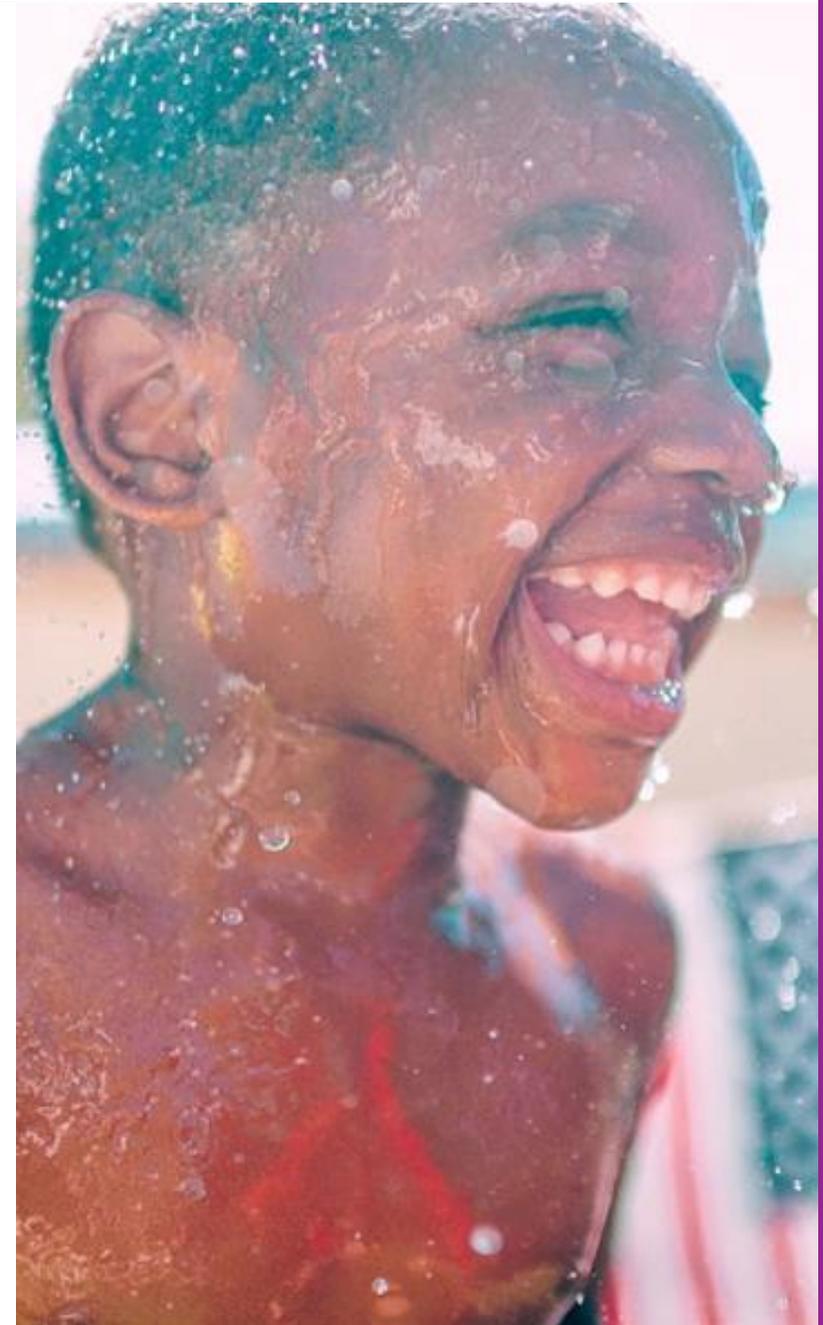
TRAUMA-INFORMED APPROACHES TO ENGAGING WITH CHILDREN AND YOUTH



MITIGATING IMPACTS OF TRAUMATIC STRESS

- Facilitating supportive adult-child relationships;
- Building a sense of self-efficacy and perceived control;
- Providing opportunities to strengthen adaptive skills and self-regulatory capacities; and
- Mobilizing sources of faith, hope, and cultural traditions

Source: Harvard Center for the Developing Child





BEYOND ACEs

- Unique trauma challenges for immigrant children
- Under-identification of immigrant children's trauma experiences
 - Trauma instruments like the ACEs inventory are less likely to identify the types of experiences that immigrant and refugee children have because they focus more on experiences within the household environment as opposed to external factors e.g., acculturation, resettlement, political environment
 - Many mental health screening tools used to assess incoming migrants are not designed for young children

EVIDENCE-BASED APPROACHES

- **Child parent psychotherapy**
 - Narrative building
 - Help the child use the parent as a stable and safe caretaker.
 - Support the parent's own feelings and history
- **CBT**
 - Identify a child's distortions i.e. "*It's my fault,*"
 - Support children to have a realistic appreciation of the situation
 - Identify and build coping skills
- **Mindfulness and Somatic-based approaches**
 - Creating awareness of thoughts and feeling without acting on them
 - Meditation, body-centered practices such as yoga, dance

CREATING SAFE ENVIRONMENTS



PREPARING FOR ICE RAIDS

Agencies should...

- ✓ Be informed about the Detained Parents Directive
- ✓ Establish relationships with point of contact at respective ICE Field Office.
- ✓ Assist immigrant parents and students in knowing their rights.
- ✓ Help families locate legal resources and navigate immigration system if apprehended.
- ✓ Connect parents/relatives with legal providers to prepare family safety/contingency plans/powers of attorney.
- ✓ Partner with other local organizations to establish triage and rapid response teams.
- ✓ Use ICE Online Detainee Locator to locate parents or family members in ICE detention.
- ✓ Assist in locating relatives/kin to act as caregivers to prevent entry into child welfare custody.

CREATING SAFETY PLANS

Good plans include:

- ✓ Designated, safe emergency contact
- ✓ File of important documents and contacts
- ✓ Power of attorney for care of children, prior discussion with children, and immediate plan for child pick-up
- ✓ Power of attorney for assets and businesses
- ✓ Designated “sponsor” and assets for bond
- ✓ Prior consultation with immigration attorney re possible remedies/options
- ✓ Prior preparation of travel documents and/or dual citizenship for US born children
- ✓ Caregiver's affidavit for health and educational decisions

ADVICE FOR PARENTS IF APPREHENDED:

- Exercise right to remain silent. You have the right to speak to an attorney and to make a phone call.
- To prevent immediate removal, do not sign removal or voluntary departure (which waives right to fight case in Immigration Court), and if you have a prior removal order express fear of return to country of origin.
- Contact your designated emergency contact to set your safety plan into motion.
- Contact your consulate to ask for assistance.



KEEP
CALM
AND
KNOW
YOUR
RIGHTS



ICE SENSITIVE LOCATIONS POLICY

- Directs ICE to avoid arrests at certain “sensitive locations”
 - Places of worship, weddings, funerals
 - Schools, day cares, pre-schools, early learning programs
 - Healthcare facilities, hospitals
 - Public demonstrations, marches, rallies etc.

LOCAL INITIATIVES

- **Annunciation House**

- Provides shelter and hospitality to migrants & refugees
- Needs: Financial donations, short-term & long-term volunteers

- **Border Servant Corps**

- Provides border immersions and community engagement opportunities, hospitality for refugee families

- **Diocesan Migrant & Refugee Services, Inc.**

- Provide free and low-cost immigration legal services
- Needs: financial donations, volunteers, legal interns

- **Hope Border Institute**

- Grassroots community organization
- Border Refugee Assistance Fund: Fund to assist shelters and migrants in Ciudad Juárez impacted by Remain in Mexico

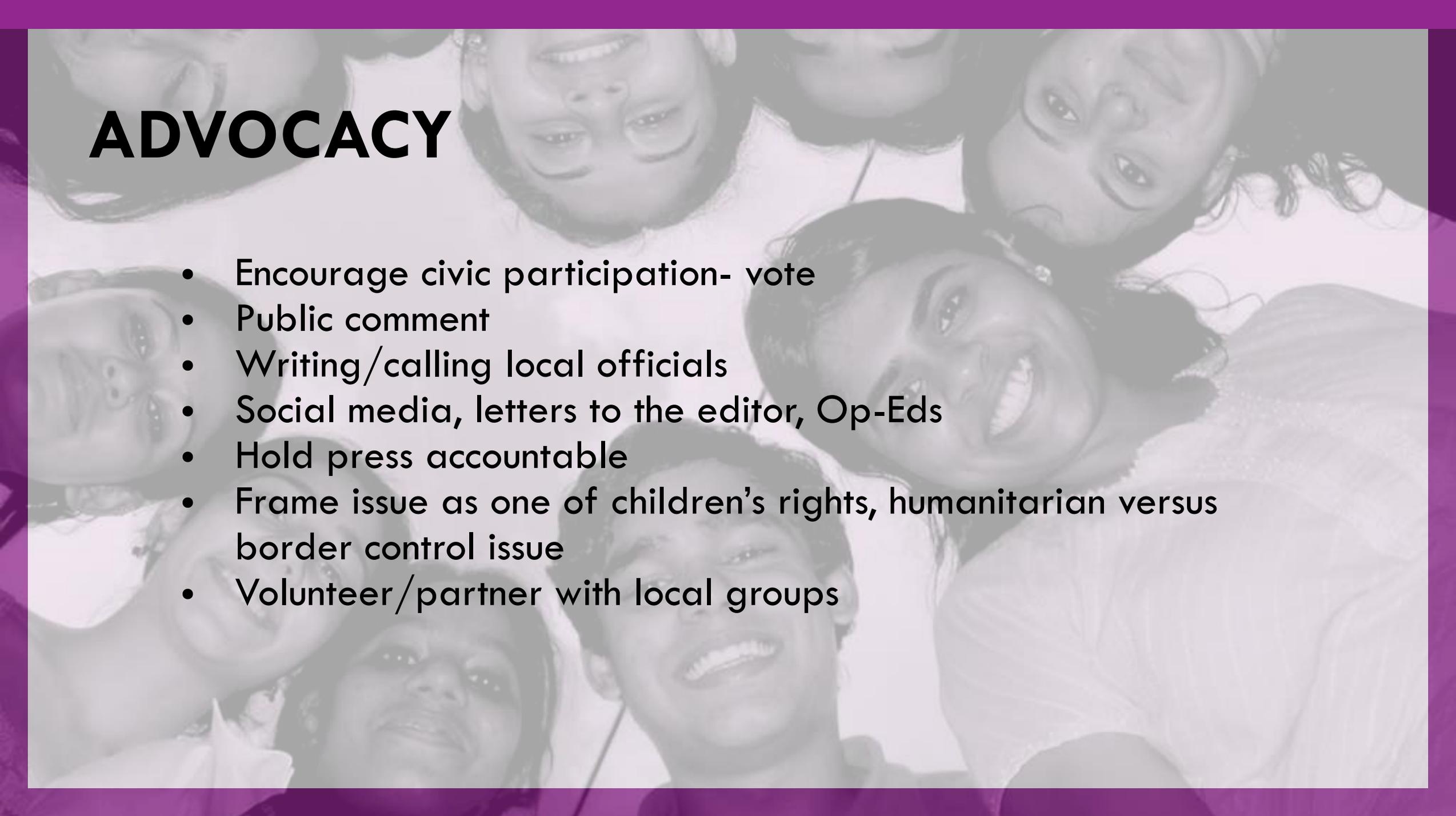
- **Las Americas Immigrant Advocacy Center**

- Provide free and low-cost immigration legal services
- Needs: financial donations, volunteers, legal interns, pro-bono work

- **Save the Children**

- Initiative to respond to border crisis - running child-friendly spaces and children's play areas at transit shelters in New Mexico
- Donate to U.S. Border Crisis Children's Relief Fund

ADVOCACY



- Encourage civic participation- vote
- Public comment
- Writing/calling local officials
- Social media, letters to the editor, Op-Eds
- Hold press accountable
- Frame issue as one of children's rights, humanitarian versus border control issue
- Volunteer/partner with local groups



CHILD WELFARE BEST PRACTICE

IS not a law enforcement agency.

Is not required to share information with federal immigration authorities.

Is a state agency bound by laws of confidentiality—immigration status is confidential.

Serves children and families in New Mexico regardless of national origin or immigration status—our primary goal is to strengthen families and to keep children safe.

PROTECTIVE SERVICES & IMMIGRATION ISSUES

IMPORTANT PRINCIPLES IN CHILD WELFARE IMMIGRATION CASES

- All parents have a constitutional right concerning care, custody and control of their children, regardless immigration status.
- Agencies are required to satisfy reasonable efforts in all cases, including those involving detained or deported parents.
- Agencies are to investigate reunification with parent in home country when aboard, and parental rights may not be terminated based on standard of living in another country.
- Parental deportation does not constitute abandonment without additional evidence of abuse or neglect.
- All parents have a right to participate in hearings and to have legal counsel represent them.
- Complications in facilitating cases involving parental detention or deportation do not nullify a parent's right to participate in proceedings.

(Beidler Carr, 2019)



ICE DETAINED PARENTS DIRECTIVE (2017)

- ICE should allow parents and/or guardians to make alternative care arrangements for their children;
- ICE should detain parents and guardians in close proximity to their children; and
- ICE should facilitate regular visitation between detained parents or guardians and children.

BEST PRACTICE ACROSS BORDERS

Work case plan across borders

- Involve and develop relationships with foreign consulate → MOUs
- Locate parents/relatives
- Conduct home studies
- SKYPE, Facetime, WhatsApp
- Arrange for participation in court proceedings, visits
- Arrange for service provision in other countries
- Placement in other countries



CONSULAR RELATIONS: BASIS IN INTERNATIONAL LAW

The Vienna
Convention on
Consular Relations
(1967)

The Bilateral
Convention between
the U.S. and the
United Mexican
States, Article VI

ROLE OF THE MEXICAN CONSULATE IN SAFETY PLANNING

- CYFD has a duty to notify the Mexican Consulate when a “Mexican minor” is taken into CYFD custody in Abuse and Neglect cases per MOU
- Consulate interprets this to mean even US citizen children who have Mexican citizen parents
- Contact Mexican Consulate for preparation of travel documents and/or dual citizenship for US born children
- Consulate explores viability and best interests of the child for reunification
- If reunification not viable, Consulate works to ensure due process rights are protected

MOU: MUTUAL COOPERATION

Location of family members

Evidence and documentation (birth certificates, medical records, proof of Mexican citizenship etc.)

Home studies

Monitoring of placements

Repatriation to Mexico

SIJS - WHO IS ELIGIBLE?

For an undocumented foreign national child to be eligible:

- Reunification with one or both parents is not a viable option.
- It is not in the child's best interest to return to his or her country of nationality or last habitual residence.
- The child must be under the jurisdiction of the court throughout the application process and status adjustment.

Also, child must be:

- In the U.S.
- Under the age of 21
- Unmarried

“If a child is an undocumented foreign national PSD shall apply to the department of homeland security’s (DHS) citizen and immigration services (USCIS) to obtain ‘special immigrant juvenile status’ for the child.”

PROTECTIVE SERVICE POLICY & PROCEDURE REFERENCE:	
Permanency Planning	Legal
Permanency Planning Policy (paragraph 8.10.8.22, page 7)	Legal Policy (paragraph 8.10.7.29, page 10)
Permanency Planning Procedures (PR 22, pages 81-86)	Legal Procedures (PR 28—Special Immigrant Juvenile Status, pages 36 - 39)



FOSTER LICENCING OF NON-CITIZEN RELATIVES

AUG. 21, 2019

8.26.4 NMAC—Licensing Requirements for Relative Foster, Kinship Care.

- It is no longer a mandated requirement for **relative** foster care or fictive kin provider applicants to be a U.S. Citizen or have permanent residency in New Mexico.
 - Contact Emily Martin at Emily.Martin@state.nm.us or Lorie Pacheco at LorieA.Pacheco@state.nm.us on how to license relative families who are undocumented, don't want to be fingerprinted
 - Alert Title IV-E Specialist when relatives/fictive kin do not go through the fingerprint process
- Fingerprinting is not a mandated requirement, but is the preferred method for background checks for all relatives.
 - **Non- citizen** relative /fictive kin may choose not to be fingerprinted and may provide other forms of identification for a background check.
 - Accepted forms of identification:
 - Foreign Passports
 - Consular Identification (Matricula Consular)
 - Non- REAL ID state identification

DISCUSSION

1. What are you currently doing in your work to support immigrant children and families?
 - What are you doing to ensure that immigrant children and their families are treated fairly in your cases?
2. What can you do in your work to improve support of children in immigrant families and their parents?
3. What relationships/partnerships might you need to develop to achieve this?



RESOURCES



ABOUT THE CICW

The Center on Immigration and Child Welfare (CICW) is a national professional network with the mission to improve programs and policies related to immigrant children and families involved in the public child welfare system to achieve positive outcomes of safety, permanency and well-being. We envision a world where children of immigrants thrive in their families and communities.

For more information about our mission and work:

- Visit our website at www.cimmcw.org
- Find us on Facebook and Twitter
- Sign up for FYI E-News!



**THE CENTER ON
IMMIGRATION
AND CHILD WELFARE**

RESOURCES: CIMMCW.ORG

Resources on Current Issues

Public Charge

Access resources on proposed changes to the public charge rule and impacts for immigrant families.

[VIEW RESOURCES](#)

Children in ORR Custody

Access resources related to children in the custody of the Office of Refugee Resettlement.

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Planning for Immigration Enforcement

Access resources on supporting families in the wake of heightened immigration enforcement.

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Research on Current Issues

Review research briefs on current issues like migration, parental incarceration, and detention.

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