



Immigration Reform & Child Welfare Policies

**Southwestern Law School
Los Angeles, CA, Feb 22, 2013**

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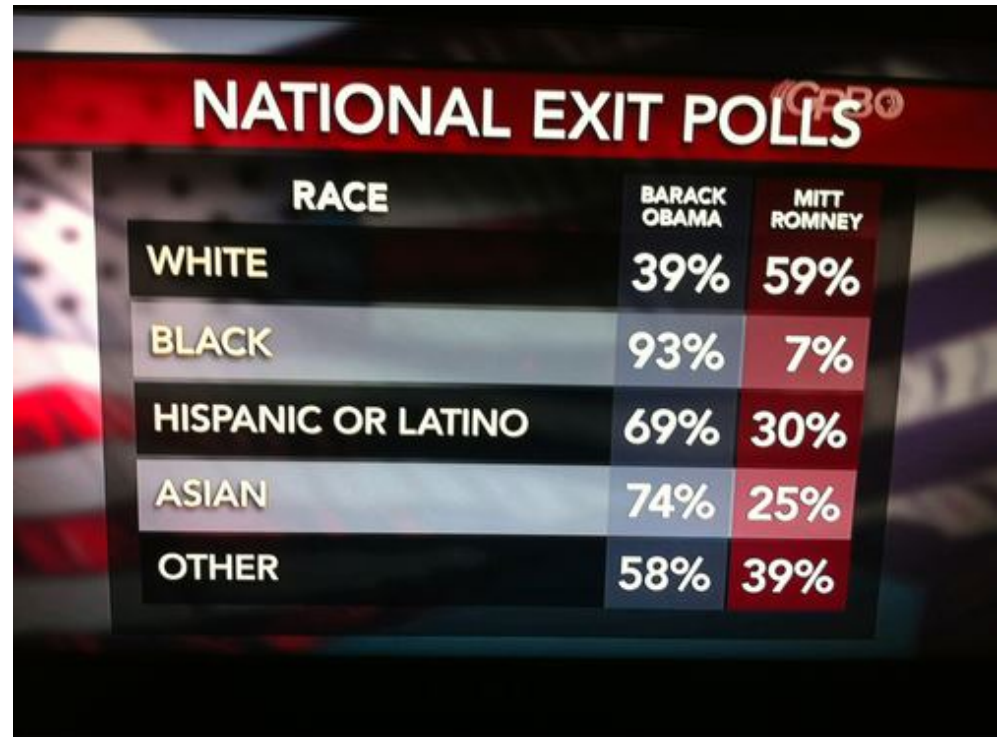


Video – Tijuana Deported Moms Struggle to Reunite with Kids

<http://newamericamedia.org/2012/10/in-tijuana-deported-moms-struggle-to-reunite-with-kids.php>

2012 Election as Game Changer

Immigrants in
Florida, Nevada,
Virginia, and
Colorado deliver key
votes for President
Obama



A graphic titled "NATIONAL EXIT POLLS" with the CBS eye logo. It displays a table of voting preferences by race for Barack Obama and Mitt Romney. The table has three columns: RACE, BARACK OBAMA, and MITT ROMNEY. The rows represent different racial groups: WHITE, BLACK, HISPANIC OR LATINO, ASIAN, and OTHER. The percentages are shown in white text on a dark background, with Obama's column in blue and Romney's in red.

RACE	BARACK OBAMA	MITT ROMNEY
WHITE	39%	59%
BLACK	93%	7%
HISPANIC OR LATINO	69%	30%
ASIAN	74%	25%
OTHER	58%	39%

Changing Political Calculus : Latino Voter Turnout efforts

Mi Familia Vota, My Faith My Vote, and other voter registration and turnout drives made a difference in turnout across the country



What's at Stake?

- Children of immigrants now comprise **one quarter** of all children in the U.S. and represent fastest growing segment of child population
- 5.5 million children, 4.5 million of whom are U.S. citizens, have at least one undocumented parent
- Between July 1, 2010 and September 30, 2012, nearly 205,000 parents of U.S. citizen children were deported
- In 2011, Applied Research Center estimates that 5,100 children currently reside in the child welfare system due to their parent's detention or deportation

A Perfect Storm – Majority Support for CIR

- Voters rejected the non-solutions of ‘self deportation’ and anti-immigrant laws proposed by state legislators

According to a First Focus Research post-election poll, Nov 2013:

- Majority of voters (4-1) support federal investments in children, including reducing child poverty, expanding health insurance for children, and nearly 70% support passage of the DREAM Act

According to Gallup Poll taken in Feb 2013:

- 7 out of 10 would vote for a pathway to citizenship for undocumented immigrants now living in this country.

An unlikely coalition of faith, law enforcement, and business is now pressing their fellow conservatives to embrace immigration reform.

“Silicon Valley and Immigrant Groups Find Common Cause”



Steve Case, an AOL founder, met with President Obama last week to push for more work visas (NY Times, Feb 13, 2013)

New alliance between tech industry and immigration group born out of 2012 election and rising influence of Hispanic voters.

Video – UC Berkeley Match Club
President as DREAM Act Spokesperson

<http://www.sfgate.com/politics/article/UC-student-takes-Dream-Act-case-to-YouTube-4280664.php>

Growth Industry: Immigration Enforcement

- FY2012 ICE announced record number of deportations (409,849).
 - A quarter of these deportation are of parents of US citizens.
 - Prosecutorial discretion continues to be rarely exercised.
 - ICE quota system for deportation
- Migration Policy Institute report shows US spends 24% more on immigration enforcement than all other federal criminal law enforcement agencies (DEA, FBI, Secret Service, etc.) combined.

Increased number of unaccompanied alien children

- Increased numbers of unaccompanied alien citizens entering the US – 14,000 to date for FY2012
- Profile of UAC have changed with children entering care with higher incidences of trauma, increasing complex needs)



Changing National Immigration Policies

- Deferred Action for Childhood Arrivals (DACA) shows 200,000 approved as of 2/15/13 report.
- Jan 2013 new regulation allows certain immediate relatives of US citizens to file a waiver for unlawful presence and await a decision while residing in the US prior to consular processing.
- Failed reauthorization of Violence Against Women Act (VAWA) in 2012; Senate Passes VAWA Act of 2013 in February

Jan 28 Proposal from Gang of Eight

Bi-Partisan Senate Committee: Durbin (D-IL), McCain (R-AZ), Schumer (D-NY), Graham (R-SC), Menendez (D-NJ), Rubio (R-FL), Bennet (D-CO), and Flake (R-AZ)

- Under plan, most undocumented immigrants can apply to become permanent residents, but only after certain border enforcement measure had been accomplished.
- Creation of a commission of governors, law enforcement officials, and community leaders from border states that would assess when border security measures completed.
- Require an exit system in place for tracking departures of foreigners.
- Offer major exemptions for DREAMers, giving them faster path to citizenship

Obama Immigration Vision

1. Strengthen borders.
2. Crack down on companies that hire undocumented workers.
3. Hold undocumented immigrants accountable before they can earn their citizenship (pay taxes and penalty, learn English, and pass background checks).
4. Streamline legal system for families, workers, and employers.

Main difference between Senate and President's plan is path to citizenship contingent on stricter border controls.

Several Major Hurdles Ahead

- What does secured border mean?
- Path to citizenship vs. legal status
- Same-sex couples
- Controlling future flow
- Guest worker programs



EIGHT WAYS TO SHRINK IMMIGRATION REFORM



Undocumented immigrants living in the U.S. now will likely have to wait decades for citizenship. But a host of ideas being debated would still disqualify large numbers of them.

HOW MANY PEOPLE WILL BE INELIGIBLE?

- 1** Half of undocumented families could have to sacrifice 1/3 of their income to afford a \$10k penalty.



HALF OF FAMILIES



- 2** 3.6 to 5.8 million could be excluded by an English language requirement.

English?

3.6-5.8 MILLION



- 3** Millions could be excluded for often decades-old crimes like using false papers or pot possession.



MILLIONS



- 4** Over 1.6 million could be left out by a 5 year residency requirement.



1.6 MILLION +



- 5** Over 1 million could be excluded by proof-of-work requirement, a third would be women.



1 MILLION +



- 6** 40,000 gay and lesbian couples could be barred due to the Defense of Marriage Act.



40,000



- 7** An unknown number who have returned or refused to leave after a deportation order could be barred.



?

- 8** 400,000 prospective citizens will be deported this year if current enforcement trends continue.



400,000



Sources:
 "Unauthorized Immigrants: Length of Residency, Patterns of Parenthood," Pew Hispanic Center, December 2011
 "Earned Legalization," Migration Policy Institute, January 2011
 "Same Sex Couples and Immigration in the United States," UCLA Williams Institute, November 2011

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“Children have much to gain from Comprehensive Immigration Reform”

Analysis of the principle released from the President and the Gang of Eight noted agreements on several priority issues:

- Inclusive roadmap to citizenship (for both undocumented children and undocumented parents)
- Expedited citizenship roadmap for DREAM'ers
- Modernizing family immigration (eliminate backlog and extensive waiting period)

Key Issues for First Focus



- Prioritizing children's best interest in family-sponsored immigration and enforcement reform
- Protection children from immigration enforcement
- Access to health care and basic needs.

Principles for Children in Immigration Reform

- A direct, clear and reasonable pathway to citizenship
- Protection and promotion of children's fundamental rights
- Ensure that enforcement efforts have appropriate protections for children
- Keep families together

Drafted by First Focus and Women's Refugee Commission with endorsements by numerous national and state organizations.

What are forms of immigration relief?

- Asylum
- Special Immigrant Juvenile Status
- Temporary Protected Status
- U-Visas, T-Visas, VAWA
- DACA
- Family Sponsorship
- Prosecutorial Discretion

What is “DACA”?

- On June 15, 2012, the Obama Administration announced that it would not deport certain undocumented persons who entered the U.S. as children.
- While deferred action does not provide a pathway to getting lawful permanent resident status (a greencard) or citizenship, it will allow 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.

About California's SB1064 (deLeon)

1. Authorize the court to provide an extension in the family reunification period
2. Prohibit the use of immigration status as a disqualifying factor in evaluating placement of a child with a relative. Authorize use of a relative's foreign consulate id card or passport to be used to initiate criminal records or fingerprint clearance
3. Require CDSS to provide guidance to social workers on referring children eligible for immigration relief options like Special Immigrant Juvenile Status to receive assistance in acquiring protective status
4. Require CDSS to provide guidance to counties to establish MOUs with appropriate foreign consulates in child custody cases

About AB2015 “Calls for Kids” (Mitchell)

- Require law enforcement officers to ask whether an arrestee is a parent or primary caregiver, and if so, inform them of their right to make two phone calls
- Require this right be explained in the arrestee's primary language
- Require signs of this right be posted prominently

Federal and State Legislation

- HELP for Separated Children's Act (Franken S 1399/ Woolsey, HR 2607)
- Help Separated Families Act (Roybal-Allard, HR 6128)
- California "Call for Kids Act" (Mitchell AB 2015) & "Reuniting Immigrant Families Act" (de León SB 1064): signed into law Oct 1, 2012
- Replication Efforts of SB1064 in Arizona, Michigan, Illinois, and New York

Five Myths about the Immigration 'line'

1. There is one line
2. Anyone can get in line.
3. Once you are in line, the wait is not too long.
4. If you broke the law, it's only fair that you go to the back of line.
5. There's no way to make the line shorter.

What can you do?

- Host a webinar
- Presentations at Schools of Social Work, Law Schools, and Journalism Schools
- Join forces with children's group

The Intersection of Immigration Law, Its Enforcement and Social Work Practice

Tuesday, September 25, 2012

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Immigrant Legal Resource Center

- Administration / Supervision
- Aging
- Alcohol, Tobacco, and Other Drugs
- Child Welfare
- Children, Adolescents & Young Adults
- Health
- Mental Health
- Social and Economic Justice & Peace
- Private Practice
- School Social Work
- Social Work and the Courts

NASW SPS
National Association of Social Workers
Specialty Practice Sections

Foster Family-based Treatment Association

**10th Annual
Public Policy Institute &
Advocacy Day**
May 7-8, 2012
Sheraton Crystal City Hotel
Arlington, VA

In Recognition of National Foster Care Month

**NATIONAL TREATMENT FOSTER CARE
PUBLIC POLICY INSTITUTE & ADVOCACY DAY**

Educate Legislative Leaders



“Deportation’s Forgotten Children: The HELP Separated Families Act will help end the suffering that our broken system causes children and immigrant families who are torn apart,” by Representatives Karen Bass and Lucille Roybal-Allard, Los Angeles Times Op Ed, Feb 11, 2013

First Focus Policy Resources

Children in Harm's Way: Criminal Justice, Immigration Enforcement, and Child Welfare (Sentencing Project/First Focus, Jan 2013).

Falling Through the Cracks: The Impact of Immigration Enforcement on Children Caught up in the Child Welfare System (Immigration Policy Center/First Focus Fact Check, Dec 2012)

Big Ideas: Children in the Southwest (First Focus, July 2012) including “Families in the Frontline – How Immigration Advocates can build a bridge between the immigrant and child welfare systems “ by Lindsay Marshall, The Florence Project

Caught Between Systems: The Intersection of Immigration and Child Welfare Systems (First Focus, 2010)