



Migration and Child Well-Being

At the Border of Immigration and Child Welfare

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Sunny Harris Rome, JD, MSW

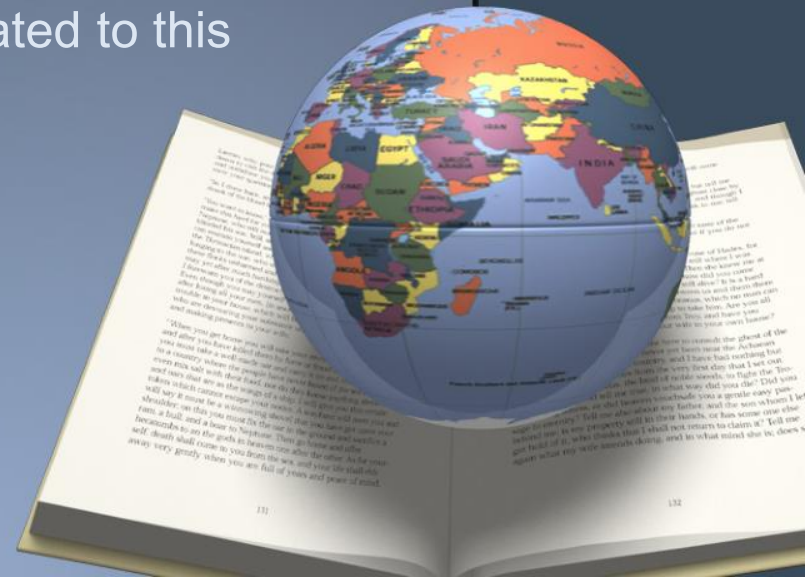
Robin Hernandez-Mekonnen, PhD, MSW

Alan Dettlaff, PhD, MSW



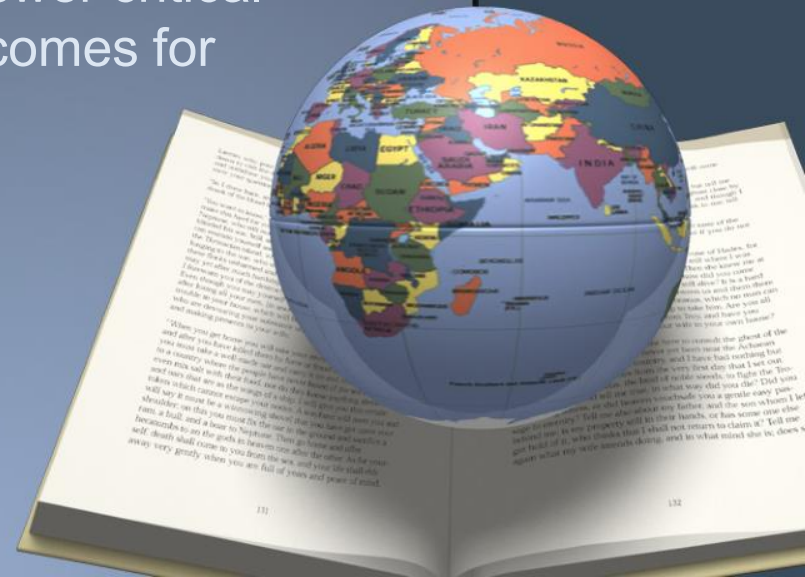
Overview

- What is the impact of immigration policies on children in the US?
- What is the current landscape of policies and practices related to immigrant children and families, particularly in the context of the rapid influx of unaccompanied children?
- What existing evidence can we draw upon to guide social work practice and education related to this population?



Learning Objectives

1. Examine the rapidly changing landscape of migration to the U.S. and how these issues impact social work practice, especially related to child welfare;
2. Assess current federal policy related to immigration and the ways in which it negatively impacts family and child well-being.
3. Identify further research needed to answer critical questions related to practices and outcomes for migrant children and families.



Outline of Presentation

1. New challenges to child welfare systems with unaccompanied minors

Thomas M. Crea

2. Policy developments impacting children in immigrant families

Sunny Harris Rome

3. Implications for social work education: Reaching students and practitioners

Robin Hernandez-Mekonnen

4. National Collaboration: Creating a forum to collect, advance, and disseminate practice, policy and research

Alan Dettlaff



Unaccompanied Minors

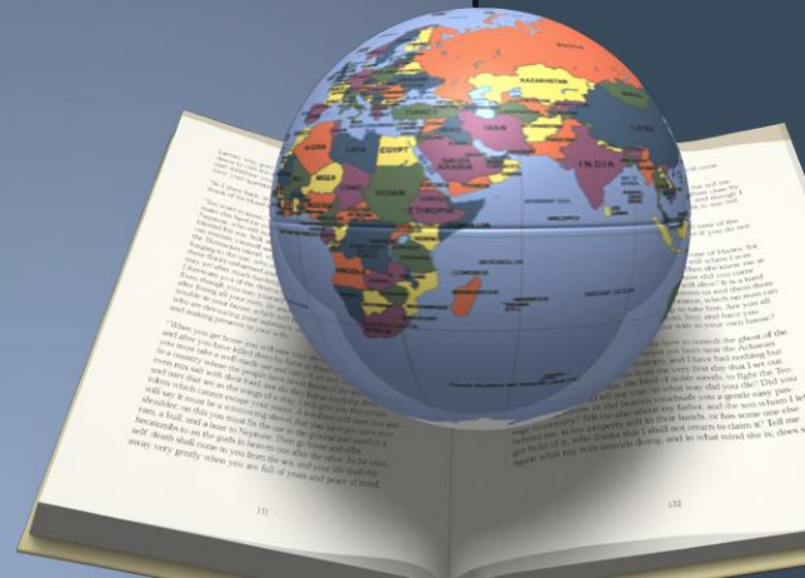
Thomas M. Crea, PhD, MSW
Graduate School of Social Work
Boston College



“La Bestia” – “the train of death”

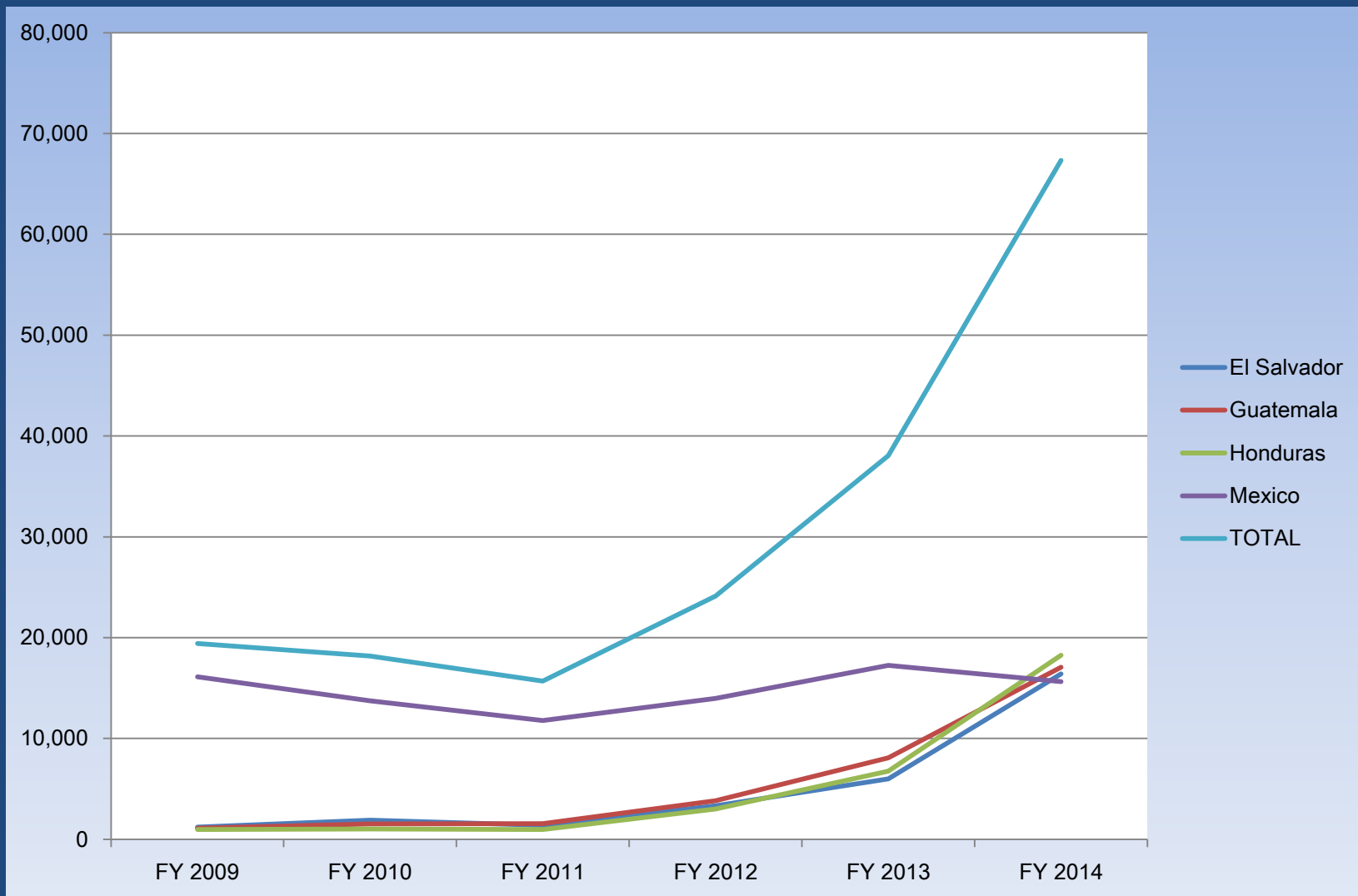
Increase in unaccompanied children

- Encountered –
FY 2014 (67,339) vs. FY 2013 (38,045)
77% increase
- Increase numbers primarily from the “Northern Triangle”: El Salvador, Guatemala, and Honduras

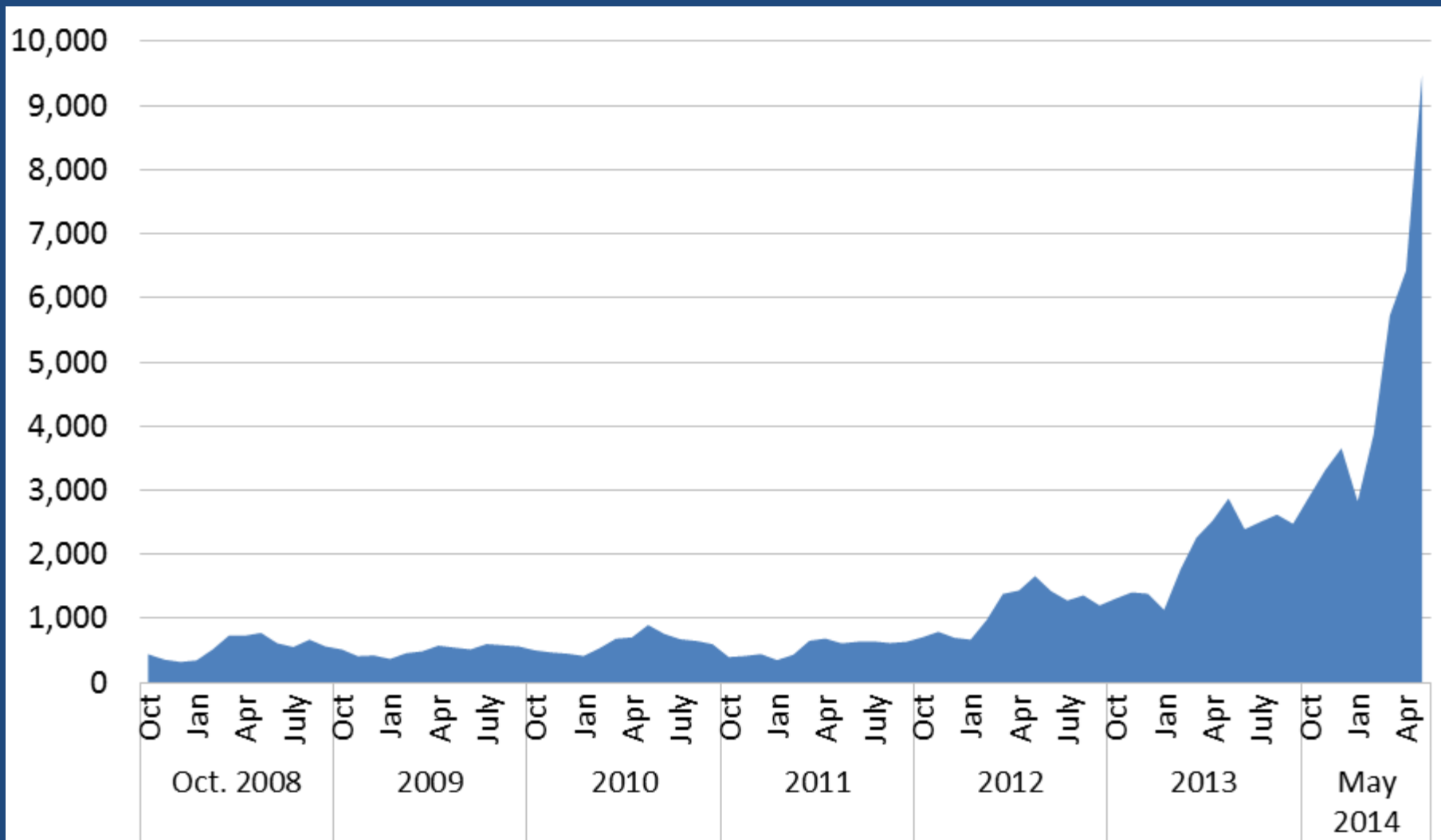


Unaccompanied Children Encountered by Border Patrol

[FY 2009-2013; FY 2014 through September 30]



UACs in ORR Custody, October 2008 through May 2014 (monthly referrals)



Public Framing of the Issue

Border Control



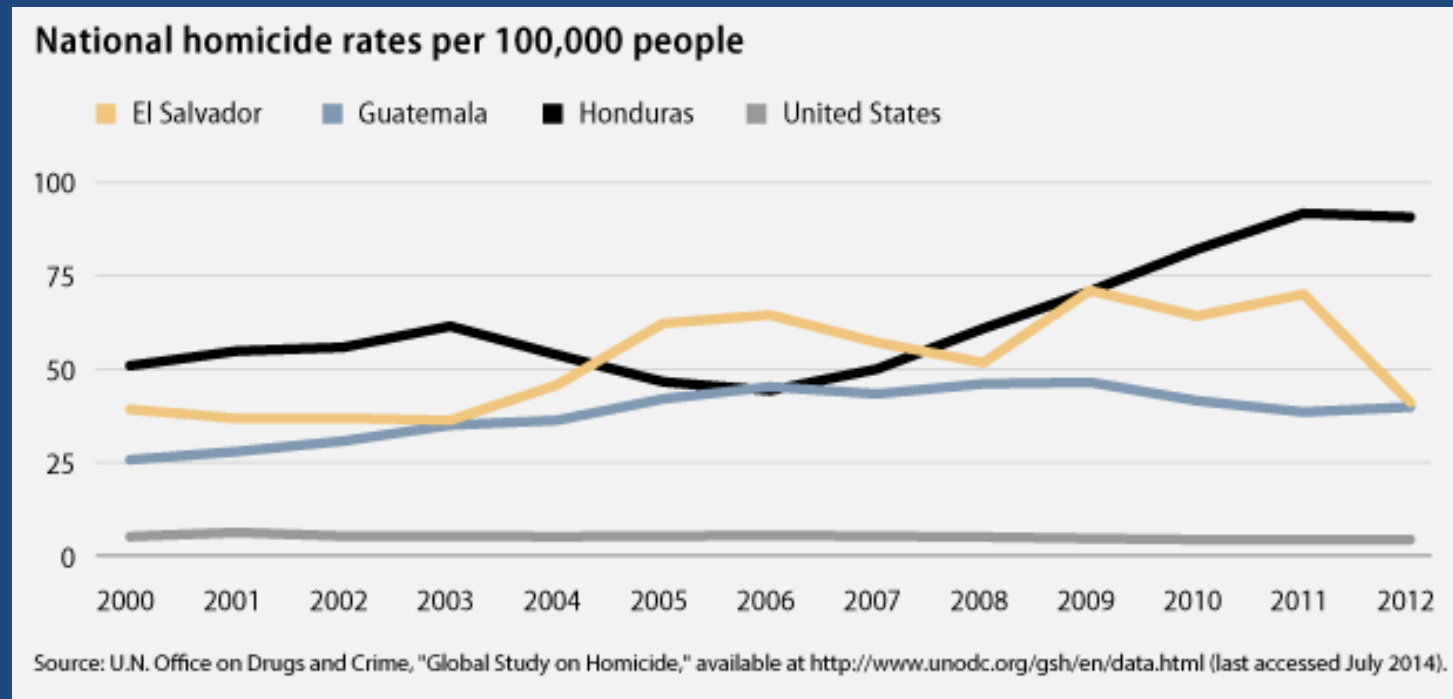
versus

*Humanitarian Child
Welfare Crisis*



Reasons for Increases?

- “Push” factors
 - Extreme poverty
 - Child maltreatment
 - Gang-related violence



Reasons for Increases?

- “Pull” factors
 - Family reunification
 - Searching for work opportunities
 - Human trafficking



Sources:

http://www.uscirefugees.org/2010Website/3_Our%20Work/Child_Migrants/FINAL_ENGLISH_VERSION.pdf

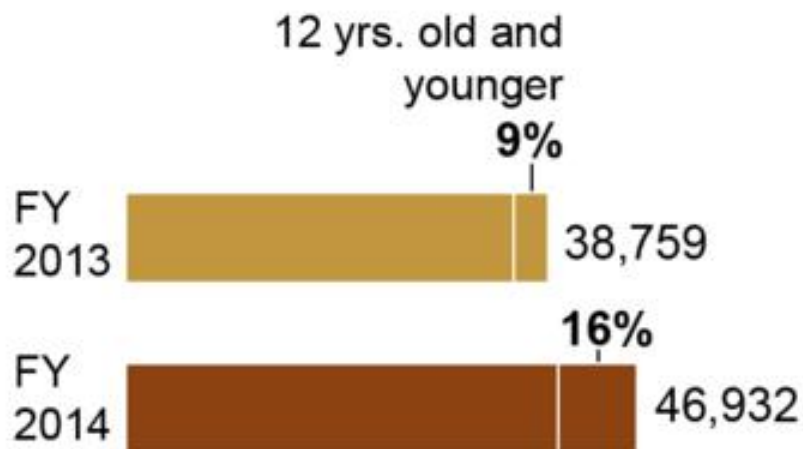
<http://www.americanprogress.org/issues/immigration/report/2014/07/24/94396/the-surge-of-unaccompanied-children-from-central-america-root-causes-and-policy-solutions/>

<http://www.acf.hhs.gov/programs/orr/programs/ucs/about>

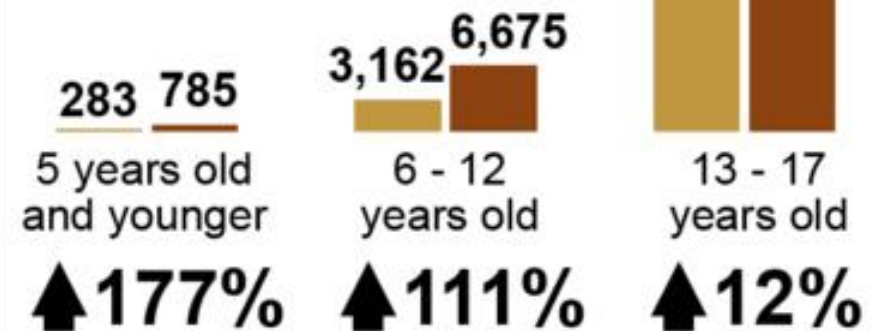
Increasing proportion of younger children

Ages of unaccompanied children caught crossing the border illegally

Total apprehensions



Apprehensions by age and percent increase fiscal year 2013 and 2014



Fiscal year 2013 is Oct. 1, 2012 - Sept. 30., 2013; Fiscal year 2014 is Oct. 1, 2013 - May 31, 2014.

Source: Pew Research Center, Enforcement Integrated Database records

@latimesgraphics

What happens upon arrival?

- Trafficking Victims Protection Reauthorization Act (TVPRA)
 - Simultaneous shelter and placement into removal proceedings
 - Transfer to federal custody within 72 hours (Office of Refugee Resettlement)
 - Detention -- shelters or detention centers; *OR*
 - Release -- sponsor care (parent, relative, family friend) or federal foster care
- Among children in federal care (Office of Refugee Resettlement [ORR]):
 - Approximately 65% are ultimately placed with a sponsor
 - 75% spend an average of 61 days in detention centers, while sponsors may be undergoing a lengthy home study

Sources:

<http://www.vera.org/sites/default/files/resources/downloads/the-flow-of-unaccompanied-children-through-the-immigration-system.pdf>

<http://www.migrationpolicy.org/article/dramatic-surge-arrival-unaccompanied-children-has-deep-roots-and-no-simple-solutions>



DEPORTATION SYSTEM FOR MINORS

ICE/CBP Arrest



- Vast majority of child apprehensions occur at the border.
- Internal apprehensions:
 - ICE may coordinate with local police, juvenile probation or detention officers;
 - Detainers: immigration hold while juvenile is completing sentence;
 - Denial of applications for immigration benefits.

ICE/CBP Processing Station

- At the border, CBP screens all children for fear of return/human trafficking.
 - If child is from a contiguous country (Mexico, Canada) and is determined not to be in need of protection, they are voluntarily returned.
 - Children from non-contiguous countries, e.g., Central America, are usually transferred to ORR custody.
- Both CBP & ICE must make a determination at arrest whether the child is "unaccompanied."
 - Unaccompanied means a child who has no lawful imm status in the U.S., is under 18 years of age, & has no parent or legal guardian in the country present or available to provide care & physical custody.
 - If determined to be a UAC, the child must be transferred to ORR within 72 hours (as req'd by TVPRA).
- Charged with immigration violations.
- No counsel provided and if you have counsel, not typically allowed at this stage.
- Risk of losing right to hearing.
 - Pressured to sign documents giving up right to hearing.
- Consular assistance - Vienna Convention.

Juvenile or Criminal Prosecution

- Deportation process happens simultaneously or after prosecution/adjudication.



Detention: ICE or ORR

- Facilities can be federal, local/county, private.
 - Little is known about ICE facilities and they are generally secure.
 - ORR facilities include shelters, staff secure, secure, or therapeutic.
- Very little control over transfer.
- Juvenile delinquency, drugs, suspected gang affiliation, or any indication that minor is a flight risk increases likelihood of detention in secure setting.
- UACs should receive KYR and legal screening while detained.
- If child turns 18, will likely be transferred into ICE custody.

Release

- Process may happen concurrently w/ imm court.
- While in ORR custody, a parent, relative or friend fills out reunification packet and is approved or denied.
- Option of federal foster placement if no sponsor is identified and legal services provider confirms eligibility for imm relief.



Deportation

If immigrant has a final administrative order of deportation/removal, and no stay of deportation, ICE may deport him/her. Consulate usually issues travel documents first.

Federal Courts

- Circuit Courts of Appeal are extremely limited as to what immigration cases they can review.

Immigration Court System

- No right to counsel at the gov't expense at Immigration Court or Appeals Court.
- Immigration Judge makes decision to deport and/or grant relief (lawful imm status), but USCIS has initial jurisdiction to consider Special Immigrant Juvenile Status (SIJS) and asylum applications.
- If granted voluntary departure, UAC not req'd to pay own return.
- Immigration Judge is DOJ employee.
- Appeal to Board of Immigration Appeals within 30 days.
 - Can be detained throughout appeal.

Research Priorities

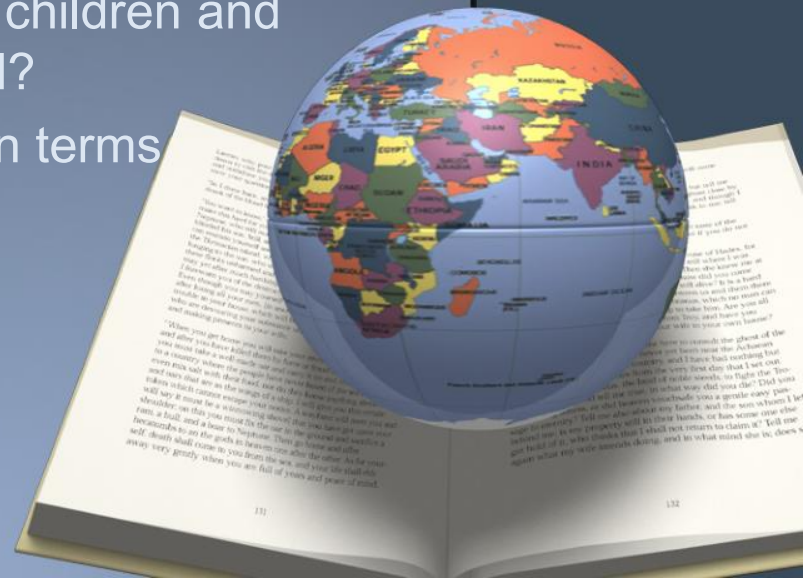
- Virtually nothing is known about these children following their involvement with ORR and federal detention centers*

Pressing research questions:

1. To what extent are federal screening and processing protocols trauma-informed and child friendly?
2. What is the quality of the vetting process for sponsors?
3. What are safety and placement outcomes for children and families while they await deportation proceedings?
4. What services are available for these children and families, and are they being accessed?
5. What is the quality of these services in terms of cultural competence?

* Source:

<http://www.vera.org/sites/default/files/resources/downloads/the-flow-of-unaccompanied-children-through-the-immigration-system.pdf>



The Policy Landscape

Sunny Harris Rome, MSW, JD

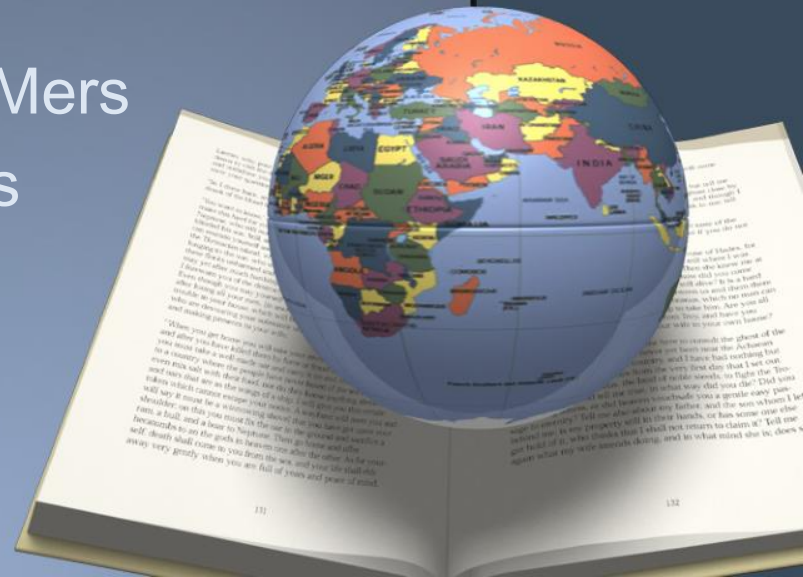
George Mason University



The Problem At-A-Glance

The goals of the child welfare system are safety, permanency, and well-being;
None of these are priorities of the immigration system

- Unaccompanied minors
- Undocumented youth – DREAMers
- Citizen children in mixed-status families

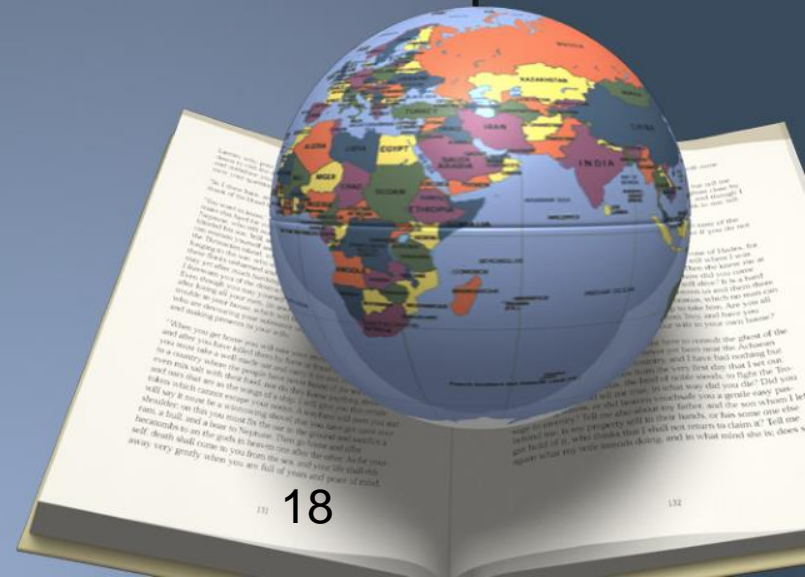


Obama Administration Initiatives

- Prosecutorial discretion:

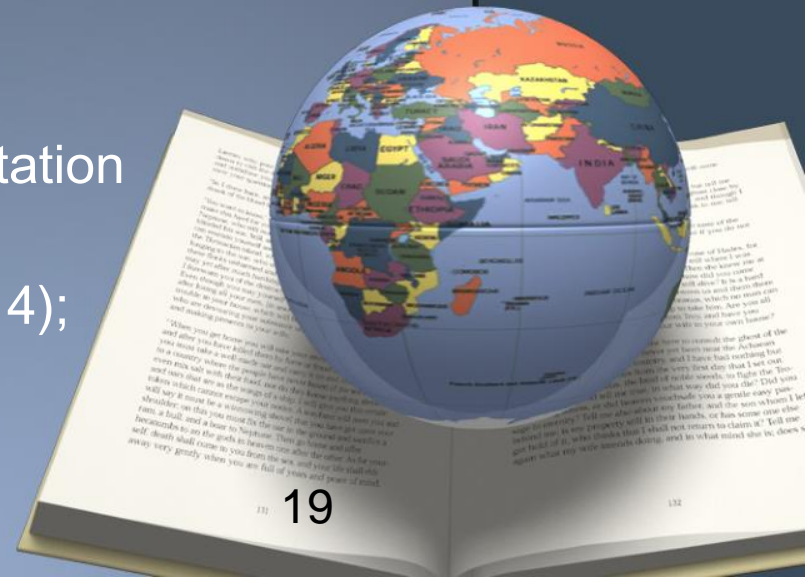
Prioritize pending cases

- ✓ Threat to national security or public safety (criminals)
- ✓ Recent unauthorized entrants & border crossers
- ✓ Fugitives, unauthorized re-entrants, visa fraud



Under Obama (cont'd)

- Deferred Action for Childhood Arrivals (DACA)
 - ✓ Came to USA as children (before age 16); under age 31
 - ✓ In school or have completed HS education or military service
 - ✓ No significant criminal record
 - ✓ Work permit & protection from deportation for 2 years (+)
 - ✓ 722,651 applications (as of June 2014); 685,544 granted

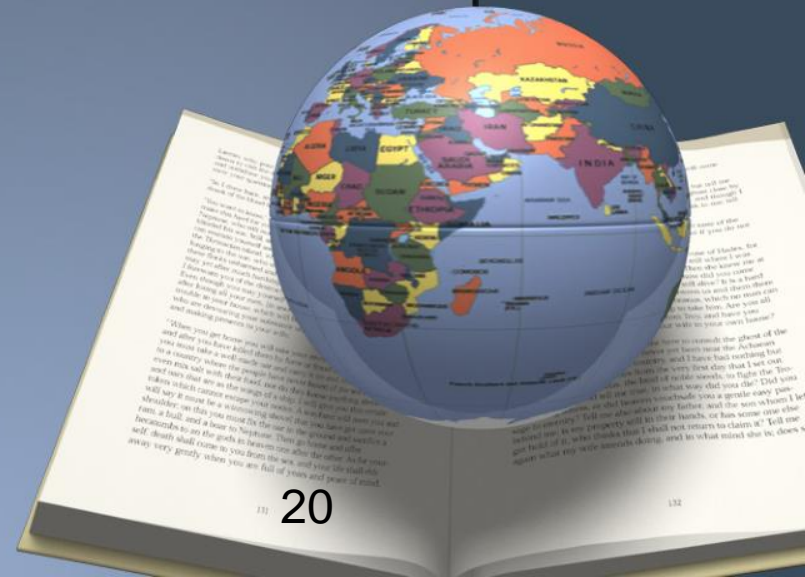


Under Obama (cont'd)

- ICE Parental Interest Directive (August 2013)

Ensures that parents in detention can

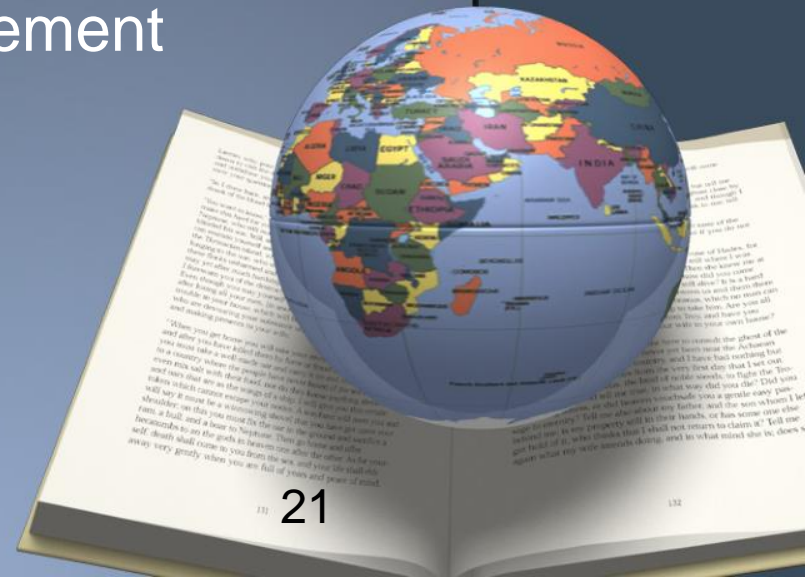
- ✓ Maintain contact with their children
- ✓ Make decisions about their children's care
- ✓ Participate in court proceedings that affect their parental rights



Under Obama (cont'd)

But:

- Record number of deportations
2 million +
 - ✓ Secure Communities Program
 - ✓ Increased border control
 - ✓ Appropriations to enforcement agencies (ICE & CBP)



In Congress

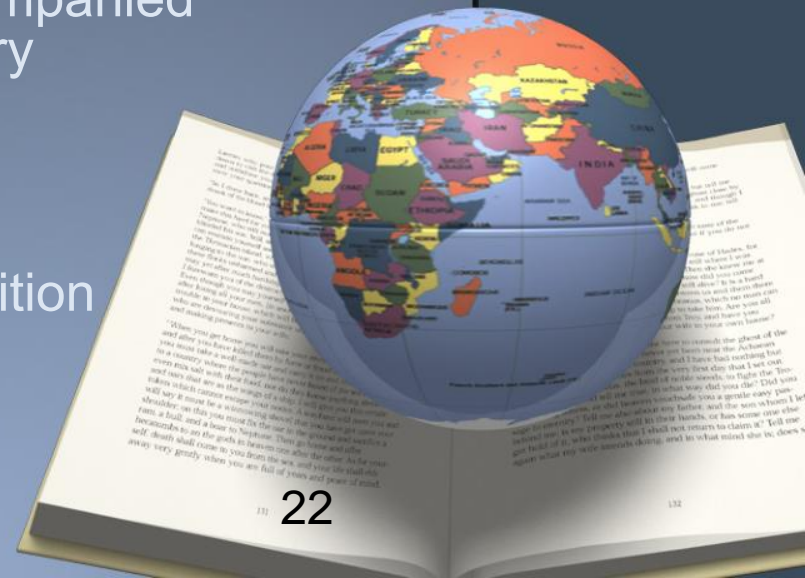
Comprehensive Immigration Reform

(passed by U.S. Senate 2013)

- ✓ DREAM Act
- ✓ HELP Separated Families Act
- ✓ Permits delayed filing for TPR
- ✓ Restores some discretion to immigration judges
- ✓ Special provisions to protect unaccompanied minors (appointed counsel; no solitary confinement)

Stalled in House

- ✓ Democrats threatened discharge petition
- ✓ Obama threatens executive order



In the States

Refusing cooperation with Secure Communities

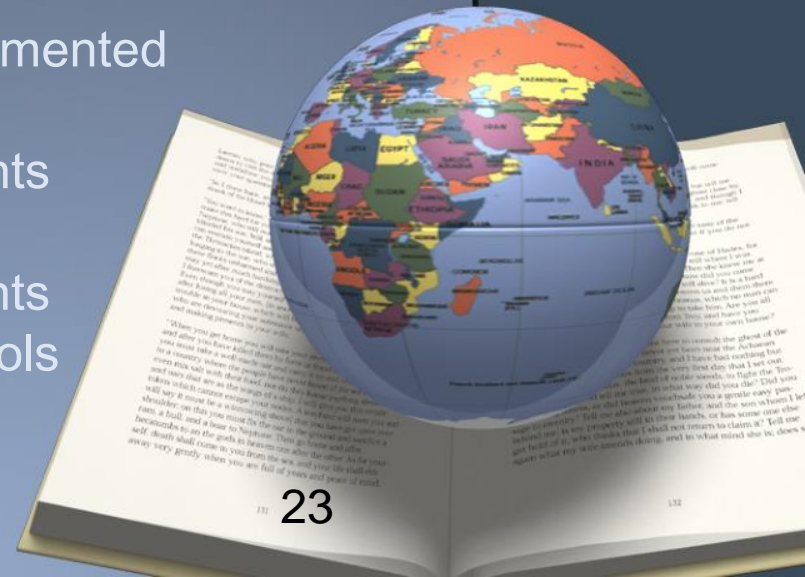
- ✓ California, Connecticut, New York Massachusetts
- ✓ Baltimore, Chicago, Newark, NYC, Philadelphia, Santa Cruz

Reuniting Families Act

- ✓ California

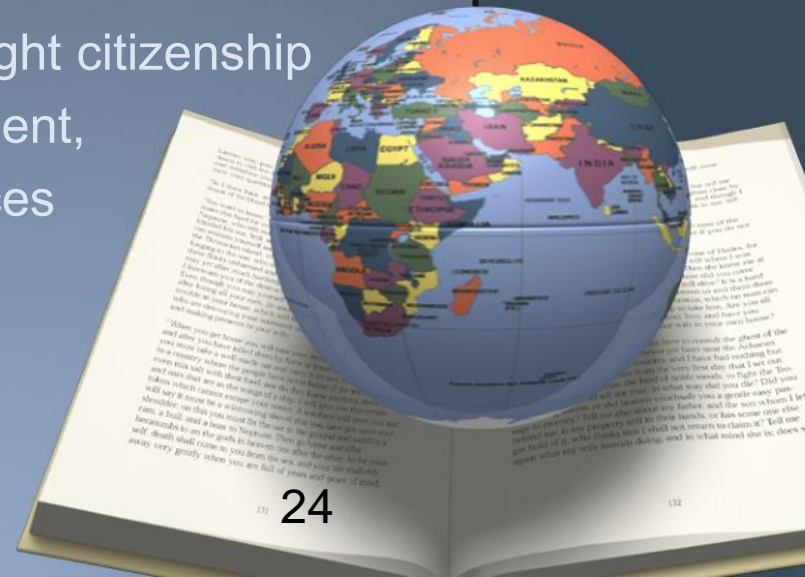
State DREAM Acts

- ✓ 18 states provide in-state tuition
- ✓ 4 states extend financial aid to undocumented students
- ✓ 3 states prohibit undocumented students from receiving in-state rates;
- ✓ 2 states prohibit undocumented students from enrolling in post-secondary schools



Be an Advocate !

- Support Comprehensive Immigration Reform
 - ✓ Pressure House of Representatives to act
 - ✓ Keep children & families front & center
- Elect pro-immigration candidates
- Seek increased discretion, curbs on deportation
- Promote state & local initiatives
- Monitor court decisions
- Oppose policies that undermine birthright citizenship or restrict access to housing, employment, education, health care, & social services





Implications for Social Work Education: Reaching Students and Practitioners

Robin Hernandez-Mekonnen PhD, MSW
Child Welfare Education Institute,
Master in Child Welfare Education Program (MCWEP)
The Richard Stockton College of NJ

Objective:

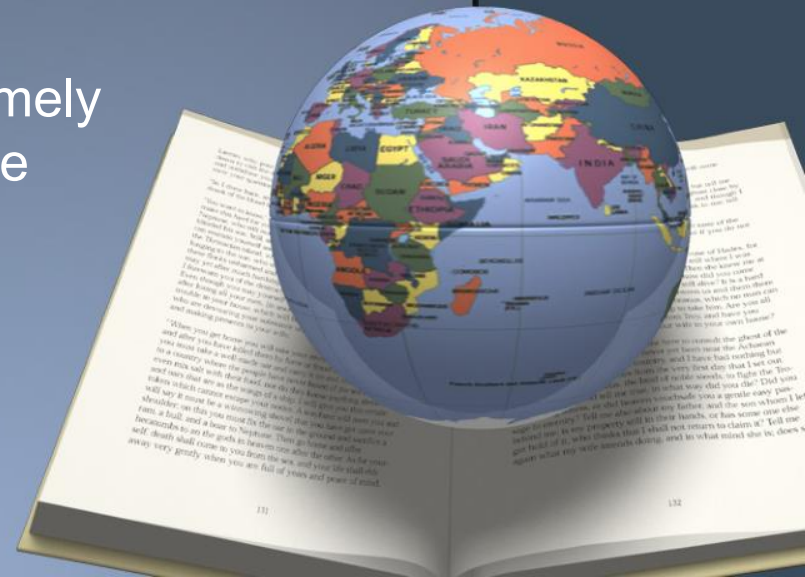
- **Integrate current knowledge into real time child welfare practices**

- Translate current research into best practices
- Highlight the importance and variety of the immigrant experience in child welfare practice
- Provide CPS workers and supervisors knowledge and tools for working with immigrant families



Title IV-E- Child Welfare Training Partnerships

- Approximately 147 Title IV-E programs exist in 35 states (CSWE, 2011).
- At least 1853 students received Title IV-E support in the 2011-2012 academic year (BSW or MSW) (SWPI, 2012).
- Create a natural pipeline for disseminating current knowledge and into relevant practice.
- Developing curricula/workshops on timely issues is vital in addressing immediate concerns such as:
 - Increase in detention/deportation
 - Refugee resettlement (UAC)
 - Trafficking



New Jersey- Master in Child Welfare Program (MCWEP)

- Child Welfare Education Institute (CWEI) at Stockton College
 - Houses MCWEP, BCWEP, and the Southern region training partnership.
- MCWEP- Consortium of 3 MSW programs
 - Stockton, Monmouth, Rutgers
- 58 Students/35 county offices- all Supervisor or Casework Supervisors
 - Overseeing or serving cases statewide
- Each school has a Graduate Coordinator
 - Meet bi-monthly with DCF Administrators
- Quarterly Learning Communities
 - Day long retreats tailored to developing statewide cohort
 - Interactive instruction engaging critical thinking with current topic matter



Learning Community Methods*

•Explore the prevalence of immigrant/immigration impacted families on DCF caseloads

Needs

•Define the obstacles & barriers to effective engagement, permanency and or closure.

Barriers

•Understand the role of trauma, legal status and ICE detention upon immigrant families

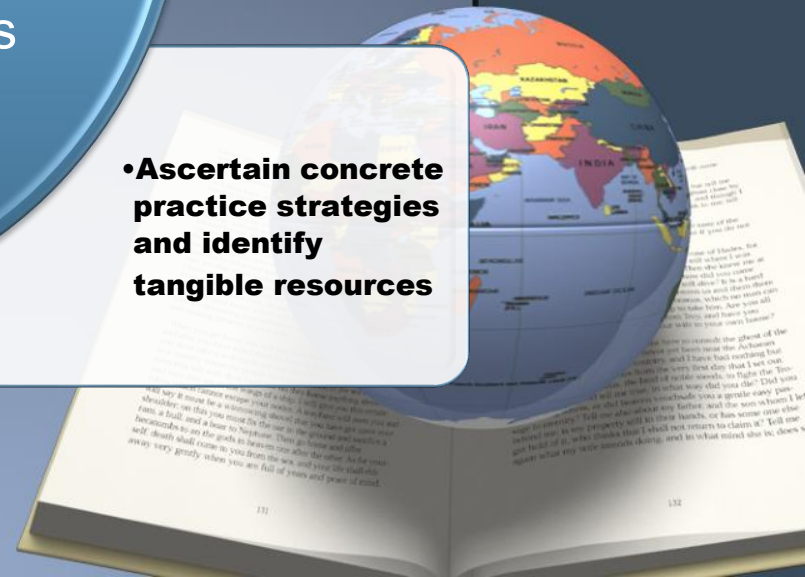
Factors

•Ascertain concrete practice strategies and identify tangible resources

Resources

*Using a Critical Thinking Model

<http://www.criticalthinking.org/ctmodel/logic-model1.htm>



Background- NJ

Children By Family Nativity

Year(s): 5 selected | Data Type: All

Data Provided by: National KIDS COUNT

Location	Data Type	2008	2009	2010	2011	2012
New Jersey	Number	652,000	667,000	696,000	708,000	724,000
	Percent	32%	33%	34%	35%	36%

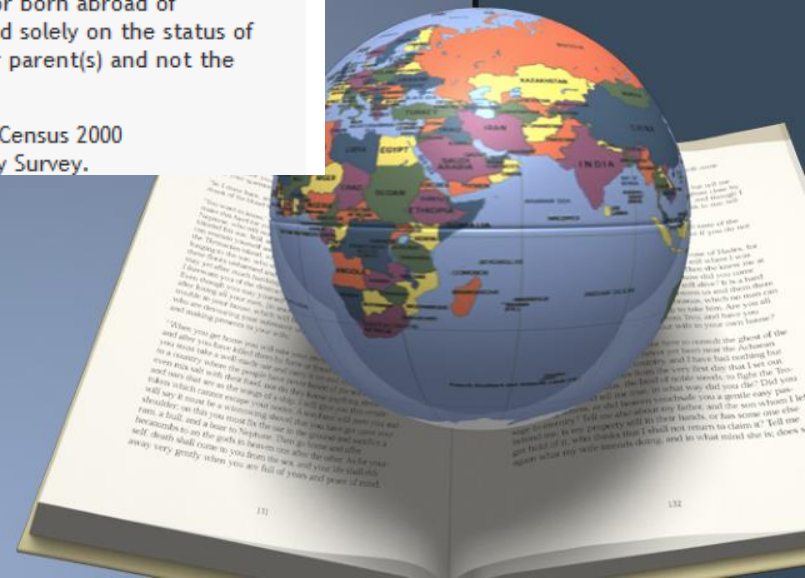
DEFINITIONS & SOURCES

COLLAPSE ▲

Definitions: The share of children under age 18 who are foreign-born or reside with at least one foreign-born parent.

Foreign-born is defined as either a U.S. citizen by naturalization or not a citizen of the U.S. Native-born is defined as born in the U.S., Puerto Rico, Guam, the U.S. Virgin Islands, or the Northern Marianas or born abroad of American parents. The foreign-born status of children not living with either parent is based solely on the status of the child and no other household member. Children living in subfamilies are linked to their parent(s) and not the householder.

Data Source: Population Reference Bureau, analysis of data from the U.S. Census Bureau, Census 2000 Supplementary Survey, 2001 Supplementary Survey, 2002 through 2012 American Community Survey.



Background-NJ

Children In Immigrant Families By Parent's Region Of Origin

Year(s): 5 selected | Region: All | Data Type: All

Data Provided by: National KIDS COUNT

Location	Region	Data Type	2008	2009	2010	2011	2012
New Jersey	Latin America	Number	311,000	330,000	339,000	345,000	359,000
		Percent	48%	50%	49%	49%	50%
	Europe	Number	96,000	92,000	96,000	102,000	92,000
		Percent	15%	14%	14%	15%	13%
	Asia	Number	195,000	199,000	212,000	212,000	216,000
		Percent	30%	30%	31%	30%	30%
	Africa	Number	39,000	38,000	39,000	44,000	48,000
		Percent	6%	6%	6%	6%	7%

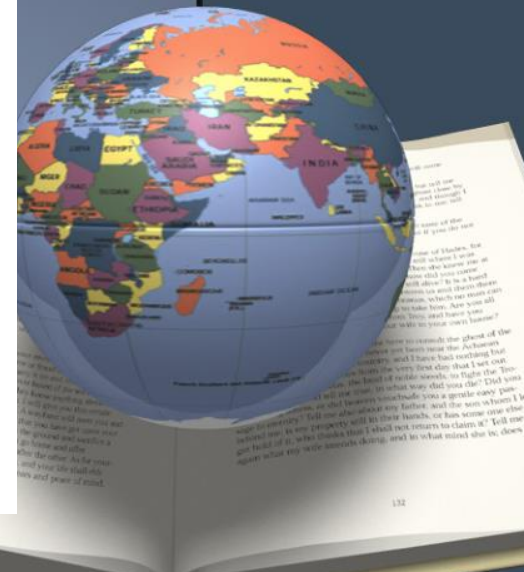
DEFINITIONS & SOURCES

COLLAPSE ▲

Definitions: Children in immigrant families are children under age 18 who are themselves foreign-born or who have at least one foreign-born parent.

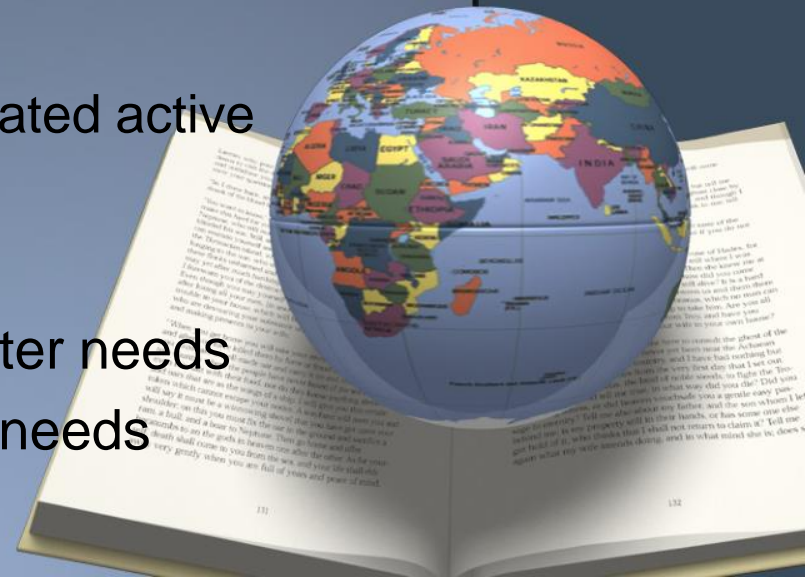
In this tabulation at least one resident parent who is foreign-born is from Latin America, Europe, Asia or Africa. The child population is shown by their resident parent's region of origin.

Data Source: Population Reference Bureau, analysis of data from the U.S. Census Bureau, 2005 - 2011 American Community Survey.



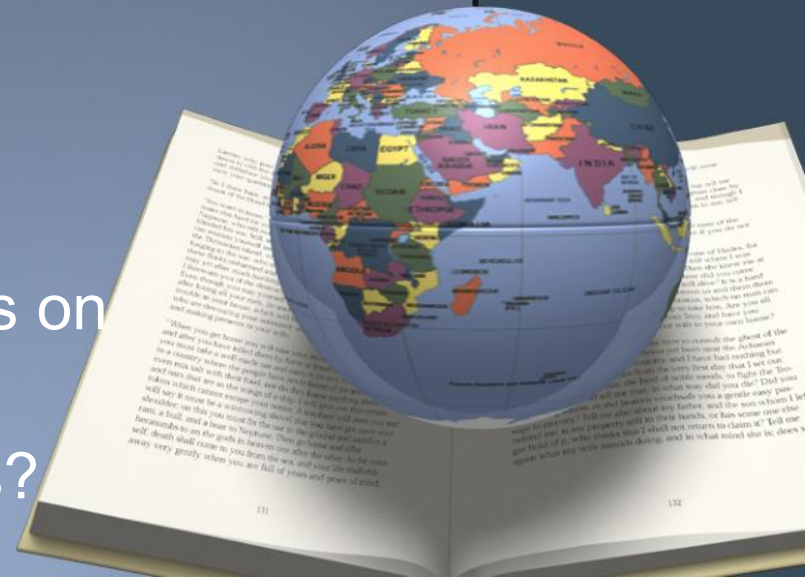
DCF Involvement- Need

- Investigation- NJ SPIRIT
 - Parental Nativity
 - Field unpopulated
- Currently unable to ascertain the number of families with at least one parent with a foreign nationality
 - Additional DCF research required
 - Challenge to MCWEP = 1165 estimated active cases with immigrant families
- Importance of data in practice
 - Ability to assess bilingual/interpreter needs
 - Ability to assess service provider needs



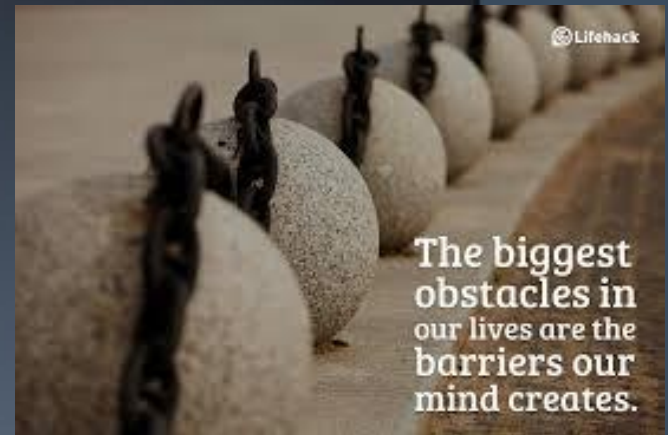
Barriers to Serving Immigrant Families

- How do we Know where to start?
 - Is the child a citizen?
 - Are all children in the family citizens?
 - What are the parents' status'?
- Language
 - What language is spoken?
 - Who can translate?
 - What services exist?
- What are peoples' views, values on immigration?
- How does that impact decisions?



Obstacles

- Why is DCF involved?
 - No parent
 - Child abuse
 - Child neglect
 - Cross reporting requirement
- Case Flow Chart – MCWNN Resource
 - Is there police/prosecutorial involvement?
 - Does this result in an ICE Detainer?
 - Confidentiality

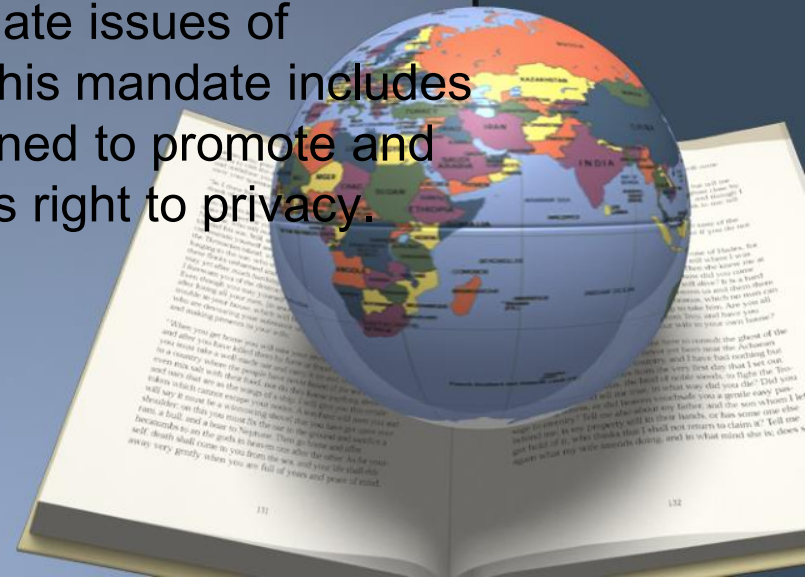


Factors: Laws & Confidentiality



- In a U.S. climate that has become increasingly hostile to immigrants and where deportation fears prevent families from seeking services, it is important that the role of the public child welfare agency is clearly explained to immigrant families. Currently, no federal law requires state and local officials to affirmatively enforce federal immigration laws. Therefore, state and local officials have no duty under federal law to report noncitizens.
- In working with immigrant families, it is critical to underscore the agency's commitment to resolving the immediate issues of protecting children from abuse and neglect. This mandate includes a certain confidentiality provision that is designed to promote and protect the working relationship and the child's right to privacy.


– MCWNN 2009 Status and Relief Options Toolkit



Factors:

Child Protection -Case Practice Model

- Immigrant families encounter many barriers to protecting themselves and their children. Successful case planning includes an assessment of accessible community resources and their effectiveness so that service recommendations are realistic for and accessible to family members.
- **Migrant Parents' Guide to Preventing Family Separation**
 - **Available in Spanish**
 - **It is helpful for DCF worker to be part of this plan**
 - **Can be used for undocumented kin caregivers as**



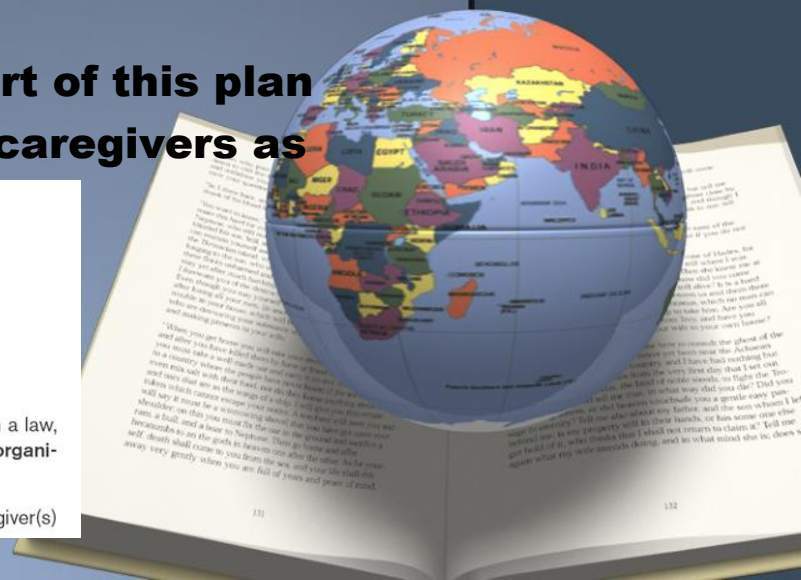
**WOMEN'S
REFUGEE
COMMISSION**

Make a Plan: Migrant Parents' Guide to Preventing Family Separation

Immigration enforcement is on the rise. Immigrant parents can and should take steps to prepare for the possibility of separation from their children. This will increase the likelihood that they can reunify with their children if they are detained or deported.

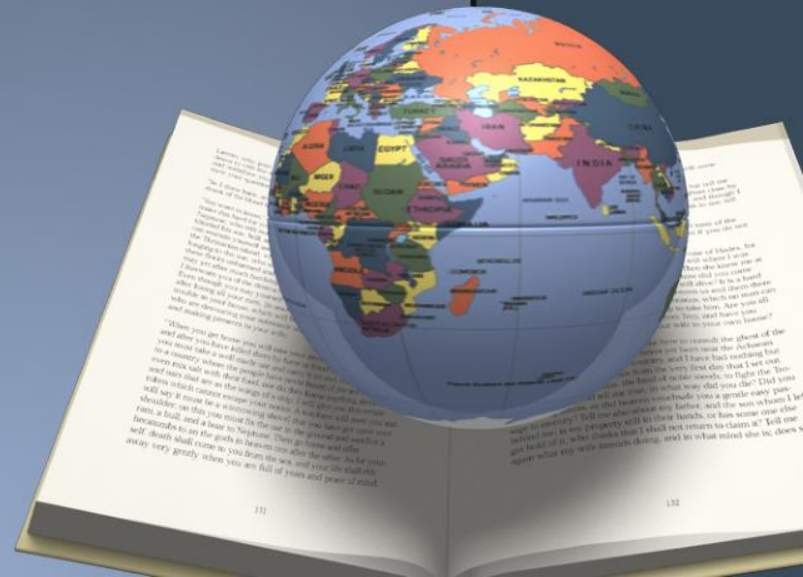
If you do not know whether your state has such a law, **contact an attorney or an immigrant services organization** (<http://wrc.ms/dwn-immigrant-services>).

e) Make sure your child and your chosen caregiver(s)



Factors: Ongoing Services-Trauma in Immigrant Families

- A trauma-informed practice framework that encompasses family-focused, community-based and culturally competent strategies may assist child welfare staff in accessing critical supports and resources in refugee and immigrant communities to facilitate positive outcomes.



Resources

- Engage/Interact

- T/F quiz <http://cw.routledge.com/textbooks/readingsfordiversity/section3/ch-02-e.pdf>
- Personal/familial journey to the U.S <http://cw.routledge.com/textbooks/9780415892940/data/4%20Personal%20Familial.pdf>

- Information

- Women's Refugee Commission <http://www.womensrefugeecommission.org/resources/document/1031-make-a-plan-migrant-parents-guide-to-preventing-family-separation-english>
- MCWNN <http://research.jacsw.uic.edu/icwnn/practice-toolkits/>
 - Child Welfare flowchart
 - Immigration and Status relief options
 - State Court related opinions
- ICE Parental Interests Directive Fact Sheet
 - <https://www.ice.gov/about/offices/enforcement-removal-operations/parental-directive.htm>
- NJ DCF Policy
 - Undocumented Kin placements permitted under certain circumstances related to the best interest of the child (7/14)



U.S. Immigration and Customs Enforcement

Parental Interests Directive Fact Sheet



About ICE

U.S. Immigration and Customs Enforcement (ICE) is the principal investigative arm of the U.S. Department of Homeland Security (DHS) and the second largest investigative agency in the federal government. ICE enforces over 400 federal statutes to protect our borders, prevent terrorism, remove dangerous criminals and enhance national security.

Parental Interests

ICE is committed to intelligent, effective, safe and humane enforcement of the nation's immigration laws. ICE seeks to enforce immigration laws fairly and with respect for a parent's rights and responsibilities.


How can this Directive Help me?

The Directive contains several important elements related to the handling of cases involving parents, legal guardians, and primary caretakers of minor children. It also addresses individuals involved in both immigration court and family or child welfare proceedings.

These elements include, among others:

1. Designating a specific point of contact within each ICE field office for parental-interests matters;





NEW JERSEY DEPARTMENT OF CHILDREN AND FAMILIES

New Jersey Department of Children and Families Policy Manual

Manual:	CP&P	Child Protection & Permanency	Effective
Volume:	IV	Out of Home Placement	Date:
Chapter:	A	General Placement	7-21-2014
Subchapter:	11	Home Selection	
Issuance:	200	Placement of Children with Kinship Caretakers who are Undocumented Immigrants	

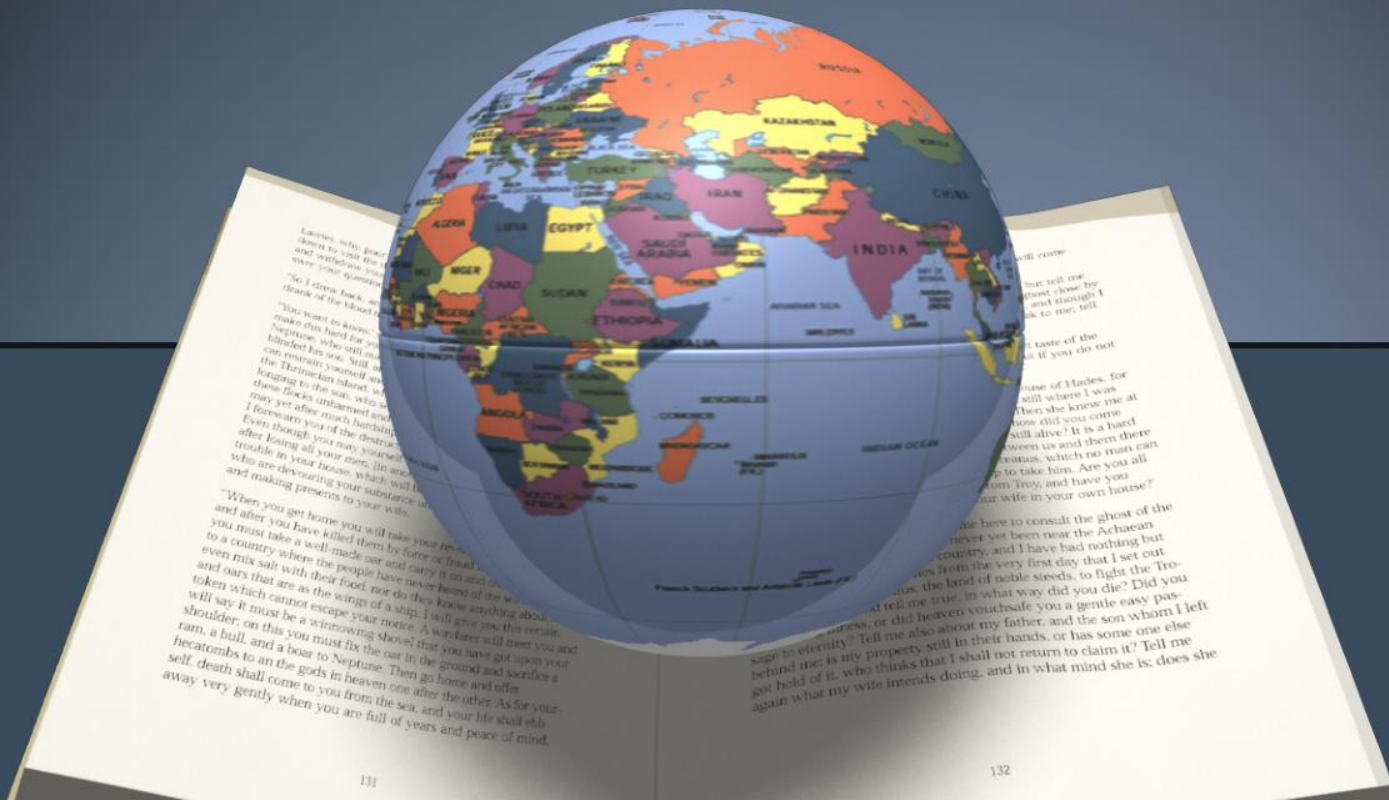
Purpose:

This Issuance establishes the policy and procedures on the out of home placement of children with kinship caretakers who are undocumented immigrants.

Authority:

- Executive Authority Pursuant to N.J.S.A 9:3A-1 et seq.
- N.J.A.C 10:122C-1.2, 2.2

Questions?



Laertes, why pour
down to visit this
and withdraw your
own your quarters
No I draw back, and
drink of the blood
"You want to know
men this hard for son
Neptune, who still
blinded his son. Still
one restrains yourself
the Heliconian island, who
longer to the son, who
these flocks unlearned
may yet after much hardship
I forewarn you of the distress
Even though you may yourself
after losing all your men, (in and
trouble in your house, which will
who are devoting your substance
and making presents to your wife,
"When you get home you will take your rest,
and after you have killed them by force or fraud
you must take a well-made ear and carry it in and out
to a country where the people have never heard of the war
even mix salt with their food, nor do they know anything about
and oars that are as the wings of a ship. I will give you this certain
token which cannot escape your notice. I will give you this certain
will say it must be a winnowing shovel that you have got upon your
shoulder, on this you must fix the ear in the ground and sacrifice a
ram, a bull, and a boar to Neptune. Then go home and offer
hecatombs to all the gods in heaven one after the other. As for your-
self, death shall come to you from the sea, and your life shall elude
away very gently when you are full of years and peace of mind.

will come
but tell me
without close by
and through I
ask to me, tell
taste of the
if you do not
house of Hades, for
still where I was
Then she knew me at
how did you come
still alive? It is a hard
between us and them there
creatures, which no man can
up to take him. Are you all
from Troy, and have you
your wife in your own house?
me here to consult the ghost of the
never yet been near the Achaean
country, and I have had nothing but
from the very first day that I set out
the land of noble steeds, to fight the Tro-
at tell me true, in what way did you die? Did you
business, or did heaven vouchsafe you a gentle easy pas-
sage to eternity? Tell me also about my father, and the son whom I left
behind me: is my property still in their hands, or has some one else
got hold of it, who thinks that I shall not return to claim it? Tell me
again what my wife intends doing, and in what mind she is; does she