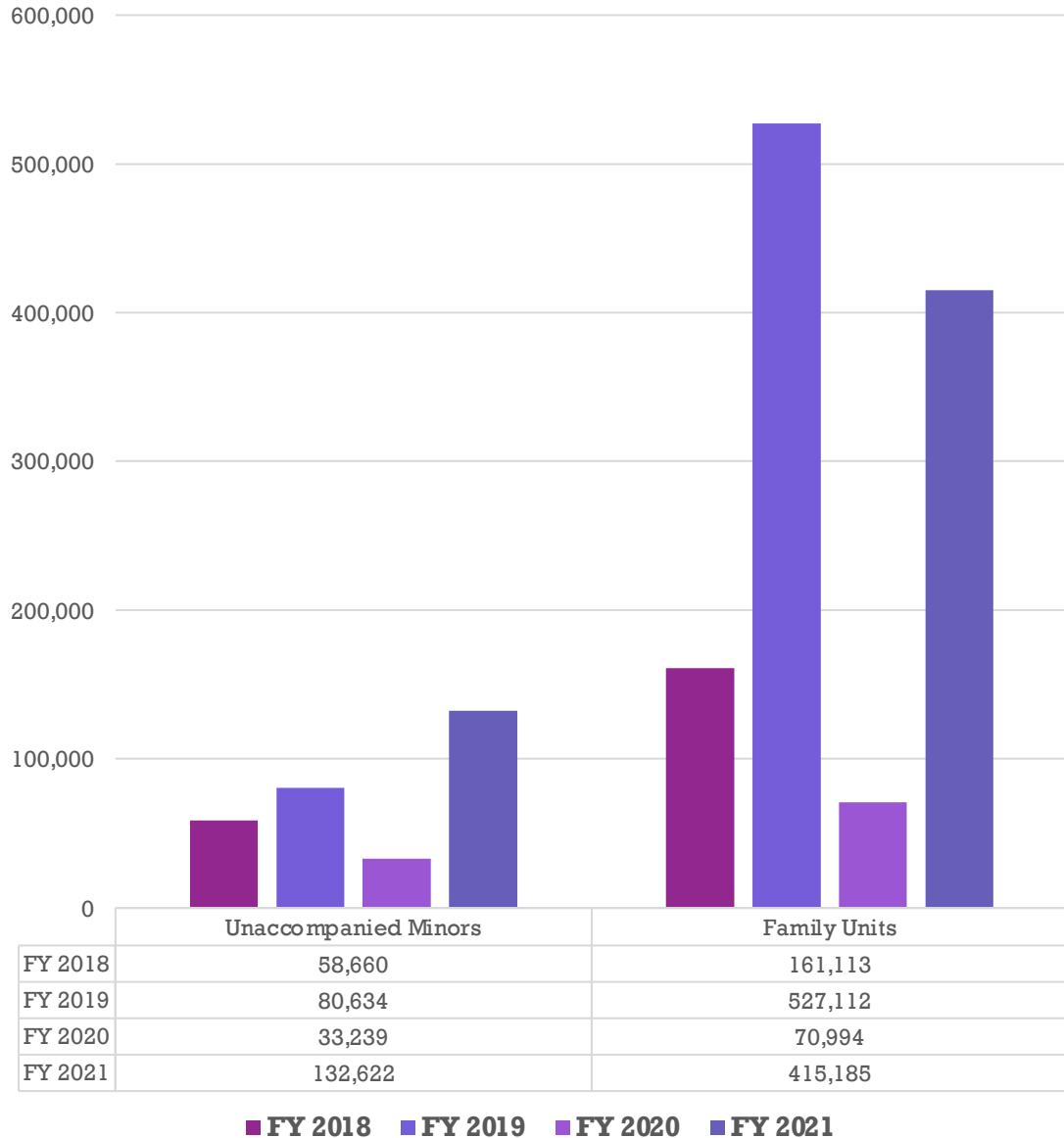




RECENT MIGRATION TRENDS & FEDERAL IMMIGRATION POLICY

Migration Trends at U.S. Border



RECENT MIGRATION TRENDS

- In October 2021 (most recent data):
 - **164,303** individuals encountered at southern border
 - **93,676 (57%)** expelled under Title 42
 - **12,807 (8%)** were unaccompanied children
 - **42,726 (26%)** were family units

WHY DO PEOPLE MIGRATE?

PUSH FACTORS

VIOLENCE

- Homicide, gang, gender-based, LGBTQ-related violence
- Homicide rates in Honduras, El Salvador, and Guatemala are ranked 1st, 4th and 5th in the world.

POVERTY

- 43% of Mexicans, 61% of Hondurans, 59% of Guatemalans, and 38% of Salvadoran live below poverty line

ENVIRONMENTAL FACTORS

- Honduras = hardest hit by natural disasters past 20 years; Guatemala and Nicaragua in top ten
- Crops failure and pollution

PULL FACTORS

OPPORTUNITY

- Work and economic opportunity
- Educational opportunities

FAMILY REUNIFICATION

- 36% of unaccompanied children prior to 2014 had at least one parent already in the U.S.

QUALITY OF LIFE

- Services (e.g., medical treatment)

POLLING QUESTION #2



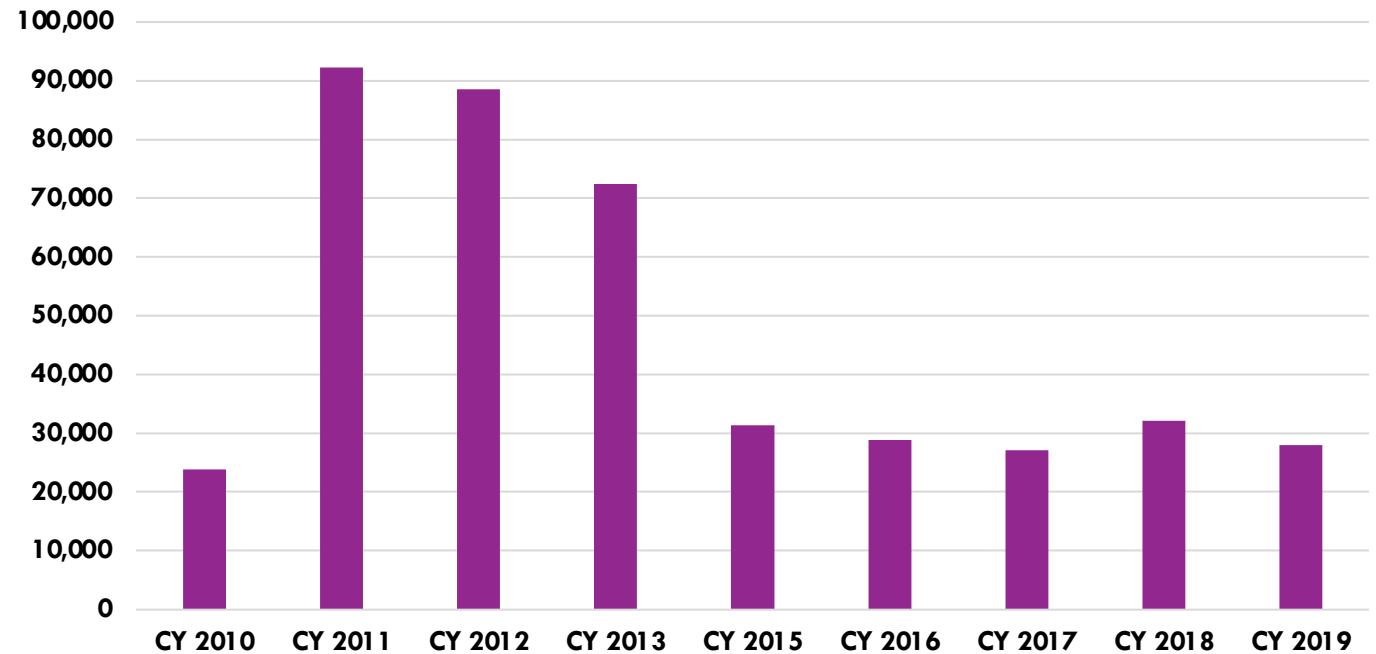
ENFORCEMENT DURING OBAMA ADMINISTRATION

- 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 apprehensions
- A few policies that protected families
 - ICE Parental Interests Directive
 - Prosecutorial Discretion for parents of U.S. children
 - ICE Sensitive/Protected Locations Memo
 - Locations include pre-schools, primary schools, childcare and early education programs

U.S. CHILDREN AFFECTED BY DEPORTATION

Deportations of Parents with U.S.-Born Children	
YEAR	# OF DEPORTATION ORDERS
2010*	23,913
2011	92,308
2012	88,517
2013	72,410
2014	No data available
2015	31,411
2016	28,860
2017	27,080
2018	32,132
2019	27,980
TOTAL: 424,611	

Deportations of Parents with U.S.-Born Children



*data only available for last quarter of 2010

IMMIGRATION POLICY & ENFORCEMENT DURING TRUMP ADMINISTRATION

- **Increased focus on enforcement – in interior & at the border**
 - Prioritizing all undocumented (not just those with criminal charges)
 - Encouraging law enforcement cooperation with ICE
 - Zero Tolerance Policy & Family Separation
- **Elimination & reduction of relief options**
 - End to Temporary Protected Status
 - Challenges to DACA
 - Asylum metering & Title 42 expulsions during COVID
 - “Migrant Protection Protocols” (“Remain in Mexico”)
- **Restrictions on immigrant use of public benefits**
 - Public charge rule changes



PUBLIC CHARGE RULE CHANGES

- Public charge: Person who receives certain public benefits (e.g., Medicaid, SNAP, TANF, etc.) may be considered a “public charge”
- Immigrants may be “inadmissible” for legal status if they are likely to become a “public charge”
- The public charge rule was expanded during the Trump administration. This expansion has been rescinded under Biden. However, concerns of continued “chilling effects” remain.
 - “chilling effects” = families avoiding benefits they qualify for due to fear of immigration repercussions



COVID-19 POLICY & IMMIGRANTS

In the U.S.

- COVID-19 testing/treatment NOT considered in public charge determination
- Families First Act → funding for uninsured for COVID-19 testing
- Relief funds not initially extended to undocumented immigrants
 - CARES Act
 - Leave No Taxpayer Behind Act

At the Border:

- Immigrants prohibited from entry to U.S. and expelled/deported
- Individuals, families, and children unable to make claims for asylum/humanitarian protection
- Immigrants in detention → increased vulnerability to COVID-19

CHANGES DURING BIDEN ADMINISTRATION

Some Progress

- Preservation of DACA
- Reinstatement of some temporary legal relief
- Pause to border wall construction and redirection of funds
- Revocation of Trump executive order that prioritized interior enforcement and deportation
- End to discriminatory bans on entry to the U.S.
- Deportation moratorium for 100 days

Some Stagnation

- Proposed U.S. Citizenship Act of 2021 to provide an eight-year path to citizenship for the estimated 11 million people living in the U.S. without legal status → stalled
- Some immigration provisions in Build Back Better Act → TBD
- Continued use of Title 42 at the border → using COVID-19 as justification for denying entry to asylum seekers
- Reimplementation of Migrant Protection Protocols (MPP)

The background features five stylized bird silhouettes in various colors: light blue, orange, light green, yellow, and light purple. They are arranged in a circular pattern, with the orange bird at the top, the light blue bird on the left, the light green bird on the right, the yellow bird at the bottom left, and the light purple bird at the bottom right. The text is centered over this background.

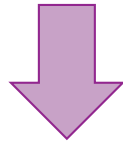
**UNACCOMPANIED MINORS &
PATHWAYS THROUGH
FEDERAL AND STATE SYSTEMS**

OFFICE OF REFUGEE RESETTLEMENT

UNACCOMPANIED ALIEN CHILDREN (UAC) PROGRAM

- Federal program responsible for the care and placement of “unaccompanied alien children”
- Children may go into ORR custody if they cross the border
 - Unaccompanied
 - OR
 - with a family member other than a parent
- Placed in “least restrictive setting” via a network of state-licensed, ORR-funded care providers (e.g., shelters, group homes, etc.)
 - Temporary as possible until a sponsor is found
- Services provided include legal, education, recreation, health, mental health etc.

PLACEMENT WITH ORR



- Influx facilities
- Emergency Intake Sites
- Licensed care facilities

Key Issues/Concerns:

- + Issues with licensing, monitoring, and oversight
- + Separation from non-parent relatives/caregivers

	Apr 2021	May 2021	Jun 2021	Jul 2021	Aug 2021
UCs in ORR care	20,339	20,332	16,014	15,104	16,171
Max # of beds	30,330	37,554	34,943	32,153	25,467
Avg. occupancy	76%	61%	46%	57%	64%
Avg. length of care	31	35	37	35	28
Male	15,798	12,106	10,282	9,822	10,235
Female	7,289	5,320	4,928	5,060	5,266

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.

POTENTIAL OVERLAP BETWEEN FEDERAL & STATE CHILD WELFARE

- Can a separated child, previously in ORR custody, be placed into state child welfare custody and adopted?
 - → Yes, **BUT UNLIKELY**
- A child who is released from ORR custody to a parent/sponsor could become involved with a state child welfare agency IF:
 - the care arrangement becomes unsafe or disrupted, and/or
 - an allegation of abuse or neglect by the caregiver is made
- If they come into care, then their case is treated like that of any other child/youth in care

STAY TUNED FOR MORE!

- We plan to offer additional short sessions like this one on other relevant topics on immigration and child welfare issues, for example:
 - Impact of immigration on children and families & providing support
 - Child welfare system best practice



RESOURCES

ENVIRONMENTAL
LAWYERS
ASSOCIATION
AND CENTER



THE CENTER ON
IMMIGRATION
AND CHILD WELFARE

PRACTICE

Resources for
Social Workers

Resources for
Legal
Professionals

Resources for
Youth & Families

LAW & POLICY

Federal Policy

State Policy

RESEARCH

Child Welfare
System

Immigrant Families

Unaccompanied
Minors

**TRAINING &
TOOLS**

CICW Workshops

Toolkits,
Handbooks,
Guides & Books

Presentations

Trainings

**CICW
PUBLICATIONS**

Conferences

Fact Sheets

Policy Briefs &
Analyses

Presentations

Journal
Publications

Reports

Research Briefs

Strengthening
Border Families
Research Project

Toolkits,
Handbooks,
Guides & Books

**STATE-SPECIFIC
RESOURCES**

AL - GA

HI - MD

MA - NJ

NM - SC

SD - WY

**FOREIGN
CONSULATE
CONTACTS**

China

Cuba

El Salvador

Guatemala

Honduras

India

Mexico

Philippines

Venezuela

The CICW website provides the most relevant news, practice, policy, and research resources related to the intersection of immigration and child welfare.

Go to: www.cimmcw.org

THE CENTER ON IMMIGRATION AND CHILD WELFARE
Corinne Wolfe
CHILD WELFARE AND IMMIGRATION PROJECT

Supporting Children in Immigrant Families in the Current Immigration Landscape
April 2019

LEGAL RESOURCES

CHILD WELFARE

- American Bar Association, Center on Children and the Law, Child Welfare and Immigration Project https://www.americanbar.org/groups/child_law/publications/immigration this project supports courts and agencies working with immigrant children, parents, and kin with children in or at risk of entering the dependency system. It helps child welfare and immigration attorneys understand their clients' legal needs. The project shares tools and models, and strengthens connections between the two legal fields.
- Immigrants in the Child Welfare System, Case Studies, Child Welfare and Immigration Project, ABA Center on Children and the Law (May 2018), https://www.americanbar.org/groups/child_law/publications/immigrants-in-the-child-welfare-system
- Parental Detention and Deportation in Child Welfare Cases, by Prudence Beidler Carr, American Bar Association Center on Children and the Law, Child Welfare Journal, Vol. 96, No. 5 (2018) (copy provided in training materials)

PUBLIC BENEFITS

- Access to State-Funded Public Benefits in New Mexico for Survivors, Based on Immigration Status, by Daniel Enos and Leslye E. Orloff (February 2019), <https://www.cimmcw.org/publications/new-mexico-immigration-status>
- Family Court Bench Card on Immigrant Crime Victims and Immigrant Children's Access to Public Benefits and Services, by Daniel Enos, Jordan Tacher, Leslye E. Orloff, and David Stauffer (Updated March 2019), <https://www.cimmcw.org/publications/family-court-bench-card>

SEPARATED CHILDREN

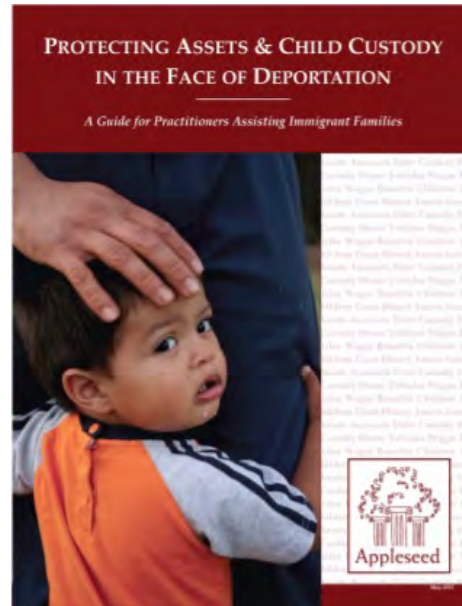
- Frequently Asked Questions About Separated Children and the Child Welfare System, ABA Center on Children and the Law, Women's Refugee Commission, and the Center on Immigration and Child Welfare (July 2018), <https://www.cimmcw.org/publications/frequently-asked-questions>
- Fact sheet answers frequently asked questions about family separation due to immigration enforcement and what happens to children separated from their parents, highlighting differences between the federal foster care system and state public child welfare system.

This CICW factsheet provides links to legal resources relevant in child welfare practice.

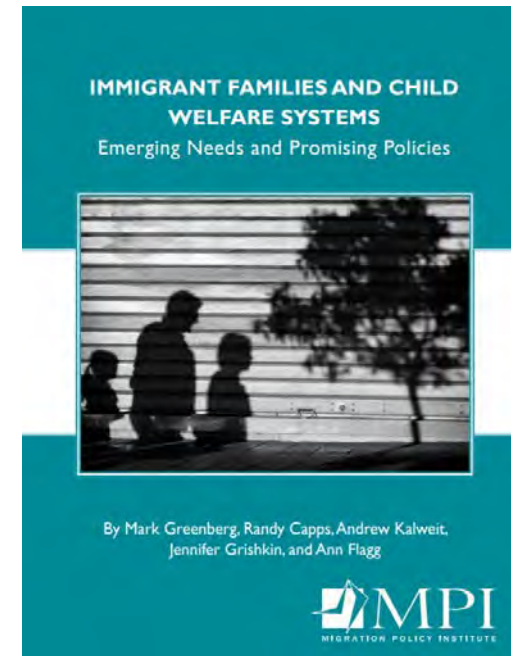
RESOURCES



This toolkit from the Immigrant Legal Resource Center provides guidance and best practices for working with detained parents.



This Appleseed manual contains information on issues like school safety, child custody, psychological issues for children, and much more.



This report presents key policy issues for child welfare agencies with respect to working with immigrant families as well as promising best practices and agency approaches.



CICW IMMIGRATION & CHILD WELFARE PRACTICE NETWORK

- Platform for ongoing communications among child welfare agency representatives who work with families around immigration issues across the country.
- If you work directly with immigrants or on immigration issues/policies in child welfare, please join our network.
- Email: ssepp@nmsu.edu to be added to the listserv!

CICW MONTHLY E-NEWSLETTER

- Sign-up for our monthly e-newsletter for news and resources on immigration and child welfare issues
- Go to www.cimmcw.org



The image shows a screenshot of a web form titled "E-NEWSLETTER SIGN-UP". The form is set against a dark background with white text and input fields. At the top, it says "E-NEWSLETTER SIGN-UP". Below that is a short paragraph: "Get monthly updates on current news, policies, and announcements". There are three input fields: "Email Address", "First Name", and "Last Name". Below the "Last Name" field, there is a small asterisk with the text "* = required field". At the bottom of the form is a blue button labeled "Subscribe".



QUESTIONS?
