



**THE CENTER ON
IMMIGRATION
AND CHILD WELFARE**



IMMIGRATION 101 & LEGAL TRAINING

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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, Twitter, and Instagram.
- Sign up for FYI E-News!



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OBJECTIVES

- Provide demographic overview of immigrant and refugee population.
- Review the current immigration system and relief options.
- Highlight recent trends in migration.
- Discuss relevant immigration policies and procedures that impact family unity and child well-being.



DEMOGRAPHIC PROFILE OF IMMIGRANTS

ANALYSIS
AND
POLICY

CHILDREN IN IMMIGRANT FAMILIES

IN THE U.S.¹

- **18,214,000 (25%)** children in immigrant families*
 - **90%** are citizens
 - **3%** are foreign born
 - **61%** have at least one citizen parent
 - **39%** have only non-citizen parents

IN CALIFORNIA²

- **4,176,000 (47%)** children in immigrant families
 - **93%** are citizens
 - **9%** are foreign born
 - **61%** are citizens with at least 1 citizen parent
 - **32%** are citizens with only non-citizen parents

IN SF/OAKLAND²

- **472,000 (51%)** children in immigrant families
 - **92%** are citizens
 - **11%** are foreign born
 - **69%** are citizens with at least 1 citizen parent
 - **23%** are citizens with only non-citizen parents

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

¹Urban Institute's *Part of Us: A Data-Driven Look at Children of Immigrants*

²The Urban Institute. Data from the Integrated Public Use Microdata Series datasets drawn from the 2018 and 2019 American Community

A CLOSER LOOK AT CALIFORNIA

Children in California (2019)¹

Total # of Children	
	8,607,148
Immigrant Children in CA	
N	392,437
%	4.6%
Children of Immigrants in CA	
N	4,120,630
%	47.9%

Children with at Least One Foreign-Born Parent (2019)

0 – 17 Years-Old	
N	4,120,630
%	47.9%
Under 6 Years-Old	
N	1,208,238
%	42.8%
6 - 17 Years-Old	
N	2,912,392
%	50.3%

Parent's Region of Origin (2019)²	N	%
Latin America	2,501,000	62%
Europe	234,000	6%
Asia	1,170,000	29%
Africa	97,000	2%

¹U.S. Census Bureau. (2019). 2019 American Community Survey 5-Year Estimates, Table B05009. Retrieved from <https://data.census.gov/cedsci/table?q=b05009&g=0400000US06&tid=ACSDT5Y2019.B05009>.

²Annie E. Casey Foundation. (2019). Children in immigrant families by parent's region of origin in the United States. KIDS COUNT Data Center. Retrieved from <https://datacenter.kidscount.org/data/tables/5923-children-in-immigrant-families-by-parents-region-of-origin?loc=6&loct=2#detailed/2/6/false/1729,37,871,870,573,869,36,868,867,133/1767,1768,1769,1770/12549,12550>.



IMMIGRATION 101

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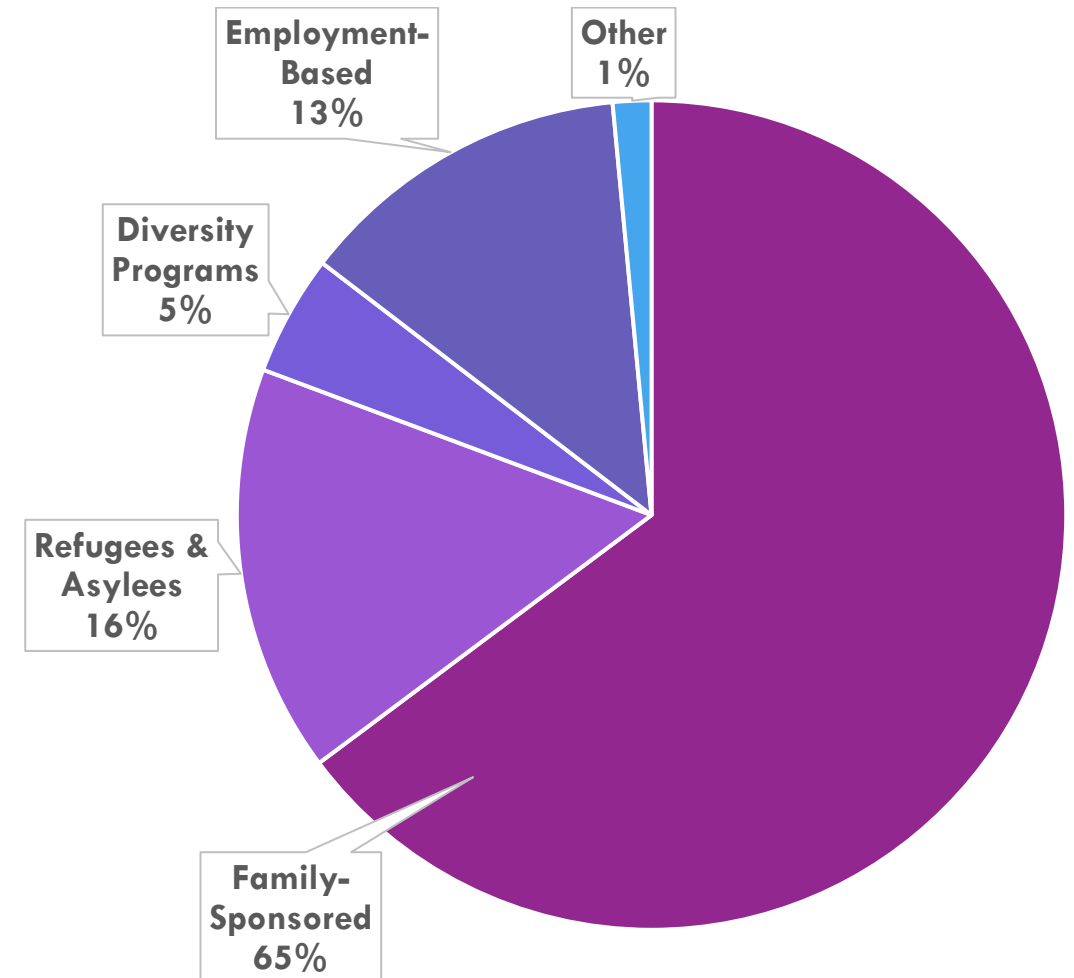
MAJOR IMMIGRATION CATEGORIES

- **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 immigrant 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

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	01DEC14	01DEC14	01DEC14	08MAY99	01MAR12
F2A	C	C	C	C	C
F2B	22SEP15	22SEP15	22SEP15	01JUL00	22OCT11
F3	22NOV08	22NOV08	22NOV08	15JUL97	08JUN02
F4	22MAR07	22MAR07	15SEP05	15MAR99	22AUG02



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 or other federally funded public benefits
- 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?
 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. With a green card, you likely can become a citizen after six years. Total time to immigrate and become a citizen: 14 TO 20 YEARS.

Are you skilled?
 Yes
 Do you have a college degree in a specialty occupation?
 Yes
 Can you prove that you are a genius? How about a star athlete? Or an investor with \$1 million?

OK. Then you have a shot, if... you have a job offer.
 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?
 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.

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.)

With your green card you can become a citizen in five to six years. Total time to immigrate and become a citizen: SIX TO SEVEN YEARS.

Sorry, you're out of luck. 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. 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.