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**To cite this article:** Kristina K. Lovato, Megan Finno-Velasquez, Sophia Sepp, Effie Clayton & Kelechi Chinyere Wright (18 Mar 2024): An examination of child welfare agency models that serve immigrant children and families, Journal of Public Child Welfare, DOI: [10.1080/15548732.2024.2320278](https://doi.org/10.1080/15548732.2024.2320278)

**To link to this article:** <https://doi.org/10.1080/15548732.2024.2320278>



Published online: 18 Mar 2024.



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# An examination of child welfare agency models that serve immigrant children and families

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## ABSTRACT

Child welfare agencies often experience challenges in meeting the unique needs of immigrant families. In this qualitative study, semi-structured interviews were conducted with child welfare agency representatives to examine models used to effectively serve this population. Findings show that child welfare agencies utilize: 1) specialization of immigrant-related knowledge and skill sets; 2) formal and informal relationships with consulates and external stakeholders; and 3) innovative approaches to engage immigrant families. Implications highlight the importance of child welfare staff developing expertise on immigration policy, navigating international borders and systems, and training caseworkers in implementing culturally and linguistically sensitive transnational engagement strategies.

## ARTICLE HISTORY

Received 9 August 2023  
Revised 2 February 2024  
Accepted 12 February 2024

## KEYWORDS

Child welfare; immigrants; immigration policy; families; qualitative

## Background/Introduction

Recent years have seen persistent growth among immigrant families in the U.S. with children in immigrant families now comprising over a quarter of all children (Ward & Batalova, 2023). The U.S. child welfare system was not designed to serve immigrants, with their distinct and complex experiences, and despite demographic changes of who the system services, it has remained largely unreformed over the past 30 years. When immigrant children and families become involved with the child welfare system, child welfare agencies often experience challenges in meeting the unique case requirements and service needs of this population. In response, several child welfare agencies and jurisdictions across the U.S., made changes that are isolated local responses and not structural changes across the system. Agencies have created staff positions or implemented programs that specialize in meeting the immigration-related components of these complex cases and ensuring equitable services to children and families regardless of immigration status. However, little research has empirically documented the ways in which child welfare

agencies serve immigrant families. This study seeks to examine some of the various models that child welfare agencies have developed and implemented to effectively serve immigrant children and families who interact with the domestic child welfare system. The study highlights the key components and features of these models so that they may be considered for adoption and adaptation in other jurisdictions.

### ***Increased immigrant populations in the U.S***

The population of children in immigrant families (i.e., children living with at least one foreign-born parent) has grown steadily over the last several decades, doubling from 13% in 1990 to 26% in 2021 (Ward & Batalova, 2023). The majority of these children (88%) are U.S.-born and live in California, Texas, New York, Florida, and New Jersey (Ward & Batalova, 2023). Roughly 5.5 million children (7% of U.S. children) reside with an undocumented immigrant parent, and most of these children (86%) are also U.S. citizens (Ward & Batalova, 2023). The number of unaccompanied children and family units arriving at the U.S.-Mexico has steadily increased in recent years, with the number of unaccompanied children peaking at over 150,000 in FY 2022 and family units at 560,000 (US Customs and Border Protection, 2023). The majority of family units originated from Honduras and the majority of unaccompanied minors originated from Guatemala (Ward & Batalova, 2023).

### ***U.S. Immigration policy context & impact on families***

The social construction of target populations theoretical framework, which contends that the positive and negative social constructions assigned to certain target populations drive policy development and system design (Schneider & Ingram, 1993; Schneider, Ingram, & Deleon, 2014), is a useful framework for understanding the policy history and social systems impacting immigrants in the U.S. Immigrants, especially undocumented immigrants, have historically been labeled negatively in U.S. public policy rhetoric (lazy, dangerous, untrustworthy, undeserving, etc.) and most commonly fall into the category of “deviants” in Schneider, Ingram, and Deleon (2014) framework, characterized by a lack of political power and largely negative social constructions. This negative or deviant social construction has enabled policymakers to disproportionately levy burdens and penalties on immigrants and makes them easier to discount for social services, criminalize, and disregard from a policy lens.

Once residing in the U.S., immigrants have been met with punitive social policies, most notably the Trump-era public charge rule changes, which sought to limit immigrant access to public benefits and continue to have reverberating impacts despite more recent policy changes. In alignment with social construction theory, these policy actions have been justified by political

rhetoric labeling immigrants as deviant, dangerous, and undeserving. As a result of these policies, immigrant families have avoided accessing public benefits for which they qualify, due to fears of repercussions to legal status (Bernstein, Karpman, Gonzalez, & Zuckerman, 2021; Haley, Gonzalez, & Kenney, 2022). The environment of punitive immigration policy and rhetoric has also had direct impacts on the physical and mental well-being of immigrant families, resulting in documented psychological effects (e.g., depression, anxiety, PTSD, trauma, and toxic stress) for children in immigrant families (Rojas-Flores, Clements, Hwang Koo, & London, 2017; Wood, 2018). These stressors are imposed on top of pre- and peri-migration stress and trauma that many immigrant families experience prior to and during their immigration journeys. Pre-migration experiences contributing to immigrant trauma include poverty, natural disasters, war, genocide, homicide, gang violence, gender-based violence, LGBTQ-based violence, and domestic violence (Held, Allmang, Galarza, Scott, & de la Rosa, 2018; Keller, Joscelyne, Granski, Rosenfeld, & Correa-Velez, 2017; Sidamon-Eristoff, 2020). Peri-migration traumas such as extortion, threats, physical and sexual assault, kidnapping, human trafficking, and physical hardship (Dominguez Villegas, 2014; Latham-Sprinkle, David, Bryant, & Larsen, 2019; Pérez, 2021) compound upon these pre-migration traumas and are followed by the acculturative stressors that accompany resettlement in the U.S (Greenwood, Adshead, & Jay, 2017).

### ***Immigrant families and children and the child welfare system***

Children in immigrant families may come to the attention of the child welfare system due to issues of abuse or neglect or as a result of parental detention or deportation. Children in immigrant families are not necessarily at higher risk of experiencing child maltreatment, but the unique trauma and stressors experienced by immigrant families may make children more vulnerable (LeBrun et al., 2015). Furthermore, children in immigrant families disproportionately experience poverty, which can be a risk factor for child maltreatment, with 43% living in low-income families (compared to 34% of children of U.S.-born parents) (Ward & Batalova, 2023).

Some children in immigrant families may become involved in the child welfare system as a result of the detention and deportation of one or more parents. Unfortunately, research on the number of children in the child welfare system due to parental detention or deportation is scant. A 2011 study estimated that roughly 5,100 children in foster care had a detained or deported parent (Wessler, 2011); this is a gross underestimate of the number of child welfare-involved children impacted by parental detention and deportation in 2023. In 2019 and 2020, Immigration and Customs Enforcement (ICE) removed over 38,000 parents of U.S.-born children from the U.S (US Department of Homeland Security, 2019a, 2019b, 2020a, 2020b). putting the

children of these parents at risk of experiencing family separation and child welfare system involvement, and exposing them to additional risk factors, such as increased financial and psychological stressors, which may increase vulnerability to child welfare system involvement (Greenberg, Capps, Kalweit, Grishkin, & Flagg, 2019).

Despite the lack of data on the number of children of immigrants in the child welfare system, there is robust documentation of the failures of the system in serving immigrants who do come to its attention, which also demonstrates how negative social constructions of immigrants have influenced their treatment within the child welfare system. Multiple instances of case law document discrimination against immigrants in child welfare court decision-making related to deportation and termination of parental rights, reunification, standard of living determinations, and facilitating detained or deported parental participation in child welfare legal proceedings (Carr, 2019). For example, in various cases, child welfare agencies have argued child endangerment based on a parent's future risk of deportation as a basis for termination of parental rights, and have argued against parental reunification in Mexico due to its poor standard of living (Carr, 2019), highlighting how a negative social construction of immigrants has led to discrimination and undue penalties within the child welfare court system.

Beyond child welfare court decisions, there are also many documented challenges with respect to child welfare agencies serving the needs of immigrant children and families in child welfare cases, such as: meeting clients' translation and interpretation needs; screening for and obtaining immigration legal relief; working with consulates and locating relatives in facilitating relative placements; arranging family visits with detained or deported parents; and coordinating parental participation in court proceedings (Dettlaff, 2012; Finno-Velazquez & Dettlaff, 2018). During the COVID-19 pandemic, additional pandemic-related barriers were levied on top of these common challenges, including court and office closures, limitations to family visitation, and transnational service barriers (Lovato et al., 2022). Immigrant parents experience barriers to accessing supportive services, such as mental health and substance abuse services, that may prevent child welfare system involvement and/or interfere with successful case outcomes once involved (Dettlaff & Cardoso, 2010; Finno-Velasquez, 2013; Finno-Velasquez, Cardoso, Dettlaff, & Hulburt, 2015; Finno-Velasquez, Seay, & He, 2016). Lack of expertise among child welfare practitioners around cultural considerations, acculturation experiences, and the unique needs of immigrant families given their immigration experiences also presents challenges to equitably and effectively serving this population (Finno-Velasquez & Dettlaff, 2018; Greenberg, Capps, Kalweit, Grishkin, & Flagg, 2019). In light of these challenges, child welfare and immigration experts have highlighted a number of recommended best practices in order to better serve child welfare involved immigrant children

and families, including developing specialized staffing and structures within agencies, training child welfare caseworkers on immigration-related issues, improving language assistance services, licensing undocumented resource parents, implementing memoranda of understanding with foreign consulates, screening immigrant children for immigration legal relief, establishing strong confidentiality and information sharing policies with special considerations for undocumented immigrants, and developing policies/procedures for working with parents in ICE detention (Greenberg, Capps, Kalweit, Grishkin, & Flagg, 2019).

## **The present study**

As immigrants have been systematically excluded from many public benefits for decades and challenges to serving immigrants within the child welfare system have been well-documented in recent years, some child welfare agencies have expanded their capacity to provide equitable and effective services and advance best practices with immigrants. This study employs a qualitative research design for purposive sampling of representatives from child welfare agencies with established programs or models for serving immigrant families to answer the following research question: what are successful experiences and practices within child welfare agencies for working with immigrant families and meeting the unique requirements of cases with immigration complexities? Overall, this study seeks to document practices, policies, and procedures aimed at combating the impacts of social construction of immigrants as deviants on the U.S. child welfare system by expanding existing literature on providing equitable child welfare services to children and families regardless of legal immigration status.

## **Methods**

### ***Participant recruitment***

Researchers recruited representatives from child welfare agency agencies in jurisdictions known to have existing models designed to serve immigrant children and families. Participants were recruited via purposive sampling methods through the Center on Immigration and Child Welfare's (CICW) Immigration and Child Welfare Practice Network. The CICW is dedicated to practice, policy, and research issues at the intersection of the immigration and child welfare systems (Center on Immigration and Child Welfare, 2023); it's membership – practitioners and administrators from state child welfare agencies, representatives from large nonprofit organizations focused on immigration and children's issues, legal professionals, and researchers. Participants were recruited via e-mail and completed an informed consent form and brief

demographic questionnaire online via Qualtrics before the interview. Each participant was offered a \$20 gift card incentive upon completion of an interview.

### **Sample**

Researchers conducted semi-structured, one-on-one interviews via Zoom video conferencing April 2022 through November 2022 with 10 child welfare agency representatives from seven different agencies in five states, including California, New Jersey, New Mexico, New York, and Oregon. The goal of this study was to understand and document the existing models for serving immigrants in the child welfare system. There are only a few such models in existence, and the study focused on state/jurisdictions with the strongest models for doing so.

All participants had roles in immigration units or positions within their respective child welfare agencies including, for example, as immigration specialist, immigrant rights attorney, program manager for immigration services, or international case consultant. Other demographic data about the participants was not collected as our focus was the characteristics of the immigrant-serving models in place within the child welfare agencies and additional demographic information about the participants would make the data identifiable.

Researchers elected to use semi-structured interviews as opposed to focus groups because the models for serving immigrants in each jurisdiction are unique with many complex, detailed components. Semi-structured one-on-one interviews were more conducive to gathering in-depth information about each of the models across the 10 domains described below while also minimizing group bias.

### **Interview protocol**

The development of the interview protocol was informed by researchers' expert knowledge and experience on how child welfare agencies serve immigrant children and families, the government policies that govern case requirements in immigration-related child welfare cases, and best practices at the intersection of immigration and child welfare work. It was also informed by another recent study conducted by the research team exploring child welfare agency and community partner organization experiences, challenges, and adaptations for serving immigrant children and families during the COVID-19 pandemic (Lovato et al., 2022). Based on this expertise and research, researchers identified 10 domains that guided the interview protocol to capture the key components of child welfare practice with immigrants: (a) structure of the immigration model and staffing; (b) citizenship determination; (c)

consular notification; (d) communication with family members; (e) legal screening; (f) trafficking; (g) unaccompanied minors; (h) international reunification/repatriation; (i) parents in ICE detention; and (j) translation and interpretation services. The interview questions elicited participant's knowledge about the policies and practices in place within their agency to address each of the 10 domains. Select sample questions included: (a) Please describe briefly the model/structure/program that your agency has for serving children and families with immigration-related issues/concerns; (b) For children in care/custody: How does your agency determine whether a child is documented or undocumented?; (c) What is your agency's process for consular notification?; (d) What is your agency's process for screening children for immigration benefits (e.g., in which cases, at what point in a case)?; (e) What is your agency's process to facilitate reunification/repatriation of a child to a country outside of the U.S.? (f) What does your agency do in cases where parents are in ICE detention? A final open-ended question: Is there anything else you'd like to share about your agency's approach to serving immigrant children and families that we have not covered? was included at the end of the interview protocol to enable participants to share additional thoughts or perspectives related to the study themes.

### **Data analysis**

To analyze the data, researchers used a thematic analysis approach (Braun & Clarke, 2006). This approach was selected because it is a flexible and iterative method consisting of six steps for identifying, analyzing, and reporting patterns (themes) within the data. The phases of thematic analysis as noted by Braun and Clarke (2006) allow for a systematic way of seeing and processing qualitative data using "coding." Furthermore, thematic analysis can be a method that works to both reflect reality and to unravel the surface of "reality." First, researchers familiarized themselves with the data and transcribed each interview verbatim. All interviews were then coded and analyzed using Dedoose, which was chosen to facilitate a secure, organized, and uniform coding procedure and to enable an audit trail of the data analysis process. Four researchers independently coded the transcripts, and a second researcher double-coded each transcript to increase reliability. A preliminary codebook was developed based on the 10 domains of the interview protocol and included parent and child code titles, definitions, sample quotes, from the interview transcripts. Researchers used an open coding approach to identify additional codes, themes, and patterns as they emerged from the data. Researchers then refined and categorized recurring patterns into themes. In terms of reaching data saturation, we followed Braun and Clarke's (2019) guidelines and noted during data analysis that the themes were complete and that further analysis would not yield new insights.



Methodological rigor was attained in this study through verification, validation, and validity (Meadows & Morse, 2001). Verification was obtained through conducting effective and thorough literature searches, adhering to the standard practices of phenomenological design, using an appropriate research sample size for a qualitative study, and by interviewing participants until achieving data saturation (Creswell, 2007). The research team also applied thoughtful awareness around potential biases (e.g., positionality) and used the strategy of writing field memos and bracketing (Creswell, 2007) to minimize any preconceived ideas about the participants throughout data collection and analysis. Dedoose was used to enhance validity via data management given the large quantity of data to ensure a systematic approach to the coding of each interview. This was also helpful throughout the coding process and in retrieving the data by serving as an audit trail to provide documentation of the data analysis process.

## Results

The analysis revealed three main themes related to how child welfare agencies approach serving children of immigrants across jurisdictions. These approaches include: (a) specialization of immigrant-related knowledge and skill sets; (b) formal and informal relationships with consulates and external stakeholders; and (c) creative and innovative approaches to engaging immigrant families. Each of these themes is explained below.

### *Specialization of immigrant-related knowledge and skills sets*

According to participants, models for serving immigrants in the child welfare system vary, and each jurisdiction uniquely supports immigrant clients and systems. However, a common thread across jurisdictions interviewed was the existence of units and/or staff with specialized expertise pertaining to serving immigrant children and youth. Participants described three different organizational structures or processes that may be critical for working with immigrant families and children: (a) a specialized office or unit with immigration-related responsibilities; (b) a dedicated staff member(s) who possesses specialized knowledge to support their agencies and provide resources to caseworkers on immigration-related issues and questions; and (c) bilingual staff who possess language skills that are needed to effectively communicate with parents.

### *Specialized unit*

Participants discussed how having a specialized unit for working on immigration-related cases and issues helps to streamline immigration-related casework and address the complex components of cases involving immigrant youth and

children. For example, one participant in the U.S.-Mexico border area discussed the utility of having a dedicated unit to serve immigrant families due to the special needs of families that live along the border region. The participant shared:

Our immigration unit is set up to serve as a liaison between any sort of international agency and workers here along the border. So, they request services or things that they need from another country. They'll request them through U.S., and then we will contact the appropriate consulate. We do a lot of work with Mexico because we're so close to the border. We will deal with DIF (National System for Integral Family Development) a lot. But we do interface with several different countries or consulates or embassies that we need. Everything is supposed to come through U.S. Otherwise, we'd have like 800 social workers trying to contact different people. And that doesn't work out. Plus, it gets a little cumbersome.

Similarly, in another example a participant shared how important their specialized unit is in serving the department's complex immigration-related needs:

As immigration specialists, we take pride in navigating complex international policy relations. We developed helpful training materials so that workers across units can become familiar with immigration policy-related issues impacting families. Workers can now review the training materials anytime. They can also reach out to the immigration specialists if they don't have access to that information or they don't know where to find it.

### ***Dedicated staff***

Participants also shared that there are dedicated individuals who possess specialized knowledge/training in serving immigrant families. These dedicated staff members take on leadership in their agencies and are sought out by their colleagues on all matters related to child welfare and immigration policy. A participant shared:

If a caseworker needs help with serving families who are fearful of accessing services due to public charge, there is a contact person to provide support. Or, if a worker needs help with supporting a client in obtaining U-visa certification, there is another person that does it . . . but at the end of the day, like when someone can't handle a question or can't figure something out, then it comes to me, the veteran.

Another child welfare worker shared that some workers formed an ad-hoc team to support one another with new and emerging immigration-related issues, such as how to work with unaccompanied minors. While unaccompanied immigrant minors are typically cared for by the federal Office of Refugee Resettlement, they may come to the attention of local child welfare agencies after they have been released from federal custody. This jurisdiction took the following measures to ensure that they can meet the unique immigration-related needs of these immigrant youth:

We formed a work group to take a look at developing procedures on how to serve unaccompanied minors because we were doing the work. There was nothing documented to help staff to know how to navigate through all that. So, we developed a work group, we developed the process, and now we are looking at developing training so that we can provide training to the staff who carry the cases of unaccompanied minors.

Although having dedicated staff who are experts on immigration issues is key to equitably serving immigrant families, one participant noted some downsides to having this expertise concentrated in a small subset of staff, as generalist child welfare workers may be left without needed information or consultation when those specialized staff are unavailable. He shared,

In the child welfare system, there's a lot of turnover among workers. It's just the way it is. And we do more; we provide repeated updates and timely information to workers. There are downsides to having just a small group who are specialists because they might be away on vacation and are hard to reach and then the knowledge cannot be shared.

Another participant described taking a more generalist approach to serving immigrant families in their department, where everyone possesses some knowledge and information on how to engage and serve immigrant families. The participant shared: "I think it has worked for our small county to have a more generalist model so that everyone is informed on best practices in working with immigrant populations. This way, everyone is informed and can pitch in." In another example, a participant discussed having a multidisciplinary team that works together on immigration-related issues,

We have an immigration affairs unit that consists of an immigration specialist in the Protective Services Division. We have another immigration specialist located in the Juvenile Justice Division and then there's myself—an immigration rights attorney out of the Office of the Secretary of Children's Rights. And so, there are three unique positions that are dedicated to working with non-citizen families. This type of collaboration is necessary for the work we do.

### ***Bilingual staff***

Participants spoke about the importance of having bilingual staff in working with immigrant clients. All child welfare agencies must offer language assistance to enable Limited English Proficient (LEP) individuals to effectively participate in child welfare agency's services and programs. Participants all shared that their jurisdictions work to ensure they hire multilingual staff and interpreters and that child welfare services are performed in the family's first language whenever possible. One participant described how all staff in their immigration unit are bilingual and that the agency is working to expand access to language services for indigenous languages:

All my staff are bilingual. So, whenever there is a need for interpretation, usually when we get referrals specifically for any type of language, it is assigned to somebody that speaks the language . . . We have an array of languages that are spoken, specifically

Spanish and English, of course, and Chinese, Mandarin, Farsi. So, we have an array of workers that speak the languages. And so, whenever we get a referral, we assign it to a worker according to language. We are also working with a lot of indigenous organizations right now . . . [name redacted] is an agency here that we're connecting with to be able to provide interpretation services to our indigenous populations.

Other participants discussed the stringent set of criteria and skills that a bilingual worker must demonstrate to serve non-English speaking populations. A worker shared:

So, you can't just say, oh, yeah, you know, I know a few words in Spanish because I go to my *bodega* (store) all the time. They really have to speak fluently. And if you get that certification, then you can directly speak with your client in the language in which you are certified, which of course is always better than using language services, especially in the situations that are so stressful.

### ***Formal and informal relationships with consulates and external stakeholders***

In the second major theme, participants highlighted the crucial role of consulates and other community providers in providing essential services and resources that child welfare agencies need when working with immigrant families. Distinct subthemes include: (a) consular relations; (b) working with parents in ICE detention; (c) collaboration with legal services providers; and (d) developing formalized relationships and Memorandums of Understanding (MOUs).

#### ***Consular relations***

Participants emphasized the importance of working with foreign consulates and maintaining relationships with consular liaisons to accomplish key components of immigration-related cases, including to ensure compliance with international law on notifying the appropriate consulate when a foreign national comes into child welfare custody. A child welfare worker shared, "we notify the consulate right away if we have a foreign national come into care. Maintaining communication with consulates and outside resources (legal services) is really important. It is crucial to have a good rapport with them and communicate as best as possible, especially in keeping everybody updated." Similarly, another worker described the process for working with the consulate and how it benefits their casework:

On the protective services side, if a child comes into the custody of the child welfare agency and they are a non-citizen or one of their parents is a non-citizen, then that worker is to notify the immigration specialist. They would then collaborate on what's called a consular notification. That's a notification that goes out to the consulate of the non-citizen. The immigration specialists will work with the consulate to see what services may be available. The consulate, in turn, will work with the child welfare agency in that country. In addition to that, child welfare maintains a contract with International

Social Services. This is a non-governmental organization that can help provide services in another country. So, we do utilize them as well for any home study or something like that that may be required in a foreign country.

Participants also discussed the relevance of the mutually beneficial relationships with consulates to help expedite obtaining documentation to support cases (e.g., birth certificates) and accomplishing transnational elements of their work (e.g., family finding services).

### ***Working with parents in ICE detention***

Participants revealed that unique challenges and complexities arise when working with parents who are detained by ICE – arranging visitation with a child, maintaining regular contact between child and parent, and contending with reunification timelines – and they make concerted efforts to circumvent these challenges and ensure that families are able to maintain connections in these circumstances. A participant shared:

We are required to make reasonable efforts to facilitate visits and maintain contact with children while their parents are in detention, and we try to accommodate binational families by working with their consulate to communicate to parents who are abroad and/or obtain birth certificates. We also try to work with community-based agencies to support families' legal needs and have advocated to extend the reunification period of time because they're in detention. There's other things that are done in court as well to try to extend those periods so that they have enough time to be able to work with U.S., to be able to reunify with the children. We developed a policy that covers relatives, who may not be documented, who may not have legal status so that doesn't preclude U.S. from being able to consider them or place children with them just because of immigration status. That's covered also within those policies as well.

Several jurisdictions specifically mentioned using the ICE Parental Interests Directive<sup>1</sup> (US Immigration and Customs Enforcement, 2022) and/or connecting with the ICE Parental Interests Unit to engage parents who are in ICE detention and facilitate their participation in family visits and/or court hearings, and even to connect parents with their attorneys for their child welfare cases. For example, one participant shared:

We will typically get in contact with the DHS parental interest unit. The DHS parental interest unit is maintained for parents who are in ICE detention. We will typically work with them so we can work with whoever the contact individual is at that detention facility to help facilitate ongoing video visits and contact for that parent. In addition to that, we will let respondent attorneys know how to navigate that as well, because parents are typically represented and have their own attorney.

### ***Collaboration with legal services providers***

In this subtheme, participants spoke about the importance of working closely with legal service providers who offer direct representation on legal immigration issues. Most participants discussed the importance of having relationships

with legal providers to assist with navigating immigration-related issues and to help obtain legal relief (e.g., Special Immigrant Juvenile Status for immigrant children/youth). For example, one participant stated, “We can’t [provide legal representation] internally, we can’t do that. That’s why we have to contract with an outside agency.” Another participant stated that their agency specifically contracts with a local law school to provide immigration legal screening and representation to children/youth in care, and another emphasized how important it is to connect children and youth with experts on immigration law due to its great complexity, “if they are not citizens, we find them an immigration attorney and the immigration attorney will do proper screening because no one, I mean, you know, we say immigration law is complex. No one needs to pretend they’re an immigration attorney unless they are.” This participant also reported that their agency has a specific policy requiring them to address the immigration legal needs of children who come into care and refer children to immigration attorneys, and that their agency covers legal bills for immigration services.

Participants expressed a need for more legal service collaboration and even having someone who is collocated at the agency. One jurisdiction reported having an in-house immigration attorney who is specifically designated to screen and obtain immigration relief for children/youth in care in some cases.

### ***Formalized relationships and memorandums of understanding***

Participants shared that some jurisdictions use MOUs to establish formal relationships with consulates and to delineate each party’s responsibilities when foreign nationals or children of foreign nationals are involved in U.S. child welfare cases. Participants shared that establishing MOUs and collaborations are critical to sharing information, facilitating binational visits, and fostering communication and reunification efforts among families across borders. Common child welfare agency responsibilities in MOUs noted by participants include notifying a consulate when a child or parent who is a national is involved in a child protective services case, and providing verbal updates and court reports. Common consular duties include assisting with obtaining birth certificates for children and assisting with parent or relative searches. One child welfare worker spoke about the critical and collaborative nature of having an MOU in place with the Mexican Consulate. They shared:

Our MOU lays a foundation for collaboration. It states that our child welfare office assists the consulate with needs related to families we might have in common, and in turn, they also assist our office with obtaining birth certificates, documentation, and other information in a timely manner.

Participants also reported establishing formal contracts with community organizations (such as immigration legal services providers) to expedite and ensure these needed services for immigrant clients, as well as with other crucial transnational service providers such as International Social Service-USA (ISS), an agency that provides comprehensive case management services in other countries (e.g., home visits, home studies, document tracing, and more). For example, a child welfare worker spoke about the MOU that is in place with ISS and the importance of their collaborative work:

We have sent requests to countries where the consulate is not willing or able to assist U.S. over here. We've reached out to International Social Services and have obtained support in conducting comprehensive home assessments and in requesting documentation such as birth certificates. Having an MOU in place is so helpful especially when we cannot access the consulate.

Participants further highlighted the importance of agencies that perform transnational work, such as ISS, with respect to the efficiency of their services during COVID, when offices were closed.

Another child welfare worker shared their perceived need for a formal contract with an immigration legal provider:

That's what we're working towards right now . . . They've [child welfare agency] been working on that for several months to identify one particular contractor because we know the benefit of it. It worked way better when we had one contract, it just, it was a lot smoother. We had an understanding. They know exactly how we operated. They knew how that works. So, it was so much easier.

Overall, participants shared that establishing MOUs and collaborations are critical to fostering communication and reunification efforts.

### ***Creative and innovative approaches to engaging immigrants***

A third and final theme details the innovative and creative practices used to promote immigrant family engagement in child welfare services, including unique approaches to transnational family engagement. First, participants discussed the importance of committing extra time for rapport building with immigrant families to ensure that they feel safe accessing services. A participant shared:

Working with families in either family reunification or family maintenance time means that we have time with our clients to build trust. So, either way, we must develop a relationship over time. Our immigrant families have to trust you, you have their best interests in mind, you're talking to them in their language and you're really understanding the family. In the way that you look at the family as a whole and the whole generations. And sometimes you have multi generation families, you have mixed status families, all of those things that come into play when working with these vulnerable families.

Participants also emphasized the importance of being culturally informed and drawing upon cultural brokers as they can be useful in helping families feel safe and at ease during a challenging process. For example, one participant discussed the value of accessing cultural brokers who are from the same cultural/ethnic background as the clients themselves, “we have cultural brokers that are available, whether for families of color, but specifically for families who are Spanish monolingual, Spanish speaking, who might be undocumented.”

Participants discussed other “above and beyond” practices that support the agency’s work with immigrants. For example, one participant discussed a unique opportunity from their office to develop policies that allowed placements in immigrant homes despite the undocumented legal status of relatives (which is typically prohibited). In another example, a participant discussed the extra hours that they work to ensure family permanency among immigrant families:

It’s important we value the communication between children and family members. And sometimes workers have so much work, and sometimes I have supervised visits in the evening because that’s when parents get out of work, and they need to work because they need to eat, and they need to pay for their daily lives. And so sometimes I have supervised visits in the evening [at] like 7:00pm and 8:00pm with the children, and parents get to say their bedtime stories before the kid goes to bed. And so it’s important we value that, and we believe it’s very important for the sake of the children for them to maintain a little bit of connectedness to their country, to their families.

Other participants discussed pursuing contracts with outside service providers in special circumstances to ensure families have access to meaningful services that go beyond standard requirements. For example, a participant shared:

We’ve set up one or two other contracts with immigration attorneys because in one particular case, the mom had started working with an immigration attorney in California. And because that attorney had already done so much work, was very familiar with this case and situation, we thought it was best for that same attorney to continue doing that work. So, we developed a contract with them to continue to assist U.S. We had another case that we developed a special contract with for a refugee young mother and her child. The mother did not have the cognitive ability to follow through with any steps that she had to do. We developed a contract with an attorney here to help U.S. It was also going to be better for mom to continue working through her immigration case. We included the work for mom in that contract also. We generally do not do that for parents, but we chose to do that in this case just because of the special circumstances.

### ***Transnational family engagement***

This specific subtheme describes strategies that child welfare workers use to facilitate visits and maintain connections among immigrant families across international borders. Some participants talked specifically about how to



conduct in-person visits transnationally between children and their parents. For example, a child welfare worker in a U.S.-Mexico border area shared:

We have assistance from the Mexican Consulate to conduct visits between parents and their children at the border. At the Mexican Consulate's office, they would facilitate visits there. Otherwise, social workers will also coordinate with the caregivers or relatives, somebody who can cross the border and take the child to the parent and supervise the visits. We'll try to coordinate that way. Now, we've seen also because of COVID and those restrictions . . . because when COVID began, they shut down the border, which then terminated those visits. So social workers have been a little creative in that and have either been able to find other relatives or somebody else who can facilitate those visits in Mexico and Tijuana or via a virtual method.

Another child welfare worker shared how collaboration with other agencies helps ensure that families maintain connections via transnational visits:

I've seen cases where a child has a relative, a parent might be in another country or so, and they want to go visit for a week or so during the summer with the intent of coming back. So, yes, we facilitate longer binational visits through a foster care agency. The agency will arrange for transportation in advance, and we will conduct a virtual home study. We also utilize International Social Services to conduct international home clearances. So that is something that we do utilize on a case-by-case basis.

Participants also discussed ways that they use technology to maintain transnational family connections:

In terms of visits for parents when they get outside of the country, we don't have the means. We don't have the ability to have these kids go out of the country every week to go have a visit with their parents. But, we can do it through WhatsApp, through Skype, through telephone calls, and we do have visits that happened in that way, and it seems to help families maintain the care across the miles.

Similarly, another participant shared:

We highly encourage video visits. So, the parents and the children will have video visits. Sometimes, for many times, those are unsupervised. Because we don't have any concerns and the foster parent is okay using the phone to make the video calls. Or sometimes if these are teenagers, sometimes teenagers have their own phone, and they can communicate with their parents.

## Discussion

To combat negative social narratives and punitive immigration and social policies, child welfare systems need to make intentional efforts to equitably serve immigrants who become involved with the system to ensure that timeliness, due process, and humanitarian immigration relief is achieved when warranted. This study offers a model of equitable support of immigrants for child welfare jurisdictions throughout the U.S. that remain dominated by a social construction of immigrants as undeserving of

support through political systems. Specifically, study findings detail approaches to serving immigrants within the child welfare system that correct for their historical exclusion from public social policy and services, by documenting common policies and practices within child welfare agencies for working with immigrant families to meet the unique requirements of cases with immigration complexities.

Although this study documents progress made in serving immigrants within the child welfare realm in recent years, one recent 2022 survey by the National Foster Care Youth and Alumni Policy Council (2022), highlighted ongoing shortcomings within child welfare systems serving immigrant youth, echoing many of the challenges and barriers outlined above. For example, only 15% of immigrant youth who completed the survey from across the U.S. spoke with someone about their immigration status upon entering foster care (National Foster Care Youth & Alumni Policy Council, 2022), pointing to a continued lack of adequate legal screening and support for obtaining legal relief for immigrant youth. These findings offer tangible solutions for addressing the gaps and concerns recently raised by immigrant youth with lived experience in the system, through ensuring that: youth are screened and have access to legal immigration relief before exiting care; caseworkers have access to adequate knowledge about the intricacies and requirements of immigration-related cases; and youth are able to maintain connections with family after separation (National Foster Care Youth & Alumni Policy Council, 2022).

Our findings point to three primary approaches to providing equitable support to immigrants, including creating specialization of immigrant-related knowledge and skill sets; establishing formal and informal relationships with consulates and other external stakeholders; and implementing creative and innovative approaches for engaging with immigrants. Results reiterate and update findings and recommendations from a 2019 Migration Policy Institute report that interviewed child welfare administrators about key policy and practice issues in serving children in immigrant families in the child welfare system across 21 jurisdictions (Greenberg, Capps, Kalweit, Grishkin, & Flagg, 2019). Our findings emphasize and build on previous recommendations regarding the need for specialized staff and units, immigration-related training for all staff, language access, policies on placement of children with undocumented caregivers and outside the U.S., MOUs with foreign consulates, immigration screening, confidentiality, and work with parents in detention. This study is unique in that it more deeply explored those jurisdictions that have existing models in place for working with immigrants, and participants all had job descriptions addressing working directly with immigrants.

Regarding structure for support of immigrants within child welfare systems, findings suggest that creating specialized units with staff who are experts on immigration issues is the preferred model for providing support

around immigration issues. International policy and social systems are complex and require specialization to ensure timeliness, due process, and equitable service provision in child welfare cases. Relationships with consulates and international entities are important to develop and cultivate, and are easier to maintain when there is a unit or a few key people within the agency responsible for those relations. More generalist approaches, whereby certain staff become informal experts, may be more realistic and common across the U.S. This model has its pitfalls: without a specialized unit that always maintains coverage, even if that unit is small, high employee turnover and staff time off may leave some agencies without capacity to provide necessary support when those informal dedicated staff are not available. It is also not reasonable to expect that caseworkers, who often already have overwhelming caseloads and carry a large administrative burden (trying to comply with agency policies, develop trust and relationships with children and families, and meet case requirements), also be able to successfully navigate the U.S. immigration system and international borders and policies. Formal structures that have more than one person trained in providing immigration support and maintain proper staffing coverage at all times offer a more sustainable model. Although some jurisdictions have found ways to collectively create the expertise needed to serve immigrants, data is lacking on whether these more generalist approaches actually work to fulfill the need.

This study also highlights the critical nature of language access for providing effective services to immigrant children, youth, and families in the child welfare system, whether through bilingual staff and/or interpretation and translations services. All agencies receiving federal funding are required to have a written language access plan according to National Culturally and Linguistically Appropriate Services (CLAS) Standards (Title VI of the civil rights act. 42 USC, 2000d), Executive Order No. 13166, 2000; US Department of Health and Human Services, n.d.). Ideally, organizations will have a process for certifying staff who serve as language interpreters to ensure their proficiency and proper compensation for interpretation duties (Hofstetter, McHugh, & O'Toole, 2021). Agencies should also have clear policy and procedure for providing outside language interpretation and document translation services should staff not be available to provide communication in a family's preferred language (Hofstetter, McHugh, & O'Toole, 2021).

Our results also demonstrate the importance of having direct points of contact with ICE, to ensure that parents' rights to maintain contact with their children and participate fully in their child welfare cases are upheld. With the renewed Parental Interests Directive (2023), it is now under ICE discretion to release some parents from ICE detention to fully participate in their child welfare cases and in the reunification process. It is important for child welfare agencies to communicate and build relationships with local ICE

officials and the Parental Interests Coordinators to advocate for release, ensuring that confidential information about the child welfare case is not released and remains protected.

Our findings also point to the importance of MOUs with foreign governments and other external entities to formalize supports for immigrants in this work. Formal contracts and relationships with immigration legal services organizations or immigration attorneys may be necessary for ensuring that children and youth are appropriately screened and provided representation for immigration relief for which they qualify. Immigration attorneys may be difficult to come by, especially in rural areas, so the establishment of state- or county-wide agreements to support an immigration legal provider to serve child-welfare-involved children is crucial.

Despite challenges and systemic difficulties, many of these models have developed from the passion of staff who go above and beyond, and are often unrecognized for this work, as the child welfare system was not designed with immigration-related needs in mind. Much of the work to locate family, build child-caregiver connections and reunify children in other countries happens off work hours and requires extra time and patience to help families navigate communications. The work of engaging with and building rapport with child welfare-involved families who are mandated to services is in itself an inherent challenge, and the added mistrust and fear of government institutions within immigrant communities makes the focus on implementing culturally and linguistically sensitive engagement strategies even more critical, albeit more time- and energy-consuming.

Regardless of the model, these findings highlight the importance of investing in immigration expertise on immigration policy, navigating international borders and systems, and providing training and support to caseworkers. At a bare minimum, these units should ensure compliance with key areas of federal and international policy, including consular notification on foreign national children in child welfare custody, screening and application for Special Immigrant Juvenile Status, and screening and reporting of foreign national minors who are potential victims of trafficking to appropriate federal authorities.

## **Limitations**

This study has some limitations. The research team made efforts to recruit participants from geographically diverse sites through the use of snowball and purposive sampling via CICW networks including child welfare agencies. Recruitment did not occur from many northern states nor from states or jurisdictions that are not part of this network, thus limiting experiences to those areas with some existing form of organization around serving immigrant families. Insight was gained from five states across the U.S.;

however, it is unclear whether participants' experiences and views would be shared by child welfare professionals throughout other regions in the U.S. Additionally, due to the very specific scope of this study in exploring the existing models for serving immigrant children and families in the child welfare system, the sample size was limited as only a small number of states and jurisdictions have implemented such models. As such, it was beyond the scope of this study to explore specific variations among jurisdictions or compare models between different jurisdictions, including which model might be most beneficial for serving immigrants. However, given that the organizational context in which these services are provided in each jurisdiction is unique (e.g., the size of the agencies, agency structure, budget, political context, etc.) and the type of model for serving immigrants that is most beneficial might be unique to each organizational context. Nonetheless, this may be a pertinent area for future research. Further, due to social distancing and stay-at-home orders and the targeted scope of this study, perspectives were only obtained from service providers. It would be ideal in future studies to include perspectives from a variety of other stakeholders such as immigrant youth and families with lived experience, resource parents/families, and kinship caregivers. Last, immigrants are a heterogeneous group and so these findings may not provide generalizability to all immigrants (e.g., based on migration status or country of origin).

### **Directions for future research**

This study contributes to the literature by describing not only how child welfare agencies serve immigrant clients across some jurisdictions in the U.S., but it also shows unexpected findings regarding how child welfare agencies are generating innovations in best practices to serve these families during a restrictive immigration climate and despite limited agency resources and training. Several questions on the topic remain. Future studies should explore how both urban and rural jurisdictions are serving immigrant families particularly in light of ongoing immigration-related policy changes. They might also compare the models different jurisdictions have developed to serve immigrant children and families to understand whether certain models and structures are more beneficial than others for achieving equitable outcomes for immigrant clients. Future research in this area should center the voices of all individuals involved, including immigrant youth and families themselves and resource and kinship caregivers, and provide a thorough understanding of how state and local policies and practices impact service delivery so that agencies may work to improve how child welfare agencies engage with immigrant families.

## Note

1. The ICE Parental Interests Directive (PID), also known as “Interests of Noncitizen Parents and Legal Guardians of Minor Children or Incapacitated Adults,” instructs ICE to ensure that parents or legal guardians who are arrested or detained by ICE are able to maintain visitation with their child(ren), make decisions about their care, and participate in any related court or child welfare proceedings.

## Disclosure statement

No potential conflict of interest was reported by the author(s).

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