



THE CENTER ON  
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, 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-n1040776>

<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.usatoday.com/story/news/nation/2019/08/13/mississippi-ice-raids-children-without-parents/1995728001/>.

<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://cimmcw.org/resources/research/child-welfare-system/>

<sup>4</sup> U.S. Immigration & Customs Enforcement. (2009). Worksite Enforcement Strategy. *U.S. Department of Homeland Security*. Retrieved from [https://www.ice.gov/doclib/foia/dro\\_policy\\_memos/worksite\\_enforcement\\_strategy4\\_30\\_2009.pdf](https://www.ice.gov/doclib/foia/dro_policy_memos/worksite_enforcement_strategy4_30_2009.pdf)

2. Child welfare agencies should establish relationships with a point of contact at their [respective ICE Field Office](#) in order to be prepared for immigration enforcement operations and facilitate appropriate and timely communication with detained parents and relatives e.g., about alternative care arrangements, visitation, etc. Child welfare agencies should ensure that their ICE point of contact complies with the Detained Parents Directive, specifically with procedures on when to involve child welfare agencies in alternative care arrangements for minor children encountered during enforcement actions, as detailed in [Section 5.1](#) of the Directive.
3. If children in immigrant families come into contact with the child welfare system due to parental detention, or if parents or family members are detained during the course of a child welfare case, child welfare agencies can use the [ICE Online Detainee Locator](#) to locate parents or family members in ICE detention in order to connect them with their children and enable them to participate in the case. Individuals may search via the detainee's A# (9-digit 'alien number' assigned by immigration authorities) and country of birth, or by their first and last name and country of birth.
4. Child welfare agencies can assist immigrant parents involved in the child welfare system in knowing their rights, and they can help families locate legal resources and navigate the immigration system if involved in a raid and apprehended by ICE.
  - ◆ [ACLU: Know Your Rights](#) provides an overview of immigrants' rights and how to reduce risk in different scenarios, including traffic stops, home raids, and arrests near the border.
  - ◆ [American Immigration Lawyers Association \(AILA\): Resources on Raids](#) includes resources related to Know Your Rights, local rapid response hotlines, detention center information, etc.
5. Child welfare agencies, as well as other human services agencies, can assist by connecting child-welfare involved parents and relatives to legal providers to help prepare family safety/contingency plans and powers of attorney to establish who will care for children in the event of detention and/or deportation.
  - ◆ [Women's Refugee Commission \(WRC\): Resources for Families Facing Deportation and Separation](#) a compilation of guides and resources to protect parental rights; includes information about family separation due to detention and deportation, safety planning, and child welfare for families facing deportation.
  - ◆ [Appleaseed Network: Protecting Assets and Child Custody in the Face of Deportation](#) comprehensive emergency preparedness plan for immigrant families.
6. Child welfare agencies can partner with local community organizations to establish triage and rapid response teams to respond to crisis situations resulting from ICE raids. In such situations, they can assist in locating relatives and kin to act as caregivers for children whose parents have been detained in order to prevent the children from coming into child welfare custody.

Additional guidance and best practices for working with detained parents can be found in the August 2019 [Immigrant Legal Resource Center Toolkit on Strengthening Child Welfare Practice for Immigrant Children and Families](#).

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