



THE CENTER ON
IMMIGRATION
AND CHILD WELFARE

SUPPORTING CHILDREN IN IMMIGRANT FAMILIES IN THE CURRENT IMMIGRATION LANDSCAPE

April 26, 2019
UNM Continuing Education Building

WORKSHOP CONTEXT

- Policy changes placing more people at risk for deportation and family separation.
- Psychological and physical health issues in children as a result of immigration/deportation issues.
- Risk of increased involvement with the child welfare system among children of immigrants.
- 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
- Cases of abuse and neglect that involve parents and children who are immigrants are complicated



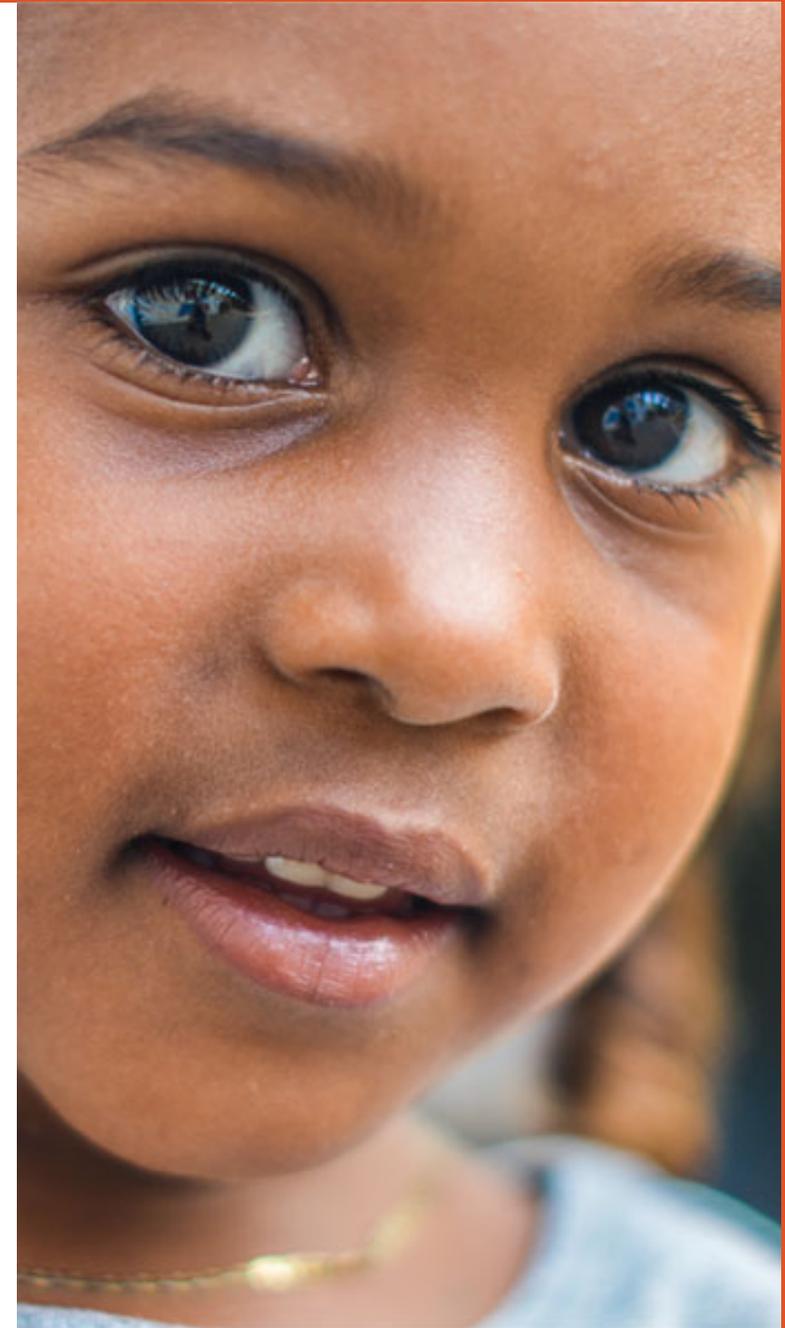
OBJECTIVES



- ✓ Discuss relevant immigration policies and procedures that impact family unity and child well-being in NM
- ✓ Help lawyers, judges, and social workers recognize the traumatic impact of immigration policies and processes on children and families, including child welfare system involvement.
- ✓ Identify strategies to mitigate the traumatic impact of immigration policies on children and their families.
- ✓ Make meaningful connections with professionals across disciplines to support your work with immigrant children and families.

AGENDA

- Migration Trends and Demographic Profile of Immigrants and Refugees in NM
- Immigration 101
- Federal Policy & Pathway Through Federal and State Systems
- The Impact of Immigration Policies on Children and Families from a Trauma-Informed Lens
- Providing Support to Children in Immigrant Families
- Resources, Questions, and Wrap Up
- Special Session for CYFD Staff and child welfare judges and lawyers

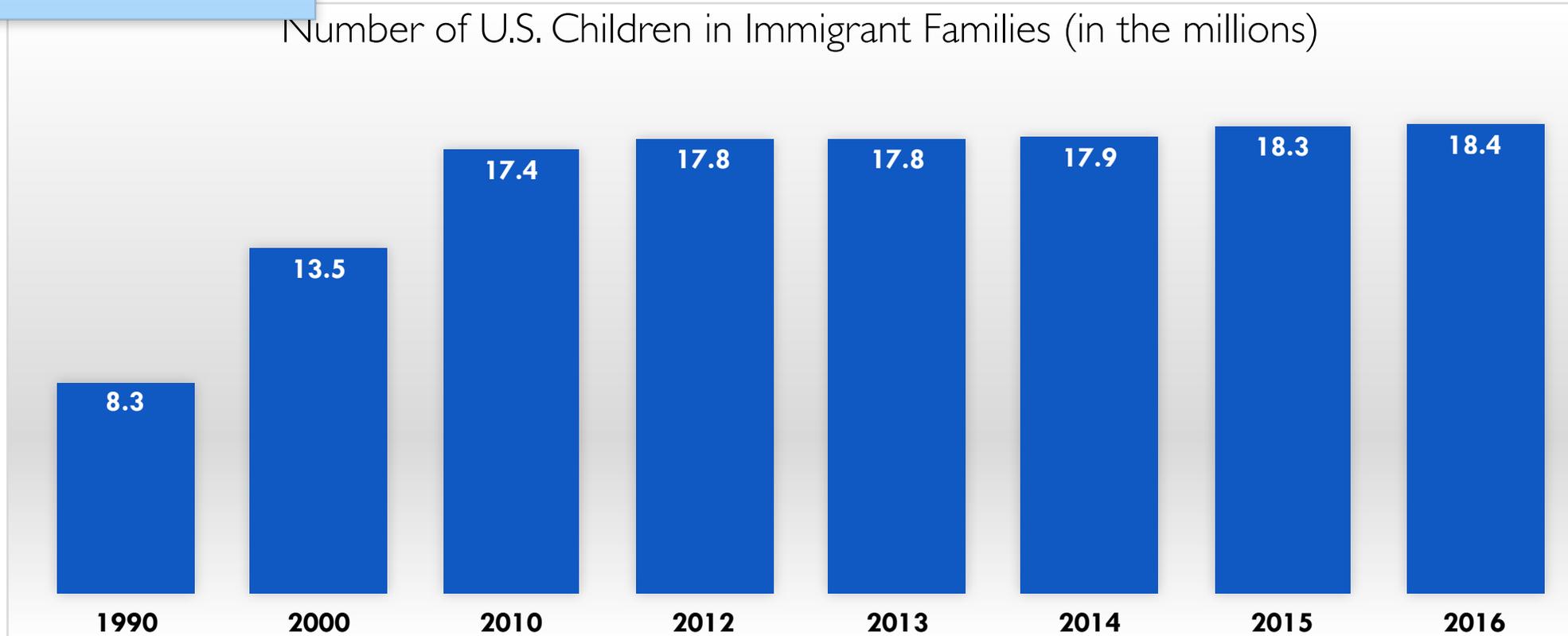


MIGRATION TRENDS & DEMOGRAPHIC PROFILE OF IMMIGRANTS AND REFUGEES IN NEW MEXICO



NUMBER OF U.S. CHILDREN IN IMMIGRANT FAMILIES OVER TIME

Number of U.S. Children in Immigrant Families (in the millions)



Source: The Annie E. Casey Foundation. (January 2018). KIDS COUNT Data Center. datacenter.kidscount.org. Retrieved from <http://datacenter.kidscount.org/data/tables/115-children-in-immigrant-families#detailed/1/any/false/870,573,869,36,868/any/445,446>

CHILDREN IN IMMIGRANT FAMILIES (2016)

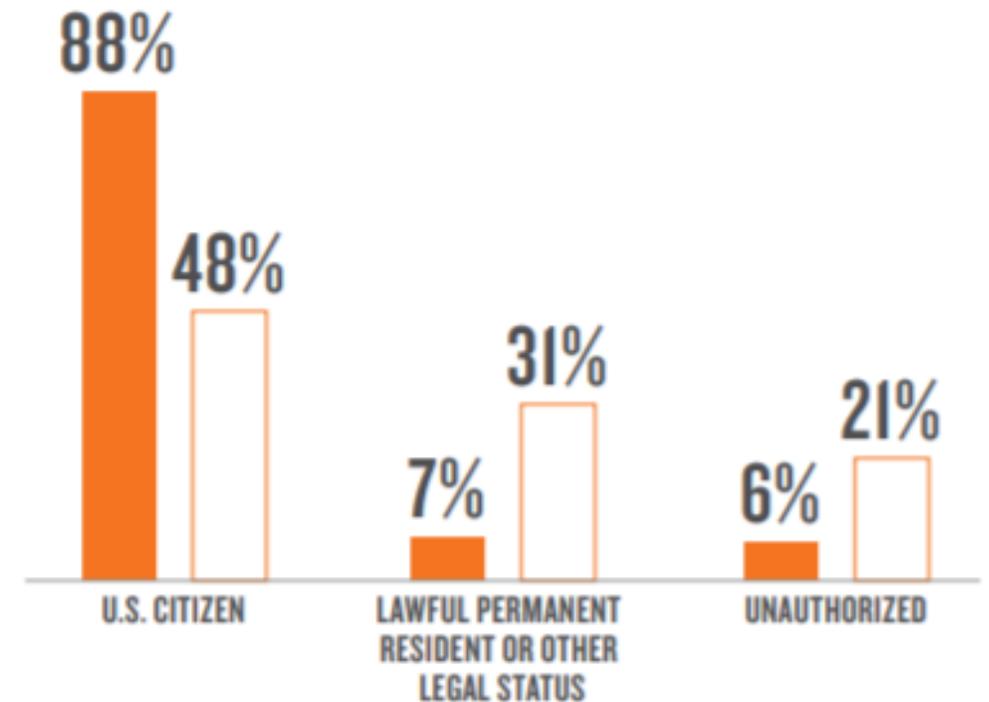
- 18,413,000 children in immigrant families
 - 88% are US Citizens
 - 14% are foreign born
 - 40% non US Citizen parent
 - 6% are unauthorized
 - 21% have at least one unauthorized parent

Children in Immigrant Families = Child was born outside the US or has at least one foreign born parent.

Source: datacenter.kidscount.org

IMMIGRANT STATUS OF CHILDREN AND THEIR PARENTS

■ CHILD □ PARENT



SOURCE: Migration Policy Institute analysis of data from U.S. Census Bureau 2014 American Community Survey and 2008 Survey of Income and Program Participation by Bachmeier and Van Hook.

NOTE: Percentages may not sum to 100 due to rounding.

CHILDREN IN IMMIGRANT FAMILIES IN NEW MEXICO

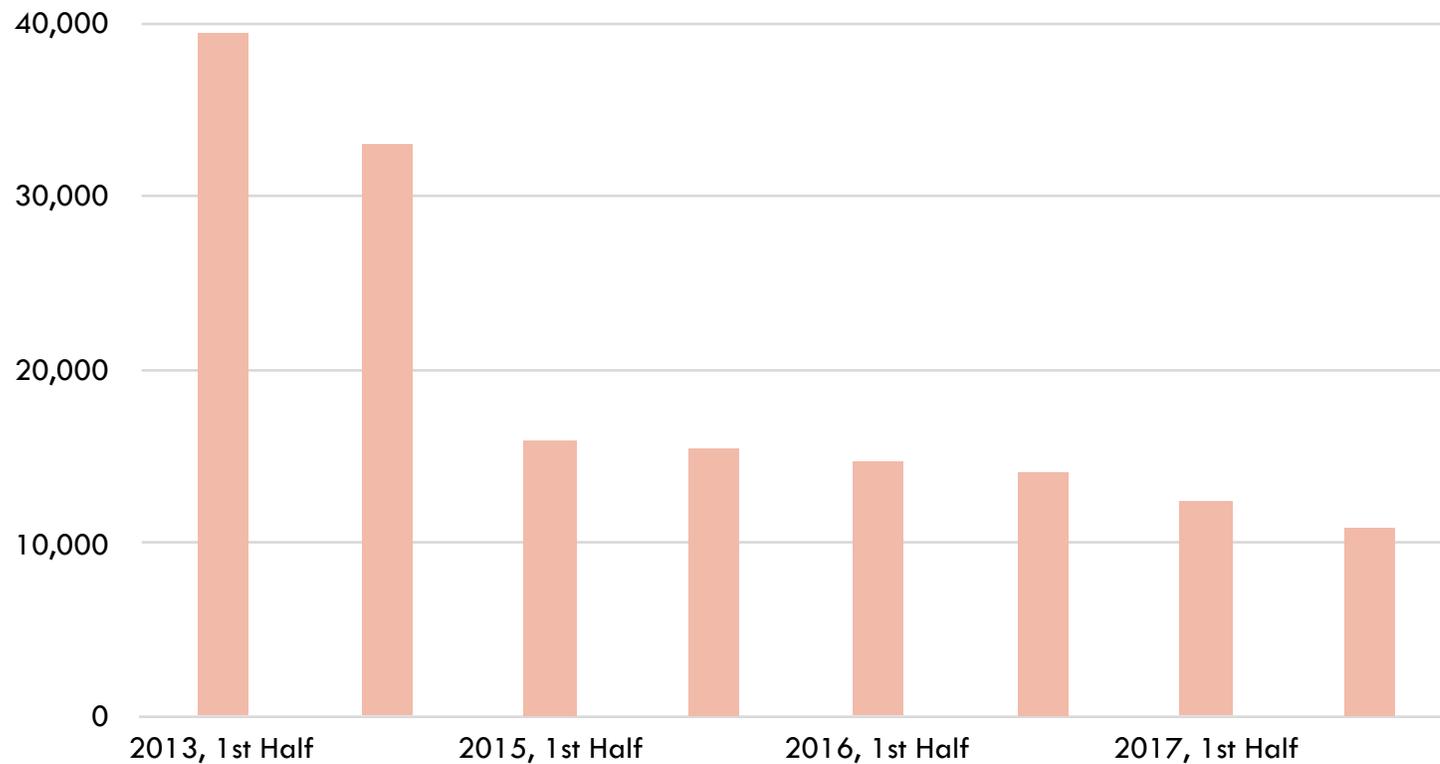
- 21% of children (102,000) in New Mexico are children of immigrants
- 1 in 9 is a U.S.-born citizen with at least one immigrant parent
- 1 in 11 (44,653) was a U.S. citizen living with at least one undocumented family member (2010-2014)
- About 6,000 Deferred Action for Childhood Arrivals (DACA) recipients live in New Mexico.

Source: datacenter.kidscount.org



U.S. CHILDREN AFFECTED BY DEPORTATION

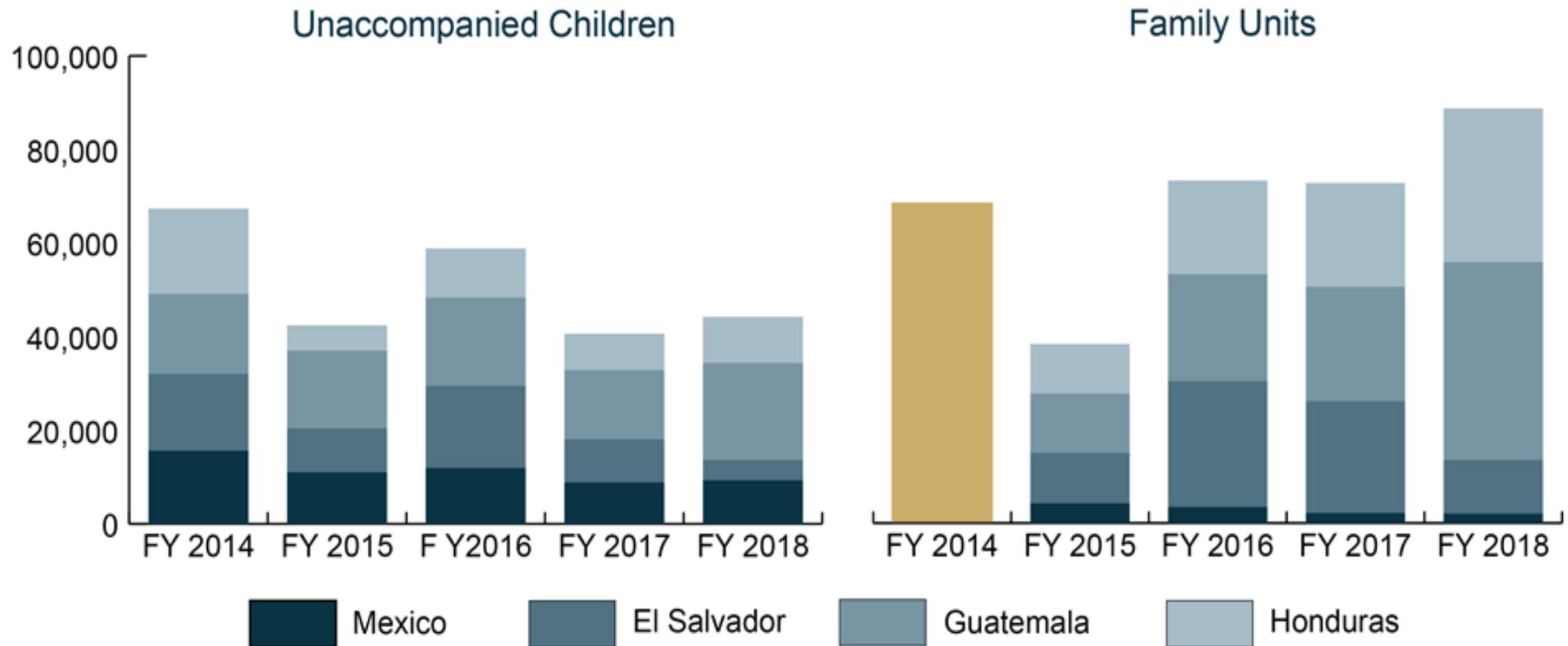
Number of Removals of Aliens Who Claim to Have US-Born Children



Source: U.S Department of Homeland Security, Deportation of Aliens Claiming U.S.-Born Children, Calendar Years 2013, 2015, 2016, and 2017.



MIGRATION PATTERNS: 2014-2018

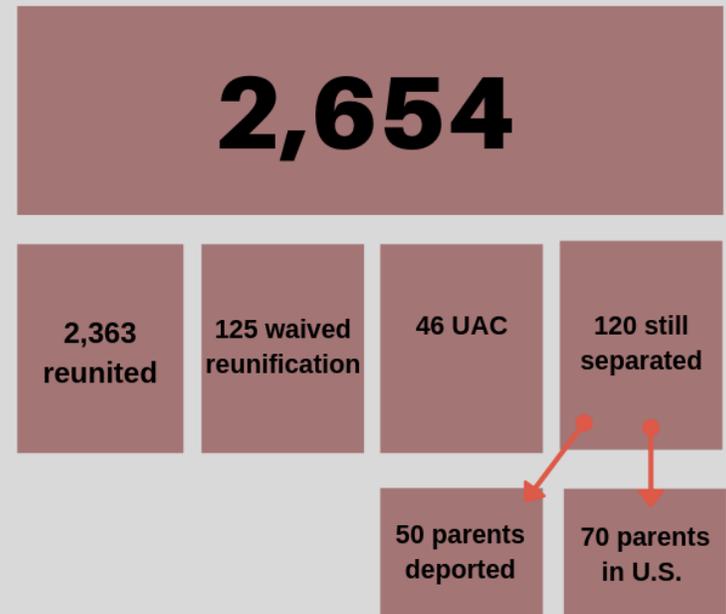


FAMILY SEPARATION DURING TRUMP ADMINISTRATION

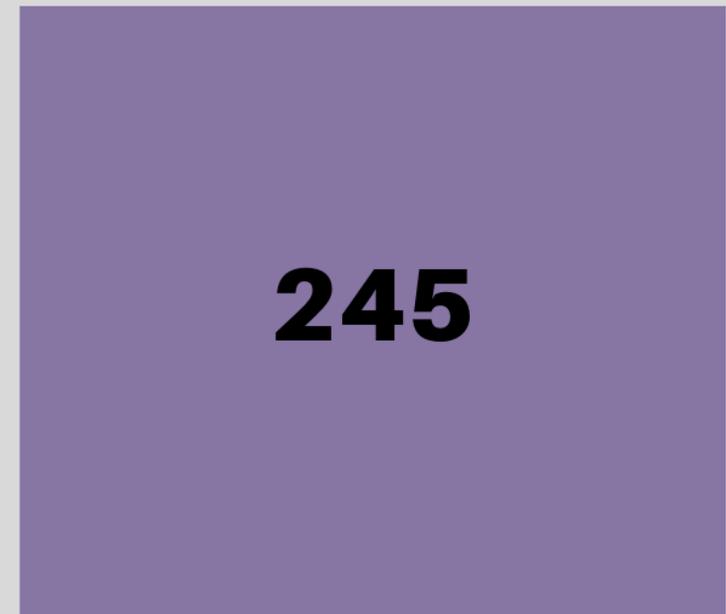
← PRIOR TO "ZERO TOLERANCE" DURING "ZERO TOLERANCE" → SINCE "ZERO TOLERANCE"
SUMMER 2017 - APRIL 2018 APRIL 2018 - JUNE 2018 JUNE 2018 - JANUARY 2019



Jordan, M. (2019). Family Separation May Have Hit Thousands More Migrant Children Than Reported. *The New York Times*.



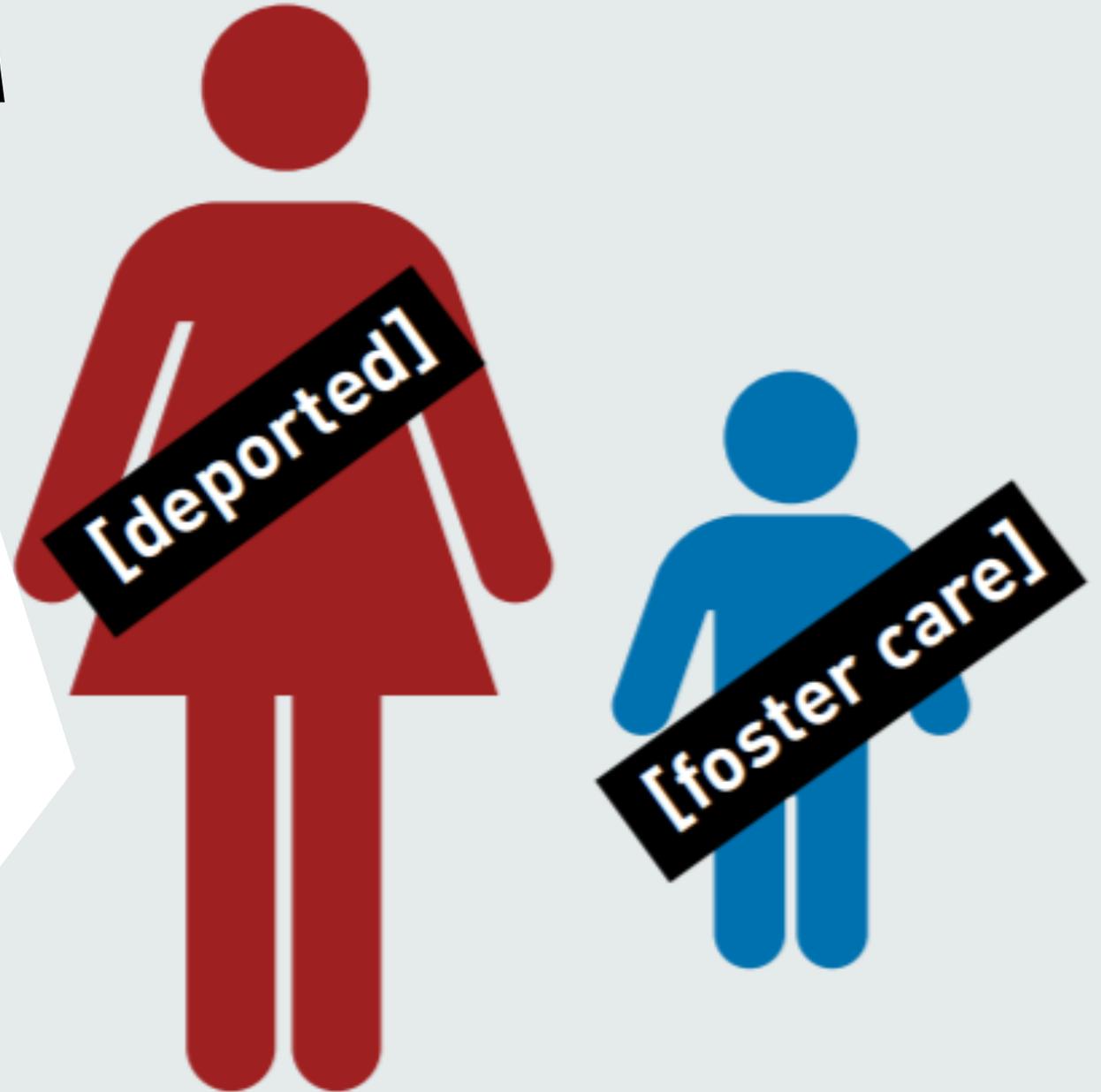
ACLU. (2019). Family Separation By the Numbers.



KIND. (2019). FAQs on Continuing Family Separations.

CHILD WELFARE SYSTEM INVOLVEMENT

- 5,100 children in the child welfare system due to parental detention and deportation
- Estimated to increase by 15,000 in 5 years
- Parental detention and deportation → foster care and long-term family separation
- Sometimes, these children are never see their parents again e.g., when court terminates parental rights (Wessler, 2011).



WHAT IS KNOWN ABOUT CHILDREN OF IMMIGRANTS REPORTED TO CHILD WELFARE

- Immigrant parents are older
- Non-citizens have less education
- The undocumented are the poorest, more likely to have two-parent household and less likely to have prior reports
- Vast majority of immigrants speak another language
- Undocumented have worse perceptions of their neighborhoods (less safe, less involved parents)
- Reasons for involvement with child welfare are similar, except substance exposure is more common among U.S. born
- Needs are similar, but being foreign born, especially undocumented, reduces access to concrete services, substance abuse services, and child mental health services

(Finno-Velasquez, 2013; Finno-Velasquez et al., 2015; Finno-Velasquez, et al., 16; Berger Cardoso, Dettlaff, Finno-Velasquez et al., 2014)

IMMIGRATION 101

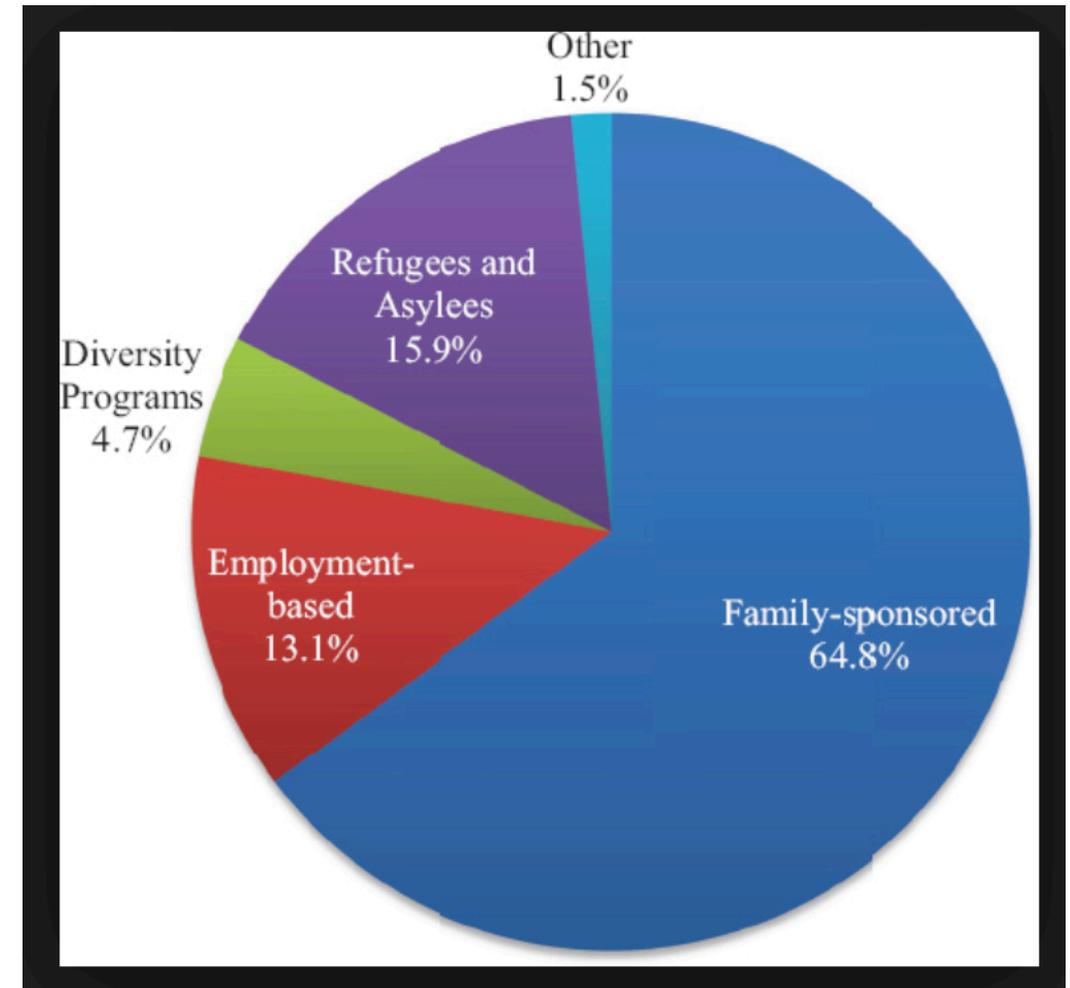


MAJOR IMMIGRATION CATEGORIES

- **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 immigration 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



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
- 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 → [Flowchart continues to 'Are you skilled?']

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.

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.

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

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.

No → Are you single? Sorry, you don't qualify to 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

Sorry, you're out of luck.

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

Are you skilled?

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 → Can you prove that you are a genius? How about a star athlete? Or an investor with \$1 million?

Do you have a college degree in a specialty occupation?

Yes → OK. Then you have a shot, if... you have a job offer.

No → Sorry, you're out of luck.

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.

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?

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.

No → Sorry, you're out of luck.

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)?

Yes → 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.

Total time to immigrate and become a citizen: 11 TO 16 YEARS

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

Sorry, you're out of luck.

Sorry, you're out of luck.

Sorry, you're out of luck.

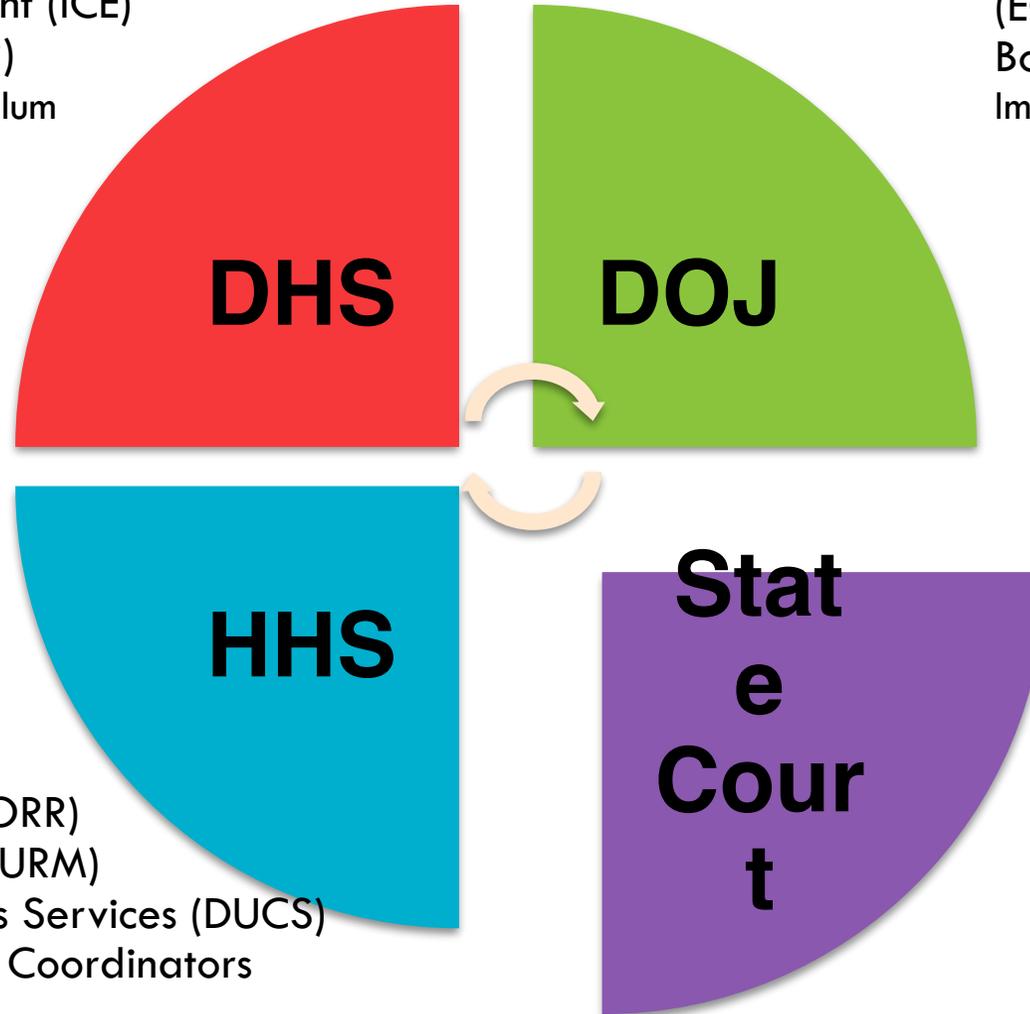
Dept. of Homeland Security

Citizenship & Immigration Services (CIS)
Immigration & Customs Enforcement (ICE)
Customs & Border Protection (CBP)
ICE Officers, Trial Attorneys (TAs), Asylum
Office Interviewers, Service Centers



Dept. of Health & Human Services (HHS)

Office of Refugee Resettlement (ORR)
Unaccompanied Refugee Minors (URM)
Div. Of Unaccompanied Children's Services (DUCS)
Shelter Workers, Therapists, Field Coordinators



Dept. of Justice

Executive Office for Immigration Review (EOIR)
Board of Immigration Appeals (BIA)
Immigration Judges (IJs)

State Courts & Systems

Juvenile Court: family court,
juvenile delinquency
Child Welfare Systems

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.