

# SUMMARY: Immigrant Caregivers

## The Implications of Immigration Status on Foster Care Licensure



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### Explicit Citizenship or Immigration Foster Licensing Requirements

The following 20 states have explicit citizenship or immigration foster licensing standards that prevent full licensure of undocumented caregivers:

Arizona, Colorado, Georgia, Hawaii, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New Mexico, North Carolina, Oklahoma, Oregon, Tennessee, Utah, Virginia

#### 1. *Legal Authority*

Thirteen states set forth the citizenship or immigration in administrative codes. In seven states, the requirement is stated in an agency policy manual.

Administrative Code: Arizona, Colorado, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New Mexico, Oklahoma, Oregon, Utah

Policy Manual: Georgia, Hawaii, Iowa, Mississippi, North Carolina, Tennessee, Virginia

#### 2. *Kinship Exceptions*

Three of the 20 states explicitly exempt kin from the citizenship or immigration foster licensing standard. Thirteen states have general waiver or variance provisions or alternative approval processes. Five states do not allow the standard to be waived.

Explicit Kinship Exception: Massachusetts, New Jersey, Oregon

General Waiver/Variance Provisions: Colorado, Hawaii, Iowa, Louisiana, New Jersey, North Carolina, Oklahoma, Tennessee, Virginia

Alternative Approval Processes: Colorado, Hawaii, Kentucky, Louisiana, Maryland, New Mexico, North Carolina, Utah

Requirement Cannot be Waived: Arizona, Georgia\*, Michigan, Mississippi, Missouri\*

\* *Provisions suggest that citizenship or immigration-related standards are non-waivable.*

### Other Potential Barriers to Full Foster Licensure

Over ten states have foster licensing standards that may impact undocumented immigrants, including:

Language/Communication: Alabama, Arkansas, Florida, New Hampshire, Ohio, Texas

State Residency: Maine, New Hampshire

Requests Citizenship-Related Information: Alabama, Alaska, Nevada, South Carolina, Texas

### Express Commitment to Licensing Undocumented Caregivers

Three jurisdictions express a commitment to ensuring immigration status does not prevent kinship placements:

California, Indiana, New York City