

# Strengthening Child Welfare Practice for Immigrant Children & Families

Melissa Adamson  
*National Center for Youth Law*

Rachel Prandini  
*Immigrant Legal Resource Center*



Immigrant Legal Resource Center



National Center for Youth Law

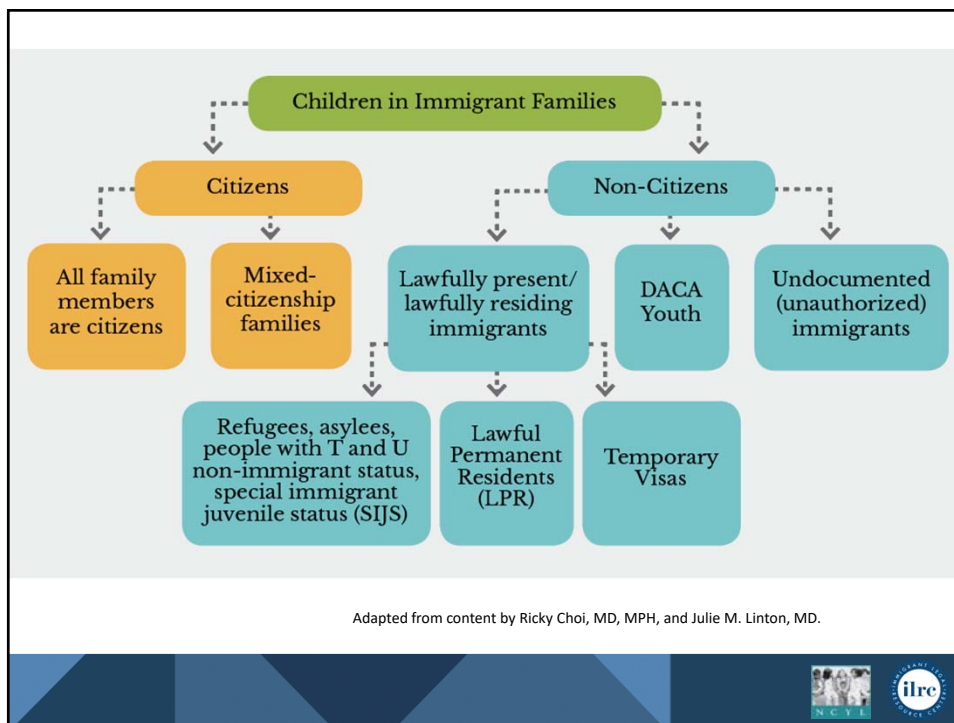
## Agenda

- Introduction
- Overview of Immigrant Children and Families & Pathways into the Child Welfare System
- Trauma & Immigrant Families
- Cultural Considerations
- Immigration Relief Options
- Working with Detained/ Deported Parents
- Working with Foreign Consulates and Embassies
- Questions and Answers



## Introduction

- Have you learned anything about immigrant children or the immigration system for children in the past year that you didn't previously know?
- What are the main issues impacting immigrant children and families in your work?



# Immigrant Children & Families in California

- Children and youth living in immigrant families are the fastest growing group of American children.<sup>1</sup>
- California is home to more immigrants than any other state.<sup>2</sup>
- Immigrant children and families have varied cultural, linguistic, educational, and religious backgrounds.

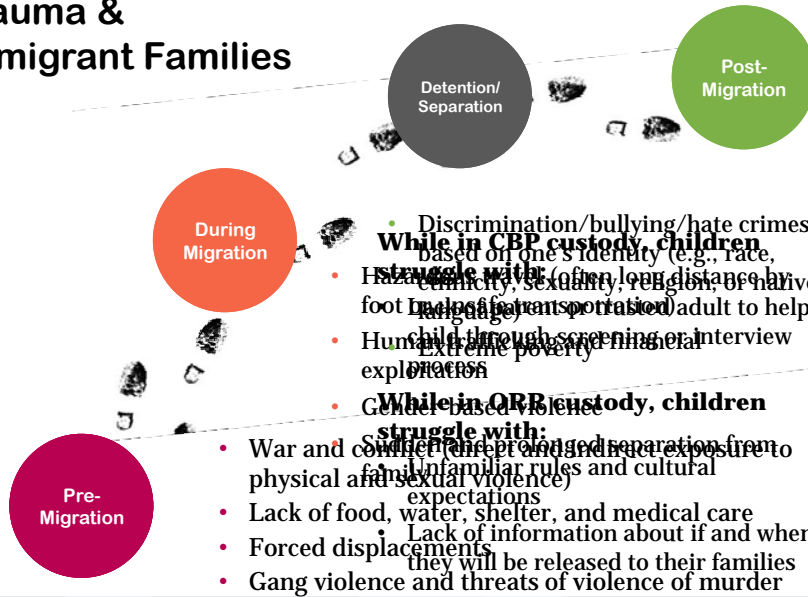


Half of all children in California have at least one immigrant parent.<sup>3</sup>

1. Donald J. Hernandez, Nancy A. Denton, Suzanne E. Macartney, *Children in Immigrant Families: Looking to America's Future*, Social Policy Report, 22(3) S.E. (2008).  
 2. *Fact Sheet: Immigrants in California*, American Immigration Council (Oct. 4, 2017) available at <https://www.americanimmigrationcouncil.org/research/immigrants-in-california>.  
 3. *Just the Facts: Immigrants in California*, Public Policy Institute of California, May 2019, available at <https://www.ppic.org/publication/immigrants-in-california/>.



# Trauma & Immigrant Families



## Core Stressors in Resettlement

Post-Migration

### Resettlement

- Difficulties finding adequate housing
- Difficulties finding employment
- Loss of community support
- Lack of access to resources
- Transportation difficulties
- Lack of familiarity with school system

### Acculturation

- Conflicts between children and parents over new and old cultural values
- Conflicts with peers related to cultural misunderstandings
- Translating for family members
- Lack of formal schooling experience
- Struggle to form an integrated identity including elements of their new culture and their culture of origin

### Isolation

- Feelings of loneliness and loss of social support network
- Discrimination
- Experiences of harassment from peers, adults, or law enforcement
- Experiences with others who do not trust the refugee child and family
- Feelings of not “fitting in” with others
- Loss of social status

PARTNER  
NCTSN  
The National Child  
Traumatic Stress Network



## Cultural Considerations

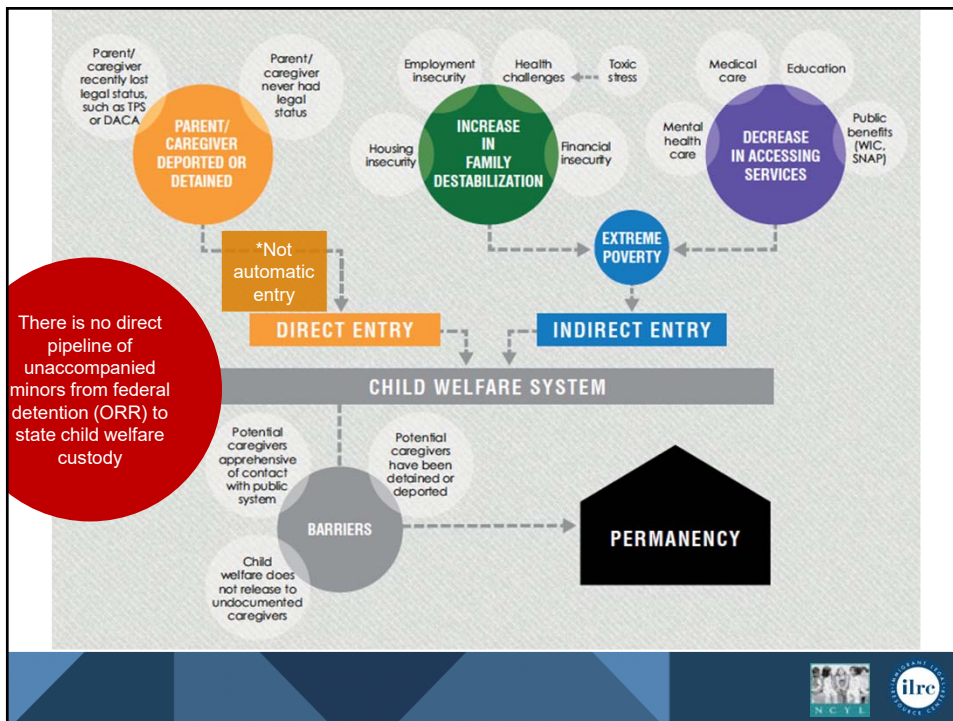
- Newcomer immigrant youth and families have **unique and varied cultural characteristics**.
- Cultural relationships, traditions, and identity play a crucial role in supporting children and caregivers' **resilience** and **self-esteem**.



# Cultural Considerations

**Keep in mind that immigrant children and families might experience...**

- Fear of government and/or court involvement
- Different cultural norms related to parenting
- Stigma surrounding mental health services
- Language barriers
- Difficulties related to the legal status of caregivers



## Federal Foster Care

- “Long Term Foster Care”
  - ORR-funded community based foster care placements and services to which eligible unaccompanied alien children are transferred after a determination is made that the child will be in ORR custody for an extended period of time.
  - <https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-guide-to-terms>



## Immigration Relief Options for Children & Families

- CW professionals have a unique opportunity to help children & families pursue legal status
- Children and caregivers who lack legal status cannot legally work, access federal financial aid, or qualify for most public benefits. They must also live with the threat of deportation.



## Immigration Relief Options for Children & Families

- Goal for CW professionals is to be able to identify the issues and refer the child or family out for legal help.
- Remember to:
  - Clearly state that you do not work with or for Immigration & Customs Enforcement (ICE)
  - Explain confidentiality protections
  - Explain why you are asking about immigration status



## Immigration Relief Options

Special and/or more generous paths to immigration status for children and youth – many are eligible to apply for some kind of status!

USC  
without  
knowing  
it?

Special  
Immigrant  
Juvenile  
Status  
(SIJS)

Asylum

T visa

U visa

VAWA

DACA?



## Might client be a USC and not know it?

If answer to either question is yes, foreign-born client might be a USC.

1) At the time you were born, did you have a parent or grandparent who may have been a U.S. citizen (USC)?

OR

2) Before your 18<sup>th</sup> birthday, were you an LPR (green card holder), and was at least one parent a USC?



## Important Points on SIJS

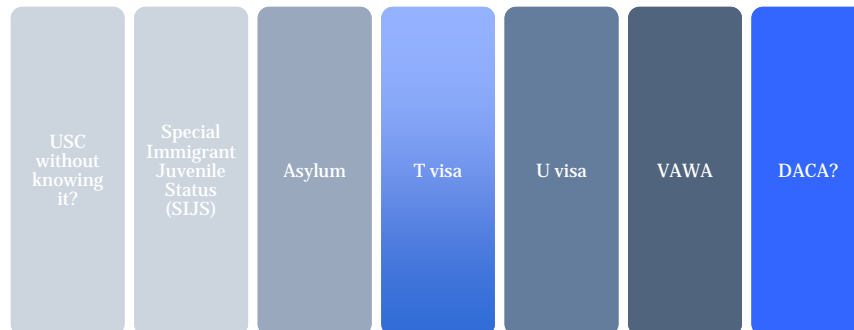
- Eligibility for long term foster care not a requirement
- SIJS is available to children who cannot be reunified with “one or both” parents
- Child should remain subject to juvenile court jurisdiction during entire immigration process unless “age out”
- Parents can never get immigration status through the child if the child gets a green card through SIJS





## Immigration Relief Options

Special and/or more generous paths to immigration status for children and youth – many are eligible to apply for some kind of status!



## Immigration Relief Options for Children & Families

### Making legal referrals

- We do not advise that social workers or children's attorneys handle immigration cases directly (except with assistance from a trusted immigration attorney)
- Best to have an established referral relationship with an immigration legal services provider so that a direct referral can be made
- For a list of organizations by area, visit:

<https://www.immigrationlawhelp.org>



## Immigration Relief Options for Children & Families

### Case Study: Elisabeth & James

Elisabeth is 14 and her brother James is 3 years old. Elisabeth is undocumented; James was born in the United States. The children are in the foster care system because their mother was arrested and sentenced to one year in jail. She had separated from her husband because of domestic violence. The dependency judge has ruled the case for reunification if the mother fulfills the parenting class, substance abuse treatment, and visitation requirement.



## Immigration Relief Options for Children & Families

### Case Study, cont.

However, the children's mother is concerned that she may be deported after she finishes her sentence. Elisabeth and James' father was deported and has not remained involved in their lives.

*Do Elisabeth & James have any immigration relief options?*

*What barriers might the mom face in the dependency system?*



## Working with Detained or Deported Parents

- Unique challenges detained or deported parents face:
  - Difficulty participating in dependency proceedings
  - Inability to comply with family reunification services
  - Divergent timelines of immigration and dependency systems



## Working with Detained or Deported Parents

- California has a state law to address these specific issues - The Reuniting Immigrant Families Act, SB 1064



## Five Areas of Focus of SB 1064

- 1 • An adult's undocumented status alone cannot bar her from placement consideration.
- 2 • Workers are required to make & document reasonable efforts to aid detained & deported parents in receiving reunification services.
- 3 • Courts have special case continuance options that take immigration issues into account.



## Five Areas of Focus of SB 1064

- 4 • Encourages agencies to enter into MOUs with foreign consulates to help facilitate information-sharing and cooperation regarding children in the child welfare system.
- 5 • Encourages efforts to assist undocumented children in DSS custody obtain immigration relief.



## ICE Detained Parents Directive

- An ICE policy memo regarding the detention and removal of parents and legal guardians
- View it as an advocacy tool to get ICE to:
  - Detain parents close to their children and child welfare proceedings;
  - Arrange for detained parents to attend court hearings; and
  - Facilitate regular visitation between detained parents and children.
- For assistance, contact local ICE field point of contact & email: [Parental.Interests@ice.dhs.gov](mailto:Parental.Interests@ice.dhs.gov)



## Working with Foreign Consulates & Embassies

### Notification to Foreign Consulates

- Vienna Convention: Provides for consular notification of and access to cases where foreign nationals are involved in legal proceedings.<sup>1</sup>

### Warning about Asylum-Seeking Clients

- Disclosing that a child or parent/caregiver has a pending asylum application to the consulate may place that family in danger
- **Best practice:** Inform the client of consenting age of any possible implications of contacting a consulate or embassy and get the client's permission prior to initiating contact.

1. United Nations, *Vienna Convention on Consular Relations*, April 24, 1963, available at <https://www.refworld.org/docid/3ae6b3648.html>.



## Working with Foreign Consulates & Embassies

### Consular services

- Depends on the local consulate and if there is a Memorandum of Understanding in place.
- **Consular assistance could include:**
  - Obtaining birth certificates or other country-specific identification documents (ex. matricula consular)
  - Assisting with criminal records requests
  - Locating parents abroad
  - Carrying out home studies abroad
  - Obtaining supervisory reports of out-of-country placements.



## Working with Foreign Consulates & Embassies

### Confidentiality of Case Records

- California Welfare & Institutions Code § 827:
  - Individuals and agencies not specifically authorized to inspect or receive copies of a juvenile case file may obtain access by petitioning the juvenile court and obtaining a court order.
    - A consulate is not a party to the matter and may not receive documents from the case file, including court reports, without approval from the court.
  - The process for obtaining a court order is stated in the court rules. Cal. R. Ct. 5.552(e).



## Resources



<https://www.ilrc.org/strengthening-child-welfare-practice-immigrant-children-families-toolkit-child-welfare-professionals>

## Resources

### Case Studies of Immigrant Families in the Child Welfare System:

- ABA Center on Children and the Law, *Immigrants in the Child Welfare System* (2018), available at [https://www.americanbar.org/content/dam/aba/administrative/child\\_](https://www.americanbar.org/content/dam/aba/administrative/child_)

### Cultural Engagement:

- Center for Advanced Studies in Child Welfare, *Latino Cultural Guide: Building Capacity to Strengthen the Well-Being of Immigrant Families and Their Children: A Prevention Strategy* (2014), available at <http://cascw.umn.edu/wp-content/uploads/2014/02/CulturalGuide-Latino.pdf>.
- National Center for Mental Health Promotion and Youth Violence Prevention, *Strategies for Engaging Immigrant and Refugee Families* (2011), available at [http://crisisresponse.promoteprevent.org/sites/default/files/root/strategies\\_for\\_engaging\\_immigrant\\_and\\_refugee\\_families.pdf](http://crisisresponse.promoteprevent.org/sites/default/files/root/strategies_for_engaging_immigrant_and_refugee_families.pdf).

### Resources for Detained Parents Searching for Children in the Child Welfare System

- Women's Refugee Commission, *Resources for Families Facing Deportation and Separation*, available at <https://www.womensrefugeecommission.org/rights/resources/1409-resources-for-families-facing-deportation-separation>.

## Resources

### Social Worker Toolkits for Working with Immigrant Families:

- Center on Immigration and Child Welfare, *Toolkits, Handbooks, Guides & Books*, available at <http://cimccw.org/resources/training-tools/toolkits-handbooks-guides-books/>

### Immigration Relief Options:

- Immigrant Legal Resource Center, *Immigration Options for Undocumented Children* (2018), available at <https://www.ilrc.org/immigration-options-undocumented-immigrant-children>.

### Family Preparedness Planning:

- Immigrant Legal Resource Center, *Family Preparedness Plan* (2017), available at <https://www.ilrc.org/family-preparedness-plan>; *Step-by-Step Family Preparedness Plan* (2018), available at <https://www.ilrc.org/step-step-family-preparedness-plan>.
- [Spanish Translation] Immigrant Legal Resource Center, *Plan de Preparación Familiar* (2017), available at <https://www.ilrc.org/plan-de-preparacion-familiar>.

### Know Your Rights Information for Children and Parents:

- Immigrant Legal Resource Center, *Know Your Rights and What Should Immigrant Families Do Now* (2017), available at <https://www.ilrc.org/know-your-rights-and-what-immigrant-families-should-do-now>.
- Immigrant Legal Resource Center, *Using Your Red Cards* (2017), available at <https://www.ilrc.org/using-your-red-cards>.



## Questions?

