



THE CENTER ON
IMMIGRATION
AND CHILD WELFARE



casey family programs

IMMIGRATION 101 & LEGAL TRAINING

June 2, 2022 • 9:00am – 11:00pm PT

ABOUT THE CICW

The Center on Immigration and Child Welfare (CICW) is housed in the School of Social Work at New Mexico State University. The CICW works to promote the welfare of children of immigrants and their families through original research, resource development and circulation, training and technical assistance, and national leadership, including sponsoring cross-sector conferences, workgroups, and advocacy.

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 monthly e-newsletter!



**THE CENTER ON
IMMIGRATION
AND CHILD WELFARE**

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.



INTRODUCTIONS

- **FIRST & LAST NAME**
- **JOB TITLE/POSITION**
- **DEPT/ORGANIZATION**



CHAT

**What initial question(s)
do you have that we
can address throughout
the workshop?**

DEMOGRAPHIC PROFILE OF IMMIGRANTS

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 WASHINGTON²

- **491,000 (30%)** children in immigrant families
 - **90%** are citizens
 - **12%** are foreign born
 - **63%** are citizens with at least 1 citizen parent
 - **27%** are citizens with only non-citizen parents

IN SEATTLE²

- **310,000 (37%)** children in immigrant families
 - **88%** are citizens
 - **15%** are foreign born
 - **65%** 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 WASHINGTON

Children with at Least One Foreign-Born Parent (2019) ¹		Parent's Region of Origin (2019) ²	
0 – 17 Years-Old		Latin America	205,000 42%
n	471,368	Asia	153,000 32%
%	29.8%	Europe	67,000 14%
Under 6 Years-Old		Africa	40,000 8%
n	157,027		
%	29.9%		
6 - 17 Years-Old			
n	314,341		
%	29.8%		

¹U.S. Census Bureau. (2020). 2020 American Community Survey 5-Year Estimates, Table B05009. Retrieved from <https://data.census.gov/cedsci/table?q=b05009&g=0400000US53&tid=ACSDT5Y2020.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/2/49/false/1729,37,871,870,573,869,36,868,867,133/1767,1768,1769,1770/12549,12550>

IMMIGRATION 101

CASE VIGNETTE: JOSE

A worker at an apple orchard in Washington called the police after Jose disclosed that he was being forced to work to pay off his debt for being brought to U.S. Jose disclosed that he was 15 and born in Honduras. Jose tells the police he was held in a locked trailer with 10 others. They were only let out to work. If anyone tried to leave, they would all be beaten. Any cash Jose received was taken by the owner of the trailer who told him it would be sent to his family in Honduras and to pay off his debt.

Would Jose qualify for any immigration relief?

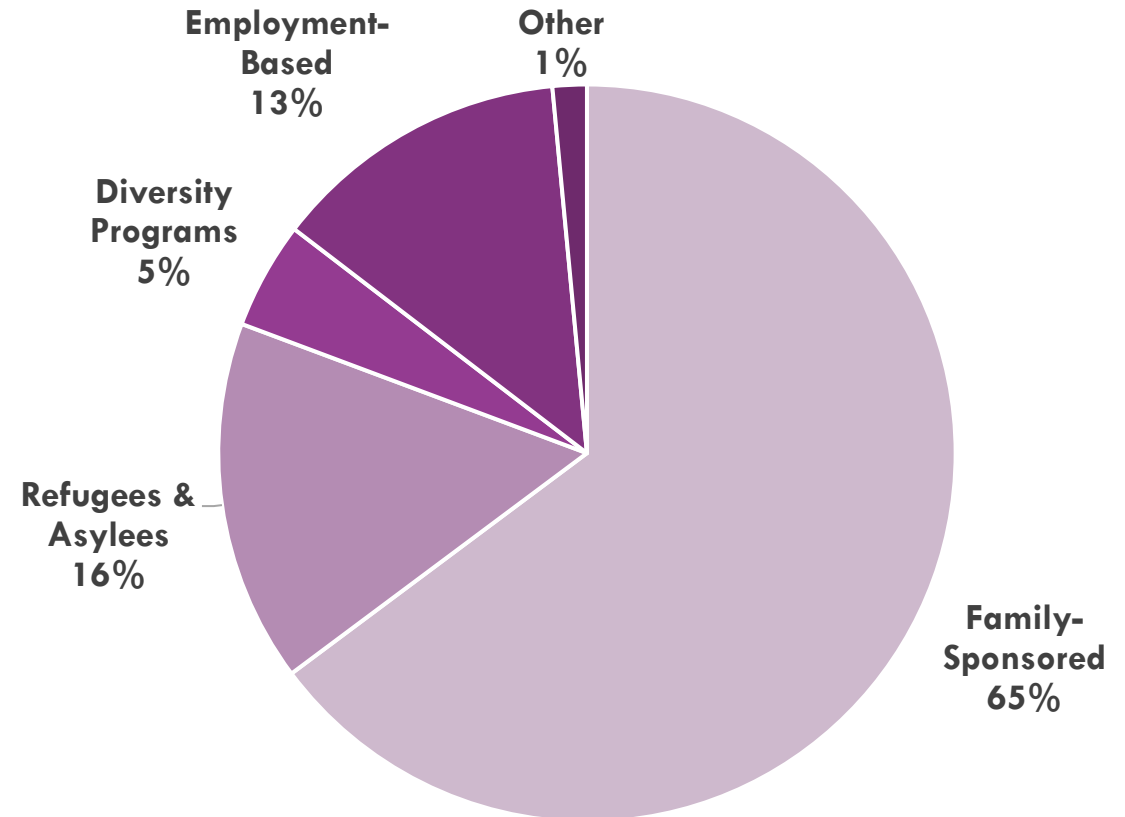
MAJOR IMMIGRATION CATEGORIES

- **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

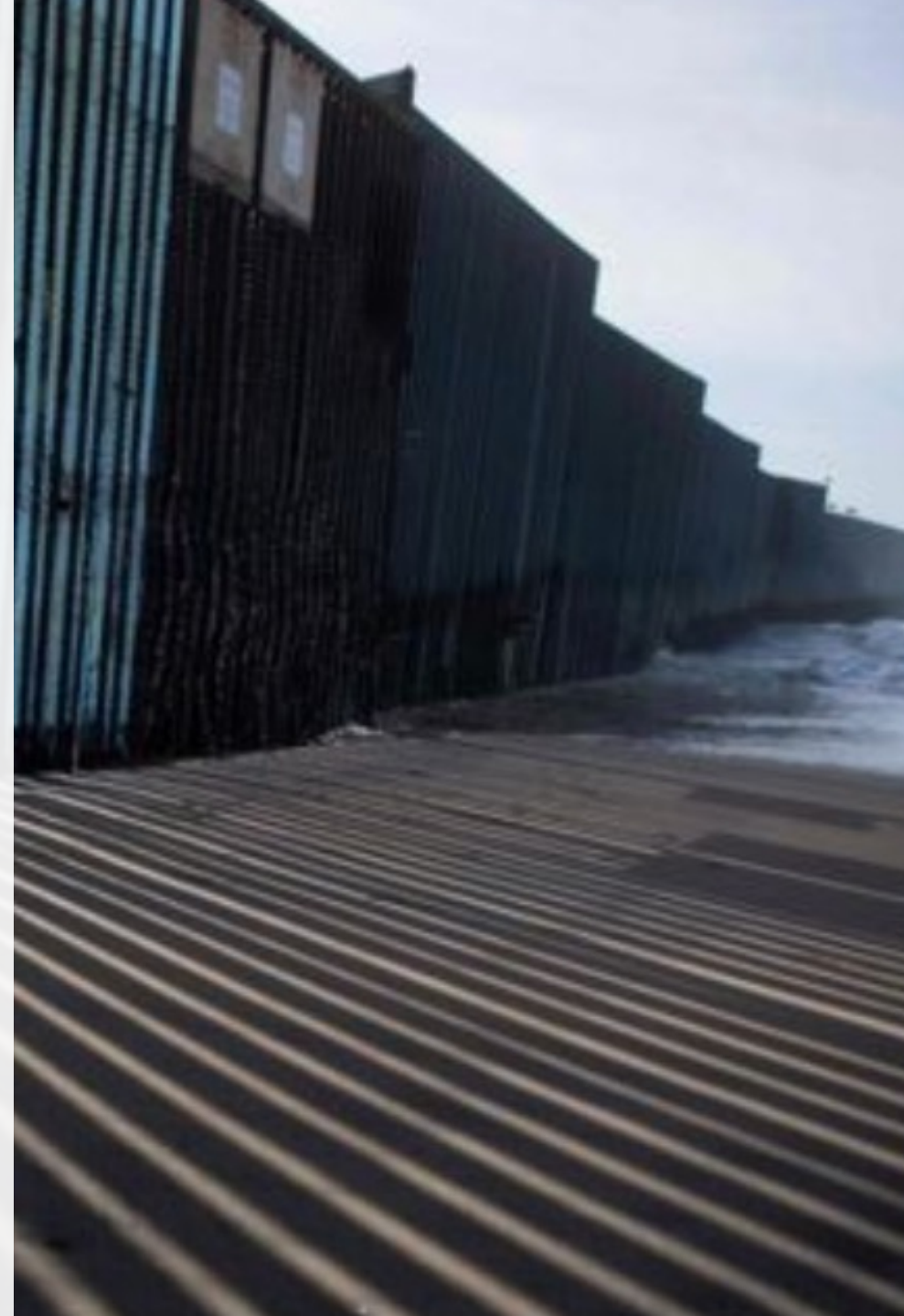
- Most common is a family-based petition (limited # visas available each year, some countries may take 10-15 years)
- Employment skills, employer-sponsored, and other special categories

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	01DEC14	01DEC14	01DEC14	01FEB00	01MAR12
F2A	C	C	C	C	C
F2B	22SEP15	22SEP15	22SEP15	01FEB01	22OCT11
F3	22NOV08	22NOV08	22NOV08	15SEP97	08JUN02
F4	22MAR07	22MAR07	15SEP05	01MAR00	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?
No
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. → 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**

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. → With a green card, you likely can become a citizen after six 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? → **No** → Sorry, you don't qualify to apply. → **Yes** → Wait time depends on home country. → Wait time for a single adult child of a lawful permanent resident: nine to 14 years. → Total time to immigrate and become a citizen: **14 TO 20 YEARS**

No → Sorry, you're out of luck.

Are you skilled?
No
Yes
Do you have a college degree in a specialty occupation?
Yes
OK. Then you have a shot, if...
...you have a job offer.

Can you prove that you are a genius? How about a star athlete? Or an investor with \$1 million?
No → 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.)

Yes → 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. → 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**

No → 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?
No → Sorry, you're out of luck.

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**

Yes → If an employer can't wait six to 10 years for you to start work... → ...is he willing to apply for your temporary work visa (H-1B)?
No → 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.
No → 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.

Temporary Protected Status (TPS) is for noncitizens from certain countries who have experienced natural disasters, civil wars or other destabilizing events.

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.*

*DACA does not lead to legal permanent residency.

RELIEF OPTIONS

PATHS TO LEGAL PERMANENT RESIDENCY

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.

T-Visas are available to victims of severe forms of trafficking.

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.

VAWA is for victims of domestic violence, where the abuser is a legal permanent resident or US citizen.

CASE VIGNETTE: CARMEN

Carmen is a 17-year-old high school student. Carmen and her mother Teresa were born in Mexico. They are undocumented. Carmen's father arranged for Teresa and Carmen to be brought to the U.S. They entered the country undetected by Border Patrol. Teresa believes Carmen's father was a U.S. Citizen. After some time in the U.S, Carmen's father became abusive, and Teresa left him taking Carmen with her.

Will Carmen or Teresa qualify for any immigration relief?

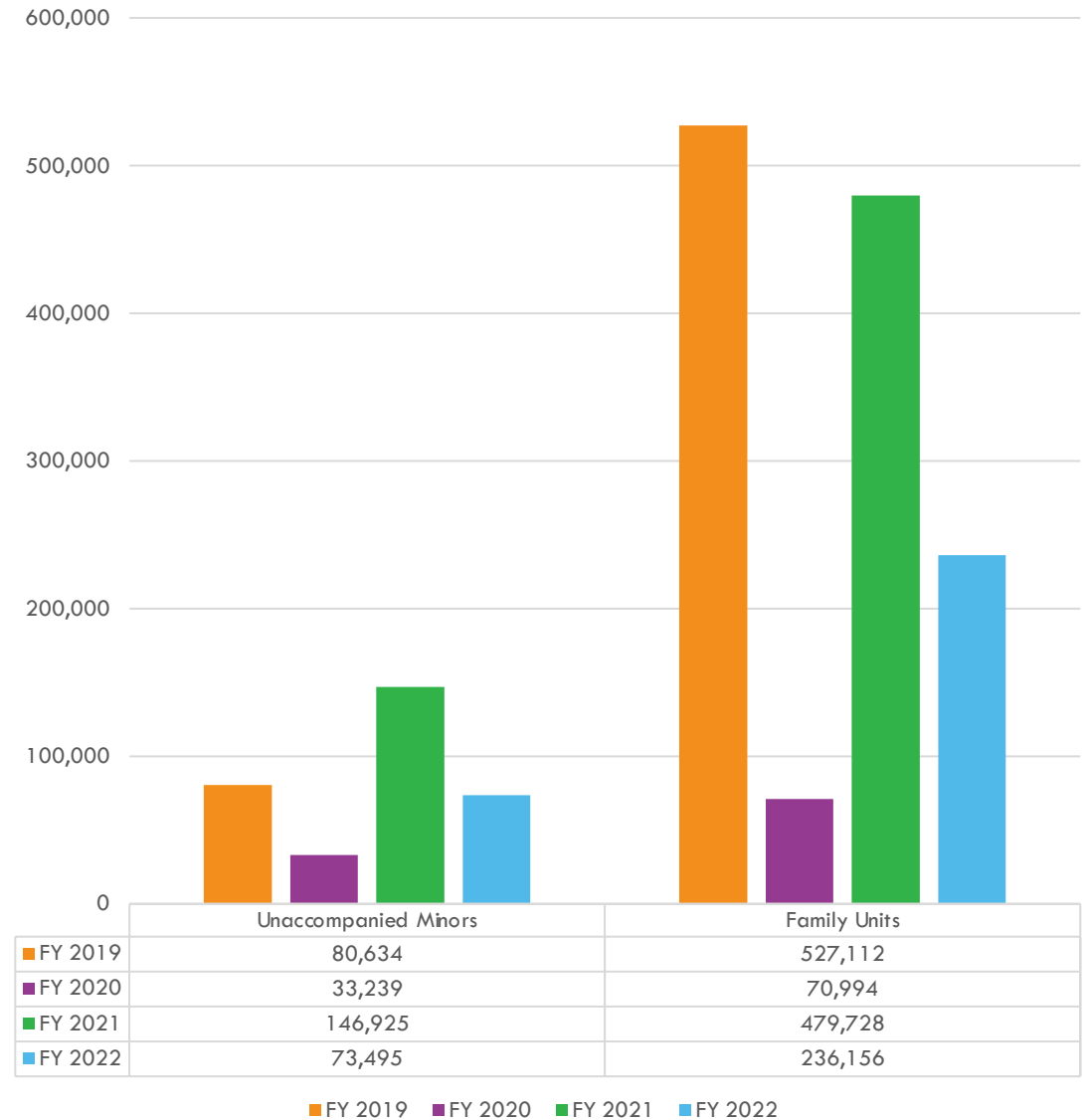
**RECENT MIGRATION
TRENDS & FEDERAL
IMMIGRATION POLICY**

RECENT MIGRATION TRENDS

In March 2022 (most recent data):

- ❑ **221,303** people encountered at southern border
- ❑ **109,549 (50%)** expelled under Title 42
- ❑ **14,167 (6%)** were unaccompanied children
- ❑ **37,818 (17%)** were family units

Migration Trends at U.S. Border



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)

A background image showing the silhouettes of a family—a woman, a child, and a man—walking together. The woman is on the left, holding the child's hand, and the man is on the right, also holding the child's hand. They are walking towards the right side of the frame. The background is a light, textured grey.

U.S. IMMIGRATION POLICY & ENFORCEMENT

- Obama administration oversaw more deportations than in any previous administration
 - A few protective policies: ICE Protected Areas & ICE Parental Interests Directive
- Since 2011, more than 400,000 parents of U.S.-born children have been deported
 - ICE apprehension protocols are not designed to minimize child endangerment
- Trump administration policy characterized by:
 - Increased focus on enforcement – in interior & at the border
 - Elimination & reduction of relief options
 - Restrictions on immigrant use of public benefits via public charge rule changes
 - → still having a “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
- Some funding for uninsured to receive COVID-19 testing
- COVID relief funds were not initially extended to mixed status families

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
- Shift away from prioritizing interior enforcement and deportation
- End to discriminatory bans on entry to the U.S.
- Deportation moratorium for 100 days

Some Stagnation

- Some attempts at larger immigration reform legislation, but so far these have failed
 - Most recent - Lift the Bar Act to be introduced in the Senate
- 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)



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

POLLING QUESTION

**How much experience have
you had working with
unaccompanied minors in
your work?**

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

	Oct 2021	Nov 2021	Dec 2021
UCs in ORR care	11,502	12,203	12,511
Max # of beds	25,915	24,098	22,200
Avg. occupancy	45%	58%	57%
Avg. length of care	30	31	30
Male	7,283	8,718	7,011
Female	3,800	4,772	3,612

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:

- ✓ **June 9, 2022 (9:00am – 11:00pm PT):**
Impact of Immigration on Children and Families & Providing Support
- ✓ **June 16, 2022 (9:00am – 11:00pm PT):**
Child Welfare System Best Practice



RESOURCES



**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

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/projects/areas/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/content/dam/aba/administrative/child_law/immigration/2018_20CW53-20Case%20Studies_Final_authcheckdam.pdf
- 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

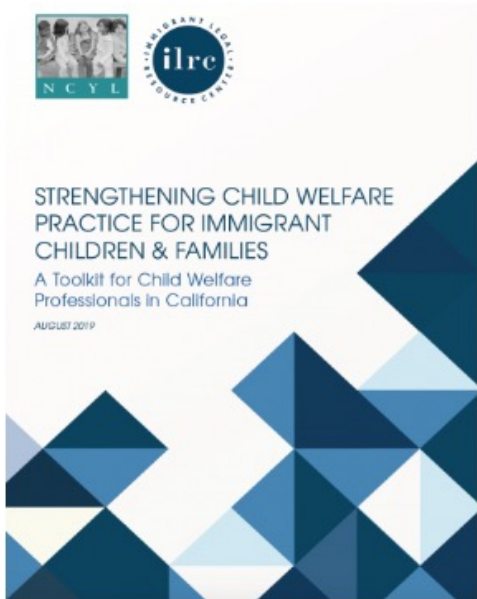
- Access to State-Funded Public Benefits in New Mexico for Survivors, Based on Immigration Status, by Daniel Enos and Leslye E. Orloff (February 2019). <http://nwslibrary.wrl.american.edu/wp-content/uploads/New-Mexico-Benefits.pdf>
- Family Court Bench Card on Immigrant Crime Victims and Immigrant Children's Access to Public Benefits and Services, by Daniel Enos, Jordan Tacher, Leslye E. Orloff, and David Stauffer (Updated March 2019). <http://nwslibrary.wrl.american.edu/wp-content/uploads/WWBrhCrtdPublicBenefitsAccessFamilyCourt-06-13-14.pdf>

SEPARATED CHILDREN

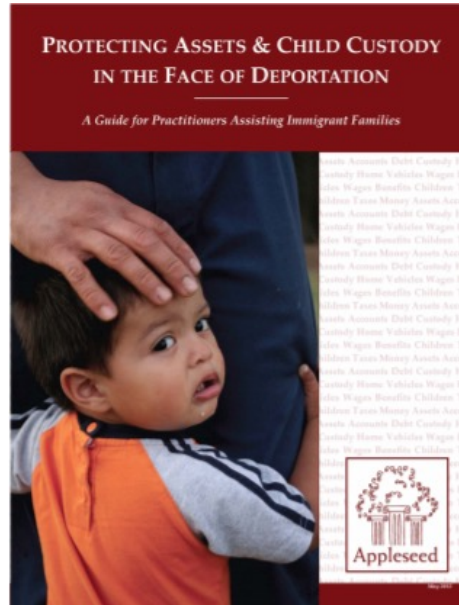
- Frequently Asked Questions About Separated Children and the Child Welfare System, ABA Center on Children and the Law, Women's Refugee Commission, and the Center on Immigration and Child Welfare (July 2018). <https://cimmcw.org/wp-content/uploads/2018/07/FAQ-Child-Welfare-Adoption-Consensus-Fact-Sheet-FINAL-FINAL-7-28-18.pdf>; this 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.

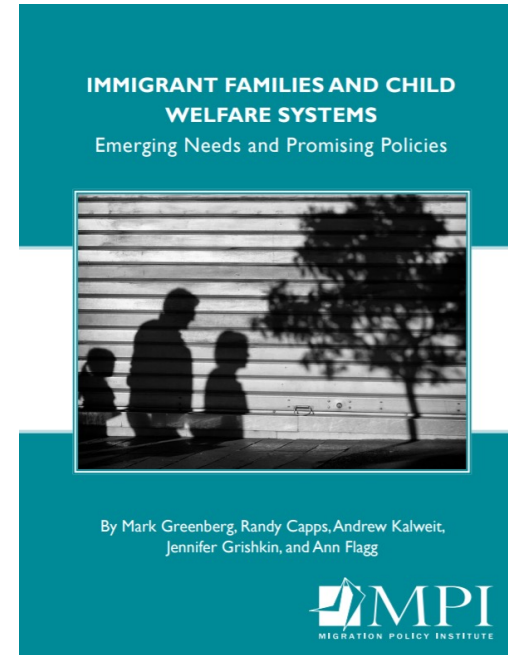
RESOURCES



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

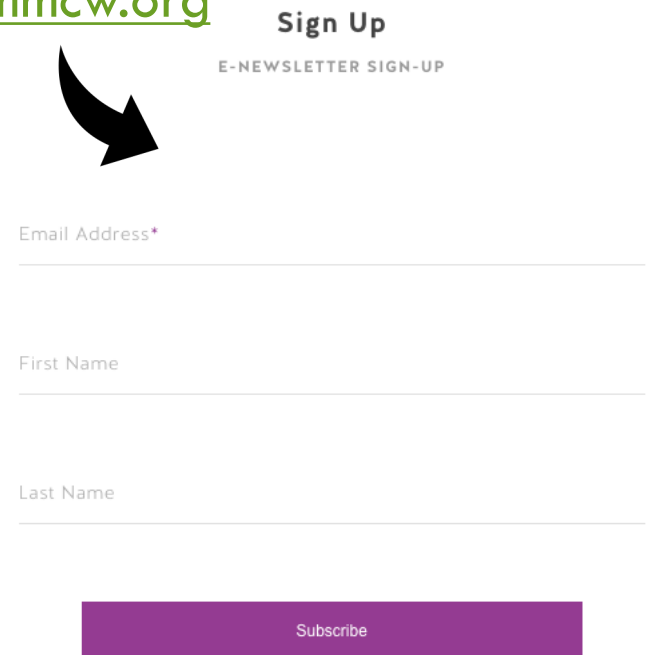
Platform for ongoing communications among child welfare agency representatives who work with families around immigration issues across the country.

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 screenshot shows a sign-up form for the e-newsletter. At the top right, there is a button labeled "Sign Up" with the text "E-NEWSLETTER SIGN-UP" below it. A large black arrow points from this button down to the "Email Address*" input field. Below the email field are two more input fields labeled "First Name" and "Last Name". At the bottom of the form is a purple button labeled "Subscribe".

Sign Up
E-NEWSLETTER SIGN-UP

Email Address*

First Name

Last Name

Subscribe



QUESTIONS?

THANK YOU!

Please go to the link posted in the chat to complete the post-workshop survey.