



**THE CENTER ON  
IMMIGRATION  
AND CHILD WELFARE**



**casey** family programs

# **BEST PRACTICES FOR SUPPORTING CHILDREN IN IMMIGRANT FAMILIES**

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**January 26, 2021 | 1:30pm – 5:00pm**

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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](http://www.cimmcw.org)
- Find us on Facebook, Twitter, and Instagram.
- Sign up for FYI E-News!

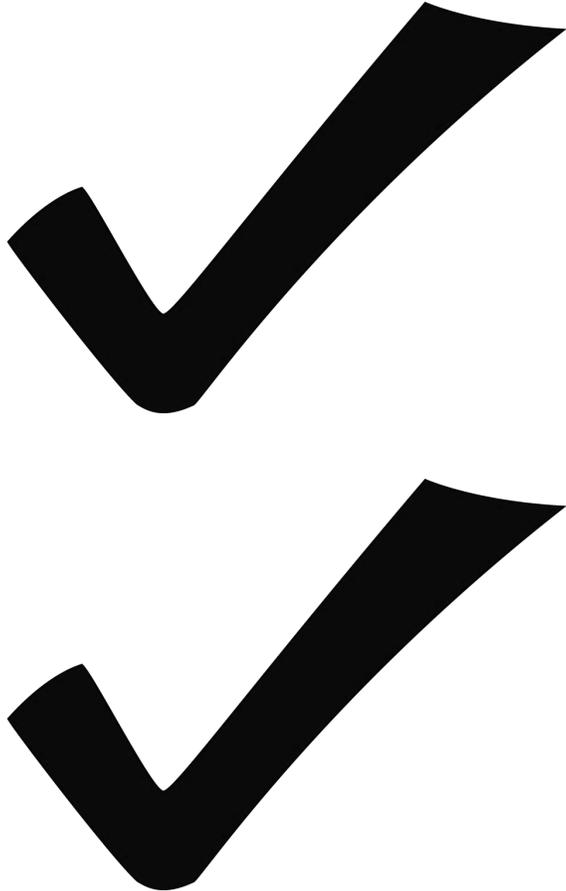


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# **WELCOME & INTRODUCTIONS**

## **IN THE CHAT:**

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



# OBJECTIVES

- Discuss relevant immigration policies and procedures that impact family unity and child well-being.
- Help social workers, child welfare workers, and other service providers recognize the impact of immigration policies and processes on children and families, including child welfare system involvement.
- Identify strategies, models, and best practices that mitigate the traumatic impact of immigration policies on children and their families.
- Utilize case scenario presentation and discussion to apply workshop concepts to participants' experience.

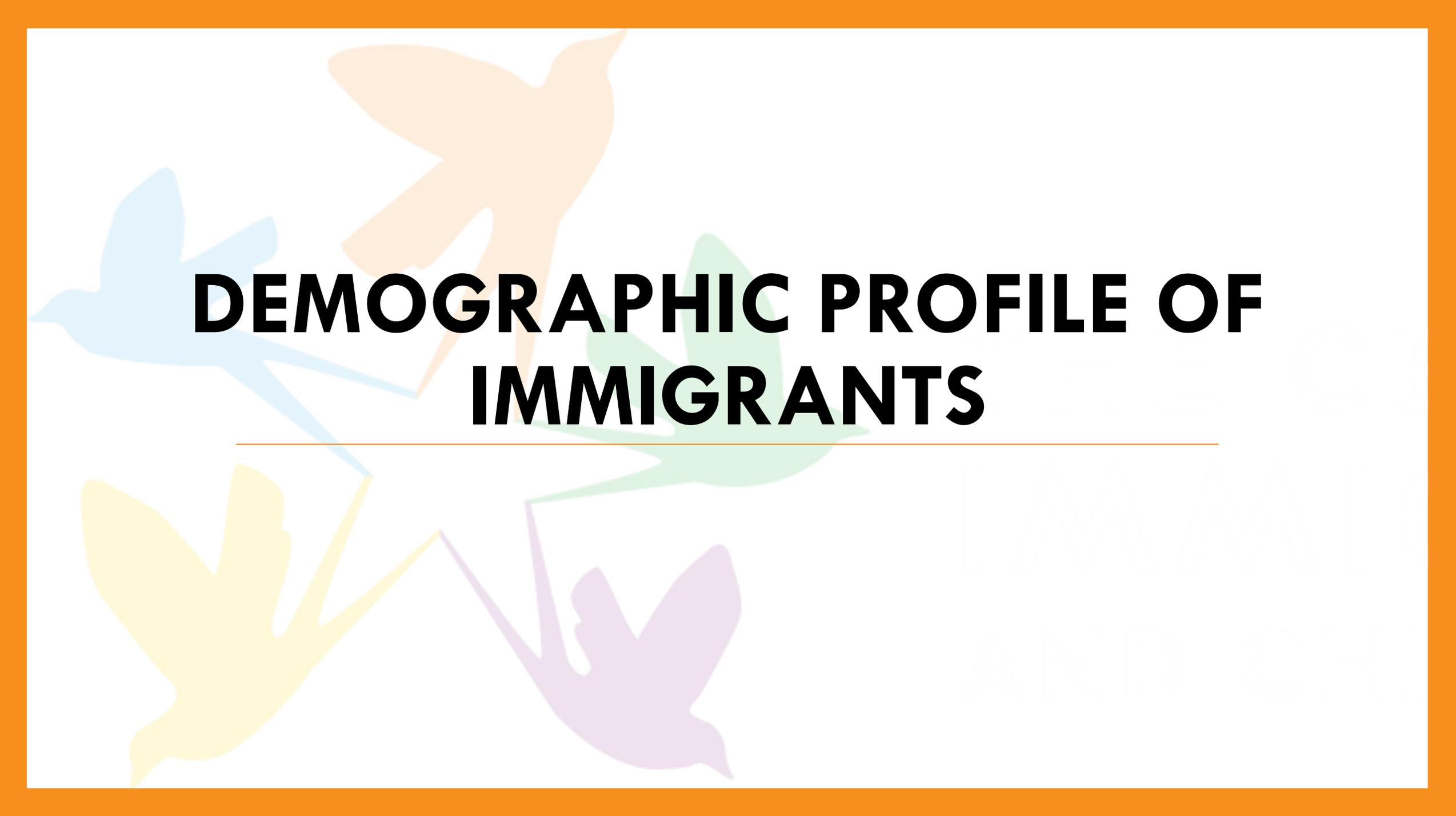
# AGENDA

- **1:30 PM: Welcome, Introductions, & Overview**
- **1:45 PM: Demographic Profile of Immigrants**
- **1:55 PM: Immigration 101: Legal Statuses & Forms of Relief**
- **2:10 PM: Recent Migration Trends, Federal Immigration Policy, & Pathways through Federal & State Systems**
- **2:30 PM: The Impact of Immigration Policies on Children & Families**
- **2:45 PM: Break**
- **3:00 PM: Providing Support to Children in Immigrant Families**
- **3:30 PM: Child Welfare System Models & Best Practice**
- **4:00 PM: Case Scenarios Presentation & Discussion**
- **4:45 PM: Resources & Wrap Up**



**CHAT**

**WHAT INITIAL  
QUESTION(S) DO YOU  
HAVE THAT WE CAN  
ADDRESS  
THROUGHOUT THE  
WORKSHOP?**



# **DEMOGRAPHIC PROFILE OF IMMIGRANTS**

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# CHILDREN IN IMMIGRANT FAMILIES

## IN THE U.S.

- 18,214,000 (25%) children in immigrant families\*
  - Increasing from 16 million over the last 12 years
  - 90% are citizens
  - 3% are foreign born
  - 39% have only non-citizen parents
  - 61% has at least one citizen parent

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

## IN IDAHO

- 55,000 (13%) children in immigrant families
  - 94% are citizens
  - 62% are citizens with at least 1 non-citizen parent
  - 32% are citizens with only non-citizen parents
  - 6% are noncitizens

Urban Institute's *Visualizing Trends for Children of Immigrants*  
based on 2018 American Community Survey

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

# A CLOSER LOOK AT IDAHO

<b>Total Number of Children in Idaho (2019)<sup>1</sup></b>	
<b>422,203</b>	
<b>Immigrant Children in Idaho</b>	
<b>Number</b>	6,086
<b>Percentage</b>	1.4%
<b>Children of Immigrants in Idaho</b>	
<b>Number</b>	55,377
<b>Percentage</b>	13.1%

<b>Children Living with at Least One Foreign-Born Parent (2019)</b>	
<b>Children 0 – 17 Years-Old</b>	
<b>Number</b>	55,377
<b>Percentage</b>	13.1%
<b>Children Under 6 Years-Old</b>	
<b>Number</b>	17,607
<b>Percentage</b>	13.1%
<b>Children 6 - 17 Years-Old</b>	
<b>Number</b>	37,770
<b>Percentage</b>	13.1%

<b>Parent's Region of Origin (2019)<sup>2</sup></b>	<b>Number</b>	<b>Percentage</b>
<b>Latin America</b>	38,000	73%
<b>Europe</b>	3,000	5%
<b>Asia</b>	7,000	13%
<b>Africa</b>	2,000	5%

<sup>1</sup>U.S. Census Bureau. (2019). 2019 American Community Survey 5-Year Estimates, Table B05009. Retrieved from <https://data.census.gov/cedsci/table?q=b05009&g=0400000US16&tid=ACSDT5Y2019.B05009&hidePreview=true>

\*Children in Immigrant Families is defined as children living with at least one foreign-born parent.

<sup>2</sup>Annie 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=14&loct=2#detailed/2/14/false/1729,37,871,870,573,869,36,868,867,133/1767,1768,1769,1770/12549,12550>

# POLLING QUESTION #1



# **IMMIGRATION 101**

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UNIVERSITY  
AND COLLEGE

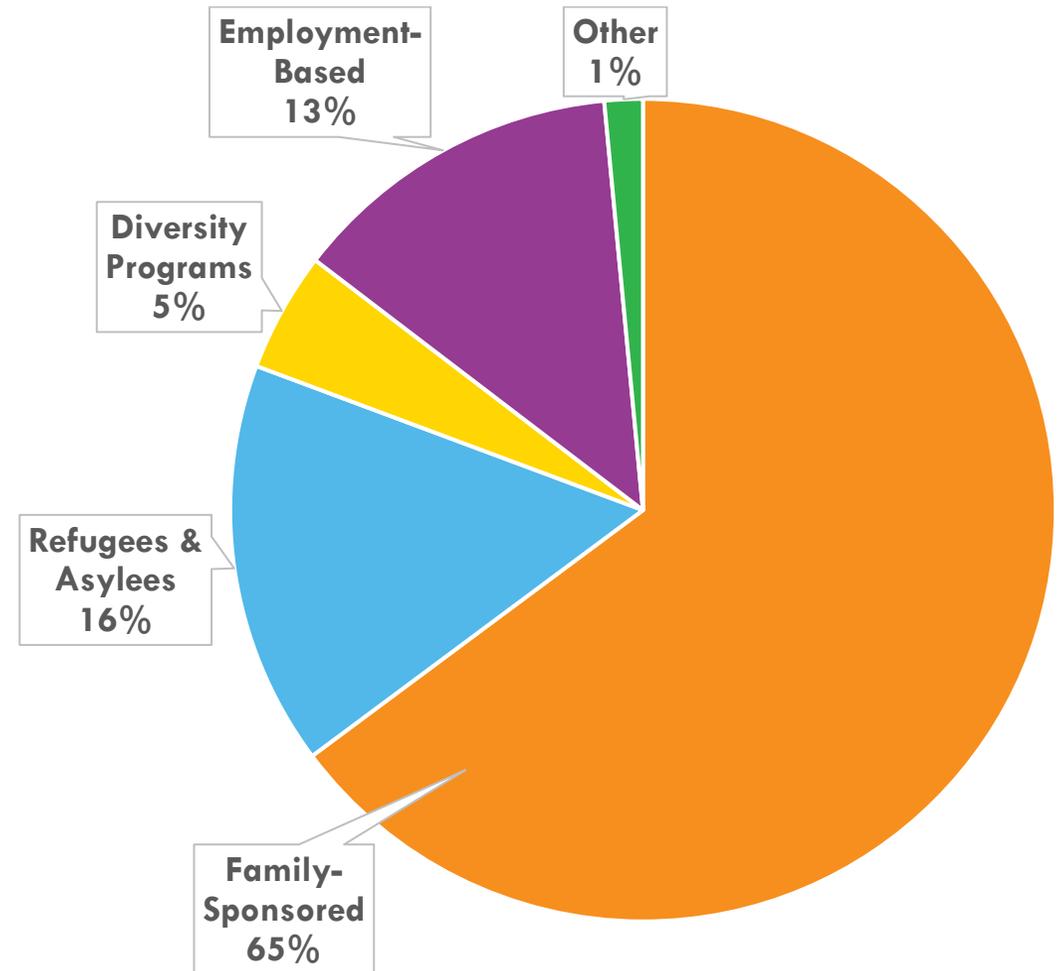
# MAJOR IMMIGRATION CATEGORIES

- **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	15SEP14	15SEP14	15SEP14	15JAN98	01JAN12
F2A	C	C	C	C	C
F2B	08JUL15	08JUL15	08JUL15	01MAY99	15AUG11
F3	08JUL08	08JUL08	08JUL08	22AUG96	01MAR02
F4	08OCT06	08OCT06	15MAR05	01JUL98	01FEB02



Source: National Academies Press, 2014.

# 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.
- **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.



# **RECENT MIGRATION TRENDS & FEDERAL IMMIGRATION POLICY**

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# POLLING QUESTION

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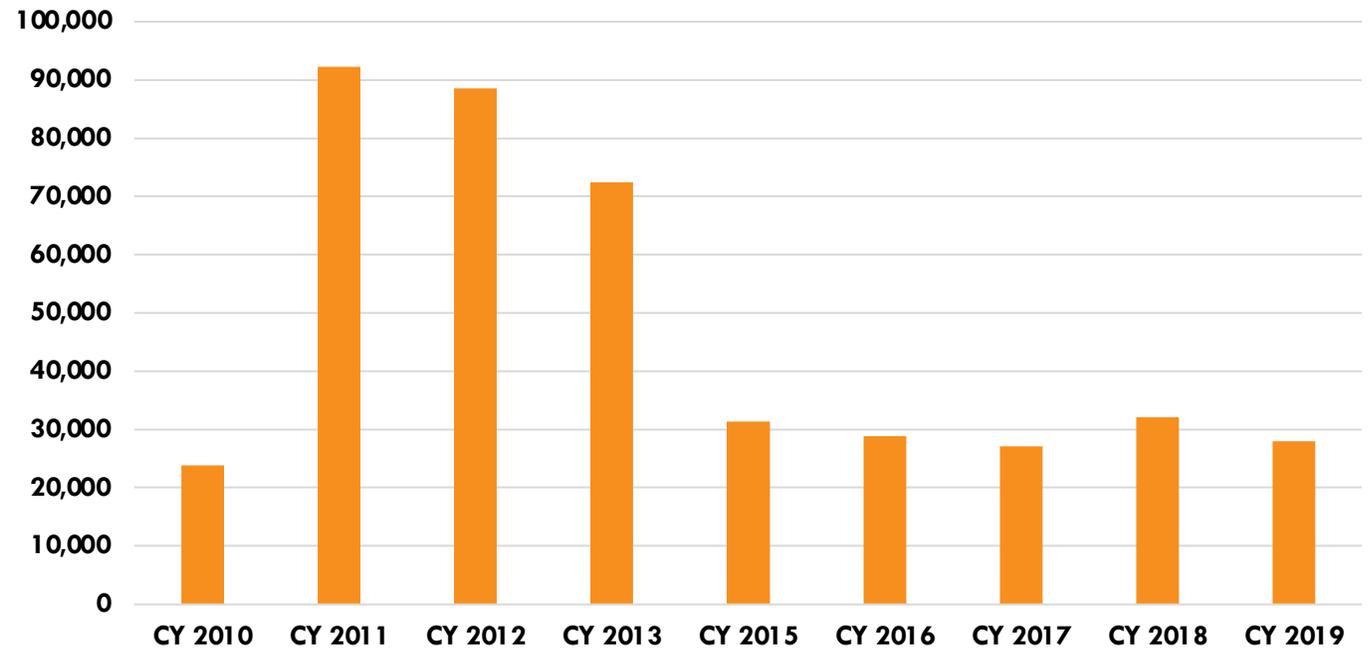
# ENFORCEMENT DURING OBAMA ADMINISTRATION

- 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
  - ICE Sensitive 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
<b>TOTAL: 424,611</b>	

Deportations of Parents with U.S.-Born Children



\*data only available for last quarter of 2010

# IMMIGRATION POLICY & ENFORCEMENT DURING TRUMP ADMINISTRATION

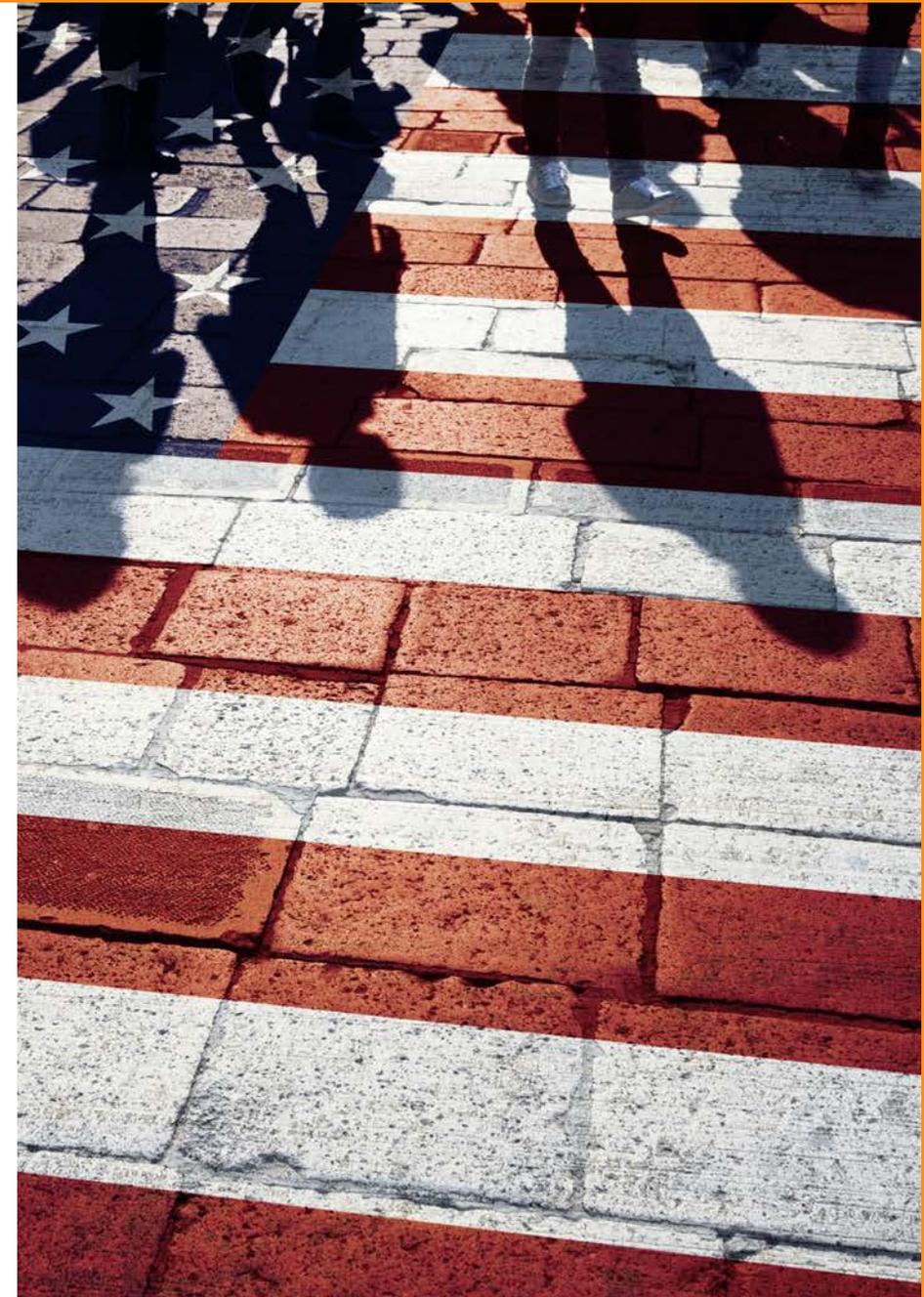
- Increased focus on enforcement – in interior & at the border
  - Prioritizing all undocumented (not just those with criminal charges)
  - Encouraging law enforcement cooperation with ICE
  - Zero Tolerance Policy & Family Separation
- Elimination & reduction of relief options
  - End to Temporary Protected 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

February 2020

- Public charge: Person who receives benefits for more than 12 months over a 36-month period
  - Benefits include Medicaid, SNAP, Section 8 housing, TANF, SSI, etc.
- Immigrants may be “inadmissible” if they are likely to become a “public charge”
- U.S. citizen children’s use of benefits does NOT affect immigrant parents’ standing
- Protected groups = refugees, asylees, survivors of domestic violence, and others seeking SIJS, U visas, or T visas
- Public charge is NOT a consideration when lawful permanent residents (green card holders) apply to become U.S. citizens.



# 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

## Executive Policy Changes

- Preservation of DACA
- Reinstatement of Deferred Enforced Departure for Liberians
- 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
- Changes to Migrant Protection Protocols (MPP) → no more additions to MPP
  - border restrictions due to the COVID-19 are still in place

## Proposed Immigration Reform Bill

- Bill would provide an eight-year path to citizenship for the estimated 11 million people living in the U.S. without legal status.



# **PATHWAYS THROUGH FEDERAL AND STATE SYSTEMS**

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# 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.

# 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



# **THE IMPACT OF IMMIGRATION POLICIES ON CHILDREN & FAMILIES**

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# VIOLENCE AND TRAUMA EXPOSURE

## COUNTRY OF ORIGIN

- Homicide rates in Honduras, El Salvador, and Guatemala are ranked first, fourth and fifth in the world.
- In global standards, 4 of 10 homicides occur in this region, with more than a quarter of homicide victims under the age of 20 (UNICEF, 2014).
- Violence against women and girls often goes unprosecuted (Inter-American Commission on Human Rights, 2015).

## MIGRATION JOURNEY

- Human trafficking is second in profit only to drug trafficking (United Nations Office on Drugs and Crime, 2013).
- 60% of women and girls crossing the U.S.- Mexico border were sexual assaulted in the journey (Amnesty International, 2010).
- About 20,000 migrants are kidnapped each year. Estimated ransom is \$50 million each year.

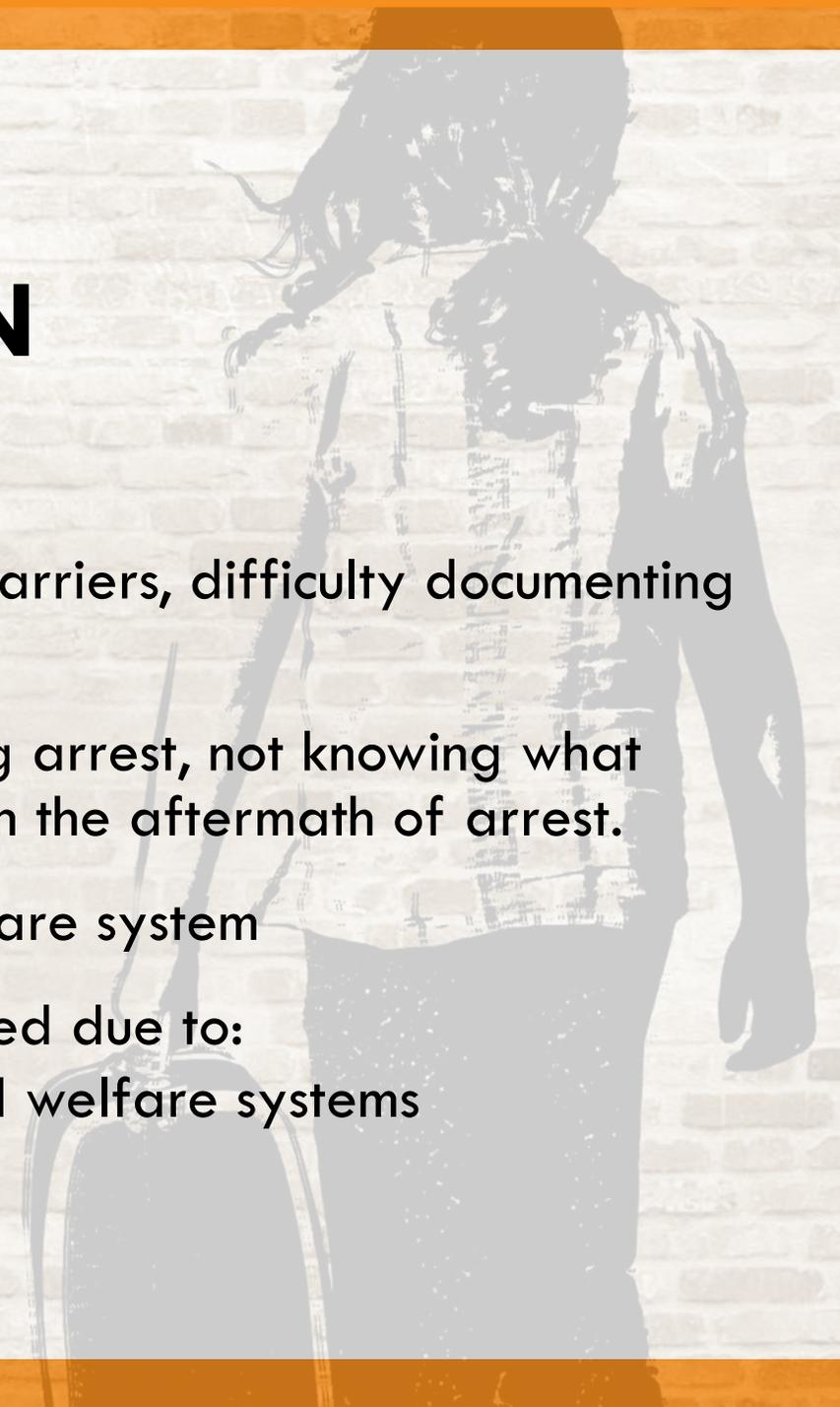
# IMPACT OF IMMIGRATION ENFORCEMENT ON PARENTS

- Daily concerns about detection by authorities, deportation and separation from family members: “trust no one”
- Fear of retribution if voice concerns about unfair conditions
- Unmet needs for physical and mental health, lack of access to needed services
- More likely to have experienced some form of trauma (physical or sexual assault, robbery, threats, extortion, witness to murder through process of immigration)
- Acculturative stress, loss and adaptation



# IMPACT OF IMMIGRATION ENFORCEMENT ON CHILDREN

- Family economic hardship
- Difficulty accessing social services due to language barriers, difficulty documenting eligibility, mistrust and fear
- Significant levels of traumatic stress, due to witnessing arrest, not knowing what happened to detained parent, unstable caregiving in the aftermath of arrest.
- Higher risk of involvement or entering into child welfare system
- When in foster care, reunification may be compromised due to:
  - lack of coordination between immigration and child welfare systems
  - parent's inability to attend court hearings
  - policy misinterpretations and biases



# BREAK

**15 MINUTES**

**\*\*If you want to receive CEUs, please sign back in via the chat box when you return from break.**



# **PROVIDING SUPPORT TO CHILDREN IN IMMIGRANT FAMILIES**

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# MITIGATING IMPACTS OF TRAUMATIC STRESS

- Facilitating supportive adult-child relationships;
- Building a sense of self-efficacy and perceived control;
- Providing opportunities to strengthen adaptive skills and self-regulatory capacities; and
- Mobilizing sources of faith, hope, and cultural traditions

Source: Harvard Center for the Developing Child

# BEYOND ACEs

- Unique trauma challenges for immigrant children
- Under-identification of immigrant children's trauma experiences
  - Trauma instruments like the ACEs inventory are less likely to identify the types of experiences that immigrant and refugee children have because they focus more on experiences within the household environment as opposed to external factors e.g., acculturation, resettlement, political environment
  - Many mental health screening tools used to assess incoming migrants are not designed for young children

Source: Migration Policy Institute, 2019



# CHAT

- **WHAT ARE SOME EXAMPLES OF TRAUMA-INFORMED PRACTICE(S) THAT YOU USE IN YOUR WORK?**

# EVIDENCE-BASED APPROACHES

- **Child-parent psychotherapy**
  - Narrative building
  - Help the child use the parent as a stable and safe caretaker.
  - Support the parent's own feelings and history
- **Cognitive Behavioral Therapy**
  - Identify a child's distortions i.e. "*It's my fault,*"
  - Support children to have a realistic appreciation of the situation
  - Identify and build coping skills
- **Mindfulness and Somatic-based approaches**
  - Creating awareness of thoughts and feeling without acting on them
  - Meditation, body-centered practices such as yoga, dance



# CREATING SAFE ENVIRONMENTS

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ENVIRONMENTAL  
HEALTH SERVICES

UNIVERSITY OF  
SOUTH ALABAMA

# PREPARING FOR ICE RAIDS

Agencies should...

- ✓ Be informed about the Detained Parents Directive
- ✓ Establish relationships with point of contact at respective ICE Field Office.
- ✓ Assist immigrant parents and students in knowing their rights.
- ✓ Help families locate legal resources and navigate immigration system if apprehended.
- ✓ Connect parents/relatives with legal providers to prepare family safety/contingency plans/powers of attorney.
- ✓ Partner with other local organizations to establish triage and rapid response teams.
- ✓ Use ICE Online Detainee Locator to locate parents or family members in ICE detention.
- ✓ Assist in locating relatives/kin to act as caregivers to prevent entry into child welfare custody.

# CREATING SAFETY PLANS

Good plans include:

- ✓ Designated, safe emergency contact
- ✓ File of important documents and contacts
- ✓ Power of attorney for care of children, prior discussion with children, and immediate plan for child pick-up
- ✓ Power of attorney for assets and businesses
- ✓ Designated “sponsor” and assets for bond
- ✓ Prior consultation with immigration attorney re possible remedies/options
- ✓ Prior preparation of travel documents and/or dual citizenship for US born children
- ✓ Caregiver's affidavit for health and educational decisions

# CHAT

- **WHAT DO YOU KNOW ABOUT WHAT IMMIGRANTS SHOULD DO IF THEY ARE APPROACHED OR APPREHENDED BY ICE?**

# ADVICE FOR PARENTS IF APPREHENDED:

- Exercise right to remain silent. You have the right to speak to an attorney and to make a phone call.
- To prevent immediate removal, do not sign removal or voluntary departure (which waives right to fight case in Immigration Court), and if you have a prior removal order express fear of return to country of origin.
- Contact your designated emergency contact to set your safety plan into motion.
- Contact your consulate to ask for assistance.



KEEP  
CALM  
AND  
KNOW  
YOUR  
RIGHTS



# ICE SENSITIVE LOCATIONS POLICY

- Directs ICE to avoid arrests at certain “sensitive locations”
  - Places of worship, weddings, funerals
  - Schools, day cares, pre-schools, early learning programs
  - Healthcare facilities, hospitals
  - Public demonstrations, marches, rallies etc.



# ADVOCACY

- Encourage civic participation- vote
- Public comment
- Writing/calling local officials
- Social media, letters to the editor, Op-Eds
- Hold press accountable
- Frame issue as one of children's rights, humanitarian versus border control issue
- Volunteer/partner with local groups

# CHAT

- **WHAT ARE SOME EXAMPLES OF LOCAL ADVOCACY INITIATIVES IN YOUR COMMUNITY?**



# **CHILD WELFARE SYSTEM MODELS & BEST PRACTICE**

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# RISK FOR CHILD WELFARE SYSTEM INVOLVEMENT

- Children become more vulnerable when:
  - Parents stop seeking benefits, reporting crimes, bringing kids to school or appointments
  - Parents no longer working and poverty levels increase
  - Unaccompanied minors have placements failures
- Cases of abuse and neglect that involve parents and children who are immigrants are much more complicated; immigrants less likely to receive needed services

# CHALLENGES IN CHILD WELFARE PRACTICE

- Lack of coordination between local ICE and CPS agencies
- Difficulty assessing immigration status of children
- Difficulty identifying viable relatives for placement
- Inability of parents to participate in cases that cross borders
- Difficulty coordinating reunification at the time of a parent's release/deportation
- Inability of parents to visit with child, meet child welfare case plan requirements, participate in family court proceedings
- Barriers to receipt of needed services
- Strict child welfare timelines that can result in termination of parental rights

# IMPORTANT LEGAL PRINCIPLES IN CHILD WELFARE IMMIGRATION CASES

- All parents have a constitutional right concerning care, custody and control of their children, regardless immigration status.
- Agencies are required to satisfy reasonable efforts in all cases, including those involving detained or deported parents.
- Agencies are to investigate reunification with parent in home country when aboard, and parental rights may not be terminated based on standard of living in another country.
- Parental deportation does not constitute abandonment without additional evidence of abuse or neglect.
- All parents have a right to participate in hearings and to have legal counsel represent them.
- Complications in facilitating cases involving parental detention or deportation do not nullify a parent's right to participate in proceedings.

(Beidler Carr, 2019)



# ICE DETAINED PARENTS DIRECTIVE (2017)

- ICE should allow parents and/or guardians to make alternative care arrangements for their children;
- ICE should detain parents and guardians in close proximity to their children; and
- ICE should facilitate regular visitation between detained parents or guardians and children.

# AGENCY POLICY & PROCEDURE

## AGENCY POLICY

- Make non-citizen/undocumented caregivers eligible to be approved caregivers
- Review and incorporate the ICE Detained Parents Directive in agency policy manuals
- Develop clear policies on confidentiality and sharing info with immigration authorities
- Have/develop policies to ensure compliance with federal law in obtaining SIJS for eligible children/youth in care

## STRUCTURE & PROCEDURE

- Have a process/mechanism for screening and referral for SIJS, U Visas, VAWA, etc.
- Have specific staff members trained on immigration-related issues  
e.g., immigration liaison
- Ensure that all documents and forms are language accessible to clients

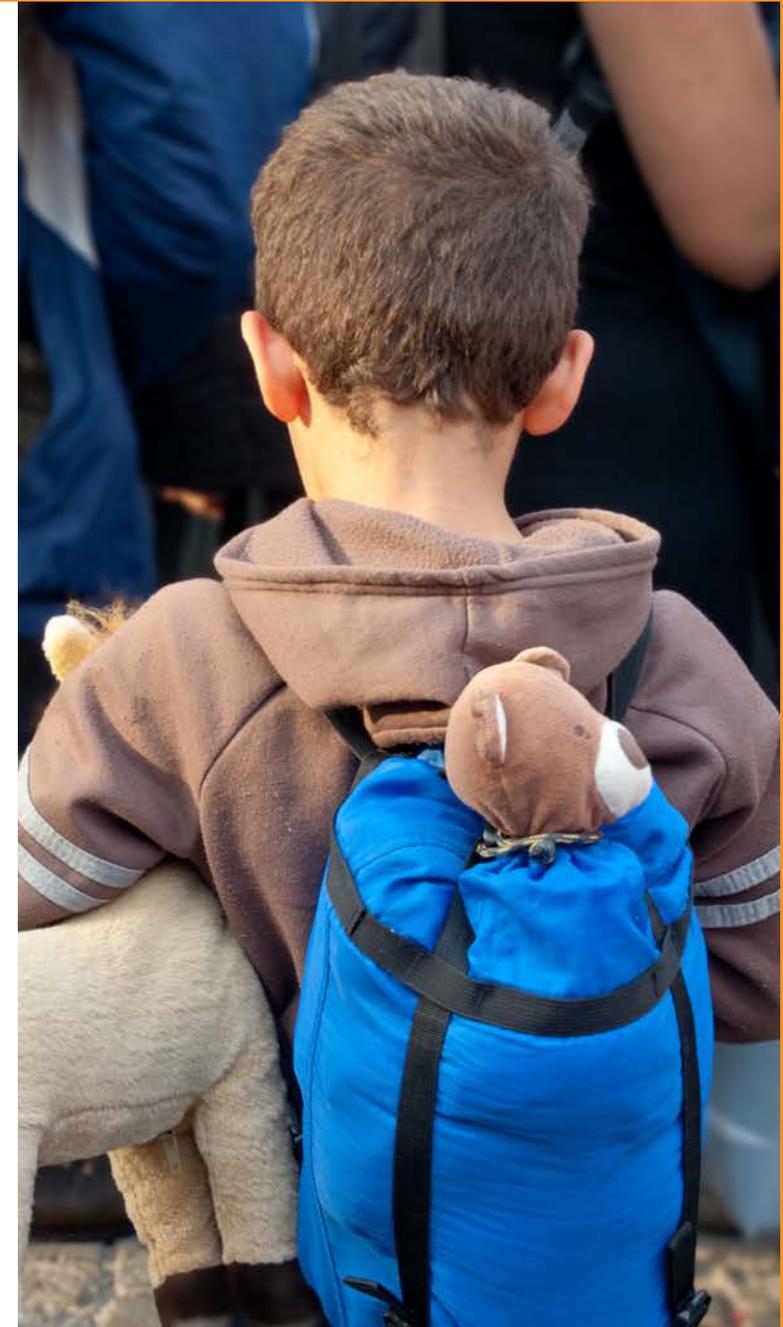
# SIJS - WHO IS ELIGIBLE?

For an undocumented foreign national child to be eligible:

- Reunification with one or both parents is not a viable option.
- It is not in the child's best interest to return to his or her country of nationality or last habitual residence.
- The child must be under the jurisdiction of the court throughout the application process and status adjustment.

Also, child must be:

- In the U.S.
- Under the age of 21
- Unmarried



# CROSS SYSTEMS COLLABORATION

## • **Establish**

- Establish relationships with local immigration legal clinics and other social service providers

## • **Identify**

- Identify an ICE point of contact

## • **Develop**

- Develop relationship with consulates

# BEST PRACTICE ACROSS BORDERS

## Work case plan across borders by:

- Involving and developing relationships with foreign consulate → MOUs
- Locating parents/relatives
- Conducting home studies
- Using SKYPE, Facetime, WhatsApp
- Arranging for participation in court proceedings, visits
- Arranging for service provision in other countries
- Facilitating placement in other countries





# **CASE SCENARIOS**

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LEARNING  
AND GROWTH

# SCENARIO 1 (PART 1)

The Department is working with the Mexican Consulate and DIF to reunify foster children with their father who resides in Mexico. However, the Dept lacks the guidance and/or process on how to work towards an Extended Home Visit in Mexico and/or vacate a case with a parent who resides outside of the U.S. This makes it hard for the worker and supervisor, who are having to contact different individuals and play phone tag before this process can even be started.

The child welfare caseworker has maintained contact with DIF and the Mexican Consulate. The worker was advised by the Consulate to make direct contact with DIF, but this upset DIF, who asked that all requests go through the Consulate first. This has caused a strain in the working relationship with DIF.

# SCENARIO 1 (PART 2)

The worker was able to request a home study and was specific in what the judge needed, but DIF did not meet the standards and expectations of what the judge had requested. Now, the judge is asking the worker to take the children to Mexico and travel 4 hours to the father's hometown to complete her own assessment and determine if it is appropriate for the children to be there on an Extended Home Visit. The worker and supervisor have concerns about this as the Consulate has stated that it is very dangerous to travel by vehicle for 4 hours due to the ongoing crime and threats by their local cartels. In addition, what we may deem as acceptable living conditions/quality may differ than what DIF might deem as a safe and stable home environment. Furthermore, the worker is only licensed to practice social work in Idaho,

The father has been persistent, sitting outside DIF many times to get them to comply with our request. However, other parents in similar situations may not feel as comfortable advocating for themselves/their families.

# KEY CONSIDERATIONS

## **Challenges:**

- Challenges working with DIF and the Consulate
- Conflicting information on procedure for contacting DIF vs. going through Consulate
- Lack of clarity around case worker travel to Mexico

## **Options:**

- Formalize/clarify process for working with Consulate and DIF
- Explore alternative home study provider e.g., International Social Services

## SCENARIO 2

The Department is working with a single mother and her child. The child has been in foster care for nearly two years. The mother herself was also in foster care as a child. The process to help the mother file for residency began four years ago, and although aided by another community partner, is still not finalized. During her time in foster care, the Department had to get creative to help her access certain services as her legal status disqualified her.

The Department created a case plan and has used creativity to help this mother obtain services and resources. However, her legal status continues to create barriers for her. Our practice and ASFA guidelines encourage us to finalize permanency within 12-15 months, and while this mother has made progress on her case plan, without our involvement she will no longer have access to services, which will leave the remaining safety concerns present. This mother could benefit from ongoing Developmental Disability services in addition to other services, but this is not possible once the Department is no longer involved and/or until the mother has been a resident for at least 5 years. LPRs must have residency for 5 years before they can qualify for welfare assistance.

# KEY CONSIDERATIONS

## **Challenges:**

- Mother's eligibility for supportive services due to legal status
- Permanency timelines

## **Options:**

- Identify community providers (e.g., family support services, legal services, behavioral health services) with free or low cost/sliding scale services
- Collaborate with local/private funders to establish funding streams for services for immigrants
- Request extension to permanency timelines in order to connect mother with needed services

# SCENARIO 3 & 4

## **Scenario 3:**

Undocumented mother of two filled out a rental application and was approved. The application asked for social security numbers for all household members. Client did not have a social security number due to her status, but her two children did. The landlord fraudulently claimed her children on his taxes and received the refund. Mother hesitated to pursue legal aid on this matter for fear of losing her home and having nowhere to go.

## **Scenario 4:**

A single mother was laid off due to COVID. She is not eligible for unemployment benefits as she is a non-US Citizen). She fell behind on rent and was given a day to pay the rent or vacate. She borrowed \$2000 to avoid being evicted. She still owes \$1066. She was moved from one unit to another and was being charged for “repairs/damages” to the previous residence, what she calls “normal wear and tear”. Again, due to fear of being evicted, she does not question the management company, paid what was asked of her, and relocated to a different unit.

# KEY CONSIDERATIONS

## **Challenges:**

- Rights violations by landlord
- Lack of eligibility for benefits
- Fear of retribution due to immigration status

## **Options:**

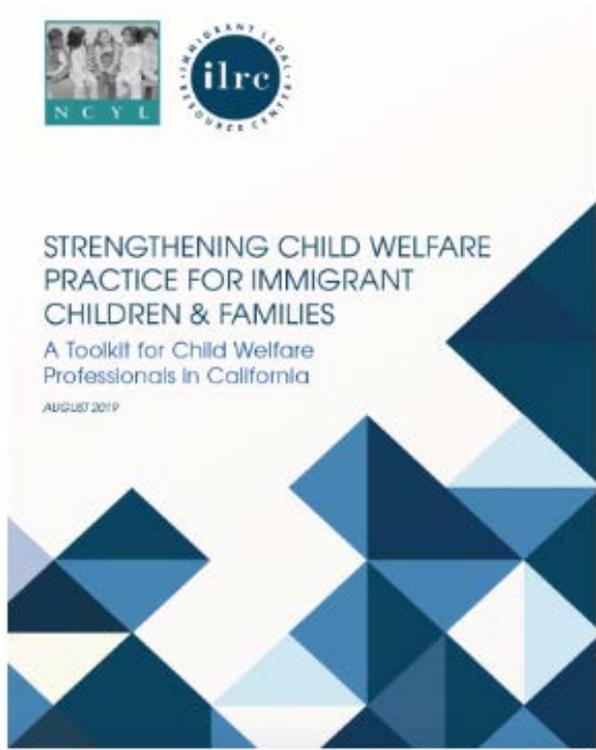
- Collaborate with community partners (e.g., legal aid, advocacy and community organizing organizations) who may be able to assist the clients and/or bring attention to the larger issue in the community
- Offer or partner with community organizations/legal organizations to provide “know your rights” workshop/info to clients
- Develop streams of funding to provide legal consultation for immigrants



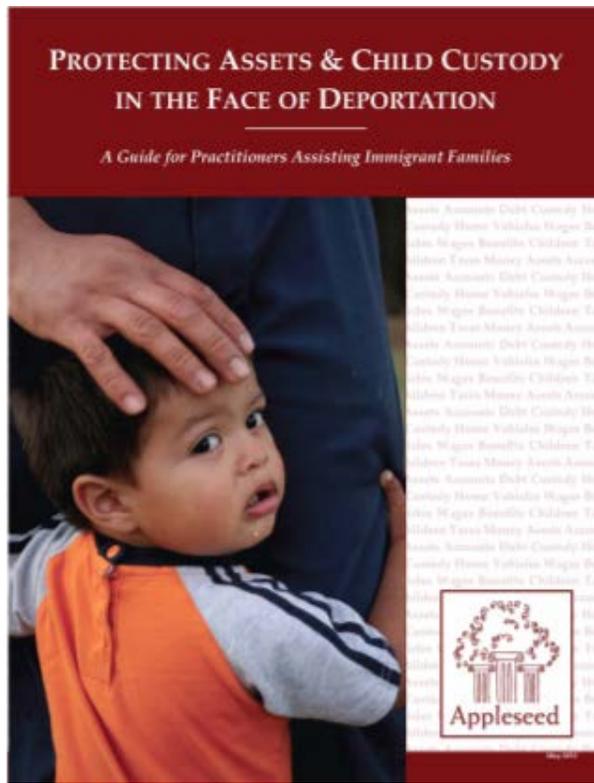
# RESOURCES

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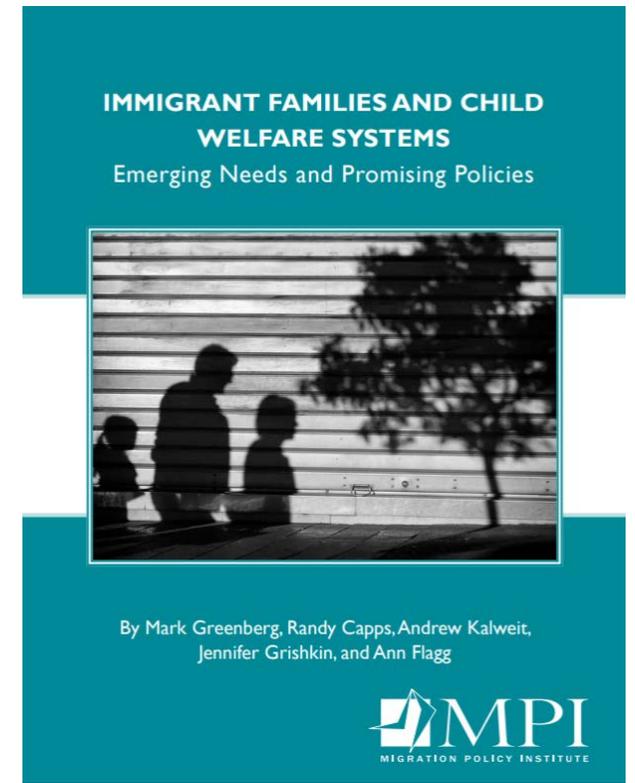
WORLD  
LAW  
AND  
ORDER



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.



## THE CENTER ON IMMIGRATION AND CHILD WELFARE

The CICW website and monthly E-newsletter provide updates and highlights of the most relevant news, practice, policy, and research resources related to the intersection of immigration and child welfare.



### GUIDELINES FOR CHILD WELFARE AGENCIES TO PREPARE FOR IMMIGRATION ENFORCEMENT

On August 7, 2019, U.S. Immigration and Customs Enforcement (ICE) conducted one of the largest series of worksite raids of its kind in almost a decade, resulting in the arrest of almost 700 individuals who worked at food processing plants in small towns near Jackson, Mississippi. Hundreds of the individuals apprehended have children who were left at school or without adult care upon arriving home from school, prompting educators, child care providers, and community volunteers to find ways to care for them. Many parents have since been released from ICE custody on humanitarian grounds to continue caregiving for their children, but not before their children were left alone overnight with no plan and, in some cases, with strangers. According to ICE officials, 32 parents were released at their workplace the day of the raid in order to continue caring for children under the age of 5, and roughly 270 parents were released within one day.<sup>1,2</sup> Although some parents have been released, many remain detained, robbing families of primary caregivers and breadwinners. This sudden loss of economic and familial stability and amplified stress puts these families and their children at increased risk for child welfare system involvement.<sup>3</sup>

Although ICE 2009 guidelines<sup>4</sup> stipulate that ICE should alert and coordinate with the Department of Health and Human Services (HHS) Division of Immigration Health Services (DIHS) or with State and local social service entities (if DIHS is unavailable) before raids that will result in the arrest of more than 25 individuals, this does not always occur. The fact that a parent has been detained by ICE should not be reason alone for children to enter custody of the child welfare system, absent other indications of abuse or neglect. Regardless of whether or not they are informed prior to an enforcement operation, it is essential that child welfare agencies are aware of their roles in these types of situations, in order to ensure the safety of children in the affected community and prevent unnecessary entry of children of immigrants into the child welfare system.

1. Child welfare agencies should be informed about the Detained Parents Directive of 2017, previously known as the Parental Interest Directive, [ICE Policy Number 11064.2 "Detention and Removal of Alien Parents and Legal Guardians."](#) This policy provides a number of [standards for ICE](#) to follow in the event that a detained parent is also involved in child welfare proceedings. Specifically, the policy stipulates that:
  - ICE should allow parents and/or guardians to make alternative care arrangements for their children;
  - ICE should detain parents and guardians in close proximity to their children; and
  - ICE should facilitate regular visitation between detained parents or guardians and children.

<sup>1</sup> Ainsley, J. & Martinez, D. (2019). What ICE did and did not do for kids left behind by Mississippi raids. NBCNews. Retrieved from <https://www.nbcnews.com/politics/immigration/what-ice-did-did-not-do-kids-left-behind-mississippi-raids-1048776>  
<sup>2</sup> Zhu, A. (2019). Some children still not reunited with parents after Mississippi raids, agency says. Mississippi Clarion Ledger. Retrieved from <https://www.oxfordledger.com/story/news-journalism/2019/08/11/more-ice-raids-child-welfare-agency/1209278001>  
<sup>3</sup> Greenberg, M., Capps, R., Kalweit, A., Grishkin, J. & Flagg, A. (2019). Immigrant Families and Child Welfare Systems: Emerging Needs and Promising Policies. Migration Policy Institute. Retrieved from <https://www.mpi.org/sites/default/files/2019/08/Immigrant-Families-and-Child-Welfare-Systems.pdf>  
<sup>4</sup> U.S. Immigration & Customs Enforcement. (2009). Worksite Enforcement Strategy. U.S. Department of Homeland Security. Retrieved from <https://www.ice.dhs.gov/doclib/foia/dhs-policy-memo/worksite-enforcement-strategy-30-2009.pdf>

This CICW fact sheet provides guidance for child welfare agencies in the event of an ICE raid.



### FACT SHEET: PUBLIC CHARGE FINAL RULE

Updated April 2020

#### What is "public charge"?

Public charge is a concept within federal immigration law designed to identify people who may depend on the government as their main source of support. If the government determines that a person is likely to become a "public charge," it can deny that person admission to the U.S. or lawful permanent resident status (LPR or a "green card").

On August 14, 2019, the Department of Homeland Security (DHS) issued a final rule that would drastically alter longstanding policy and the definition of "public charge," jeopardizing certain immigrants' ability to become a lawful permanent resident or to extend or adjust their status. This rule applies to immigration cases that will be processed within the U.S. The Department of State (DOS) also issued its own rule, adopting most of the changes in the DHS rule, that went into effect on October 15, 2019. The DOS rule only applies to cases that will be processed at a U.S. consulate or embassy, including those applying for visas from abroad but also some people currently within the U.S. who are required to process their case abroad. These rules mark a significant and harmful change in policy that would fundamentally alter the immigration system and make immigrants fearful of accessing critical public benefits like health care, nutrition programs, and housing assistance, which help families thrive and remain productive.

#### Who can be considered a "public charge"?

Immigrants applying for admission to the U.S. or for adjustment of status to become LPRs are subject to a public charge assessment, or "test." Congress has exempted certain classes of immigrants from this public charge test, including refugees, asylees, Afghans and Iraqis with special immigrant visas, special immigrant juveniles, and victims of crimes or "severe trafficking" (i.e., U Visas and T Visas). LPRs who are applying for citizenship or to renew their green cards are not subject to a public charge test either.

#### What factors are considered in making a public charge determination?

The new rule would direct immigration officers to consider factors such as age, health, family status, assets, resources, financial status, education, and skills when considering the totality of one's circumstances in making a public charge determination. It would also direct officers to consider prospective immigration status in the U.S. and expected period of admission. It is expected that the weight of various positive and negative factors considered will make the public charge test much more difficult to pass for low-income immigrants.

This CICW factsheet provides background and information about changes to the public charge rule.

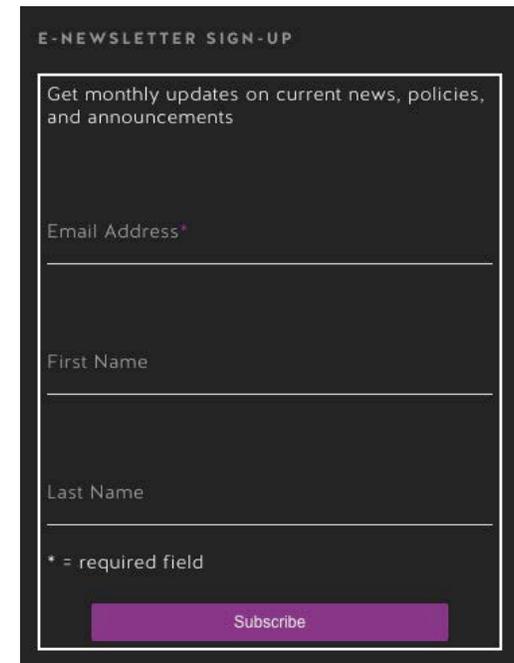
**Go to: [www.cimmcw.org](http://www.cimmcw.org)**

# 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](mailto: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](http://www.cimmcw.org)



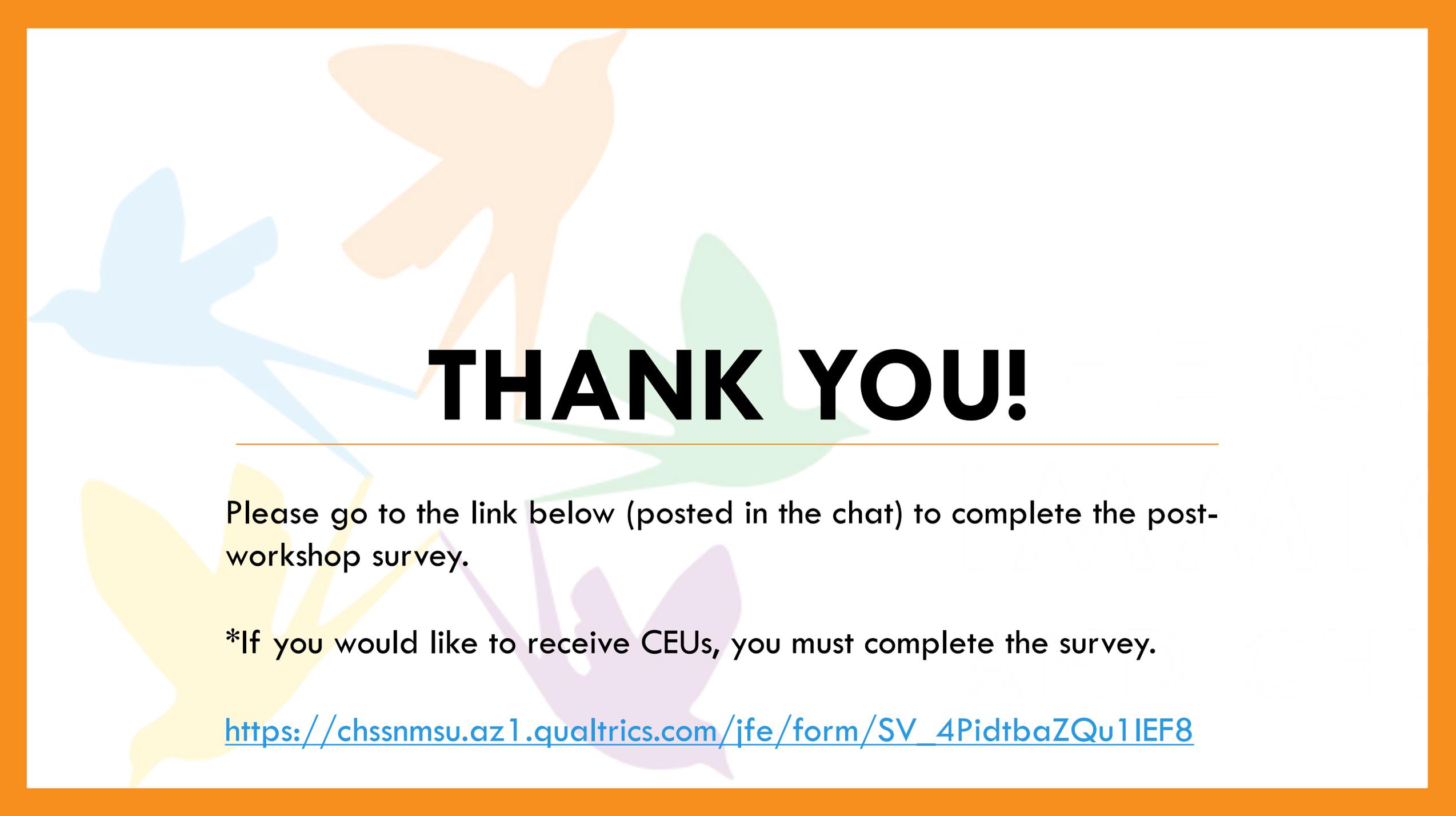
The image shows a dark-themed sign-up form titled "E-NEWSLETTER SIGN-UP". The form contains the following elements:

- A header: "E-NEWSLETTER SIGN-UP"
- A description: "Get monthly updates on current news, policies, and announcements"
- An "Email Address\*" input field.
- A "First Name" input field.
- A "Last Name" input field.
- A legend: "\* = required field"
- A purple "Subscribe" button at the bottom.



**QUESTIONS?**

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# THANK YOU!

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

\*If you would like to receive CEUs, you must complete the survey.

[https://chssnmsu.az1.qualtrics.com/jfe/form/SV\\_4PidtbaZQu1IEF8](https://chssnmsu.az1.qualtrics.com/jfe/form/SV_4PidtbaZQu1IEF8)