Caught in the Middle: Supporting Families Involved with Immigration and Child Welfare Systems

Background
In the last decade, the U.S. immigrant population has dramatically increased. In 2011, there were an estimated 40 million immigrants in the U.S.; 11 million of these individuals were undocumented (Pew Research Center, 2013). Children living in immigrant families now represent the fastest growing segment of the child population. In fact, it is estimated that one in four children and youth have an immigrant parent or are immigrants themselves (Capps & Passel, 2004; Torrico, 2010; NASW, 2013). It has also been reported that as many as 3.5 million children are part of a mixed status family (Passel & Cohn, 2009; [See Key Terminology]). Unfortunately, due to immigration enforcement, many of these children are at risk of being separated from a parent at any time. While federal laws and policies that impact immigrants’ status have evolved as a result of the political, social and economic climate (Morgan & Polowy, 2010), the failure to reform outdated immigration laws and policies continues to have devastating and unintended outcomes on children and their families.

In 2011, approximately 392,000 individuals were deported from the United States (U.S. Department of Homeland Security, 2011). The Department of Homeland Security reported that over 200,000 parents of U.S. citizen children were deported in just over two years, accounting for nearly 23 percent of all deportations in that period (Wessler, 2012). Sadly, many of these parents left their children behind. There are an estimated 5,100 children in child welfare systems across the U.S. as the result of a parent’s immigration detention or deportation (Wessler, 2011). In addition, it is estimated that 15,000 more children and youth are at risk of entering the child welfare system over the next several years (Wessler, 2011). To date, hundreds of thousands of U.S. born children have already left the U.S. with their deported parents (Children’s Defense Fund, n.d.; Kline, 2013).

Challenges Facing Children and Families Involved with Child Welfare
There are a number of ways that an immigrant child or family can become involved with the child welfare system. In some instances, involvement is a result of immigration enforcement. For example, a parent may not...
be provided with the opportunity to make child care arrangements at the time of apprehension or in other cases, a child may come into state custody as a result of a parent’s criminal arrest or conviction which can eventually lead to their deportation. However, in other more common scenarios, a child may already be system-involved, and then a parent’s subsequent detention or deportation interrupts the family reunification process.

When a detained or deported parent is unable to make childcare arrangements for their children, these children may be left in unstable and risky situations (Frost, 2013). The abrupt separation of families resulting from immigration enforcement can also have profound and negative impact on the child’s mental and physical health and academic performance. This is particularly true in cases where the child actually witnessed his or her parent’s arrest (Cervantes & Uncroft, 2010). In two-parent households, the deportation of a parent can also lead the family to experience higher rates of poverty and reduced access to food (D’Souza, Hs, Heller & Pathang, 2013). All of these outcomes put children at higher risk of entering the child welfare system.

Too often, the acts of detention and deportation put children, both documented and undocumented, in danger of being permanently separated from their families. According to the Adoption and Safe Families Act (ASFA), if a child has been out of a parent’s custody for 15 of the last 22 months, the child welfare department must petition the court for the termination of parental rights. Therefore, detained parents typically do not have access to the services (e.g., parenting class, psychological evaluations, regular visitation, etc.) often identified in case plans putting them in a difficult position to reunify with their children. In some instances, parents may never receive notification of child welfare proceedings because the child welfare system does not know how to locate them or if they do become aware, their participation (in person or virtually) has not been supported by detention facilities. While immigration status is not a reason for the termination of parental rights (Butera, 2013), unless detained or deported, immigrant parents are provided with the supports to fully participate in child welfare proceedings, there is a risk of a permanent separation of families causing irreparable harm to children.

In an effort to reduce harm to immigrant children and families, several state and local agencies have taken steps to establish internal policies or in some cases, dedicated units to address issues related to immigration. However, California is the first in the country to address family separation matters resulting from the current immigration enforcement system in its “Re uniting Immigrant Families Act” (SB 1064) (Uncroft, 2013). This law authorizes child welfare courts to extend the family reunification timeline so that child welfare agencies can conduct a thorough search for detained or deported parents or relatives, ensures that the immigration status of relatives is not considered reason to not place a child in their home, and allows the use of foreign documents (e.g., passports) to conduct background checks for relative caregivers. Lastly, this law requires the California Department of Social Services (CDSS) to provide social workers with guidance to explore potential immigration relief options for children and parents, and provide guidance to local agencies to establish agreements with relevant foreign consulates to facilitate family reunification in child custody cases (American Immigration Council, 2012).

### Challenges Facing Child Welfare

As the immigrant population increases and immigration enforcement continues, many of these children and their families are at risk of becoming entangled in the complex web of child welfare and immigration systems - each with different missions, policies and time tables. The child welfare system aims to protect children from harm, ensure their wellbeing, achieve permanency and strengthen families, while the Immigration and Customs Enforcement (ICE), the arm of the U.S. Department of Homeland Security’s (DHS) primary mission is to promote homeland security and public safety, including the enforcement of U.S. immigration laws (U.S. Department of Homeland Security, n.d.).

Social workers face a host of challenges in providing services to immigrant children, youth and families; these cases are frequently some of the most time-consuming and complicated cases for social workers in child welfare. While social workers are required to work within the ASFA timeline, immigration systems do not abide by the same schedule. In fact, parents can be detained for much longer than 15 months or deported with little warning or opportunity to make arrangements for their children.

Child welfare agencies tend to lack formalized relationships with immigration enforcement agencies; therefore, workers have to learn to navigate the system on a case-by-case basis. They generally face a number of challenges including but not limited to, a lack of immigration knowledge, language and cultural barriers, limited resources to locate family in the U.S. and abroad or in some cases, strict child welfare policies. In fact, in some jurisdictions, strict policies make it difficult to place children with undocumented family members. All of these obstacles contribute to the time children are kept away from their parents and in some cases, they lead to the permanent separation of families.

### Ways to Bridge the Gap: Working Together to Minimize Harm to Children

Though the immigration system is quite complex and enforcement policies differ across jurisdictions, some existing policies and resources such as the Parental Interests Directive and Foreign Consulates can help to protect the parental rights of immigrant parents who have been detained or are awaiting deportation orders.

#### PARENTAL INTERESTS DIRECTIVE

In August 2013, the U.S. Immigration and Customs Enforcement (ICE) released the Parental Interests Directive. This Directive’s purpose is to ensure that parents and legal guardians who have been detained or are in the process of deportation are permitted to make decisions in their child’s best interest (i.e., who will care for them), maintain contact with their children and participate in child welfare proceedings which can significantly impact their parental rights (Frost, 2013; Butera, 2013). The Parental Interests Directive affects the primary caretaker of a minor child regardless of his or her citizenship; the parent and legal guardian who is involved in family court or child welfare court proceedings in the U.S.; and parents or legal guardians of minor children who are U.S. citizens or legal Permanent Residents (LPRs).

The Parental Interests Directive requires that ICE:

- identify, a specific point of contact in each ICE field office to address issues related to parental rights;
- detain parents in facilities that are reasonably close to where their children reside and whenever possible, close to the location of the family court or where child welfare proceedings are held;
- arrange for a parent’s in-person appearance in family court or child welfare proceedings or participation via video or teleconferencing;
- permit court ordered visits between parents or legal guardians and children;
- allow the parent or legal guardian access to attorneys, Consulates, courts and family prior to or when sufficient notice is provided to scheduled deportation to provide them with the opportunity to address critical issues related to children such as completing passport applications, establishing a long term guardianship agreement or...
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making travel arrangements so that children can join them in their native country; • consider, depending on the specific case, accommodating the temporary return of a parent (through a humanitarian parole and at the parent’s expense) to participate in court ordered proceedings related to the termination of parental rights; and • developing processes to improve communication and cooperation across immigration, enforcement, family and dependency courts, and child welfare systems (First Focus, 2013; U.S. Immigration and Customs Enforcement).

While this Directive does not repair the broken U.S. immigration system, it attempts to significantly minimize the trauma to children and recognizes the significance of family unity despite their immigration status.

Foreign Consulates

The Vienna Convention on Consular Relations is an international agreement which requires that the appropriate Consulate be notified as soon as a citizen of a participating nation is taken into custody of another participating nation (U.S. Department of Health and Human Services, 2013). One particular provision applies to children taken into state custody — Article 37 (b) of the agreement requires that “responsible parties give notice to the consular post when child protective services takes a foreign national child into custody” (Parker, 2001, pg 177).

While practices differ across the country, child welfare professionals are required to comply with consular notification requirements when U.S. citizen children of non-citizens are detained.

Foreign Consulates can be essential in helping to keep immigrant families together — they can play a critical role between deported parents and the child welfare system. Contacting a Consulate as soon as a child has been removed from their home or even if there are no guardianship orders in place is considered best practice (Parker, 2001). The likelihood of disruption or delays can increase the later the notice is given. According to the Applied Research Center, “children are reunified with their families only if foreign consulates are involved in a case” (Wessler, 2011, pg 8). While child welfare systems are required to do a thorough search for parents, many jurisdictions fail to do so. Not all child welfare workers contact Consulates to locate family members but rather to terminate the parents’ rights (Wessler, 2011).

Working with Consulates can not only help to support families, it can also help child welfare workers address the federal notification requirements stemming from the Fostering Connections to Success and Increasing Adoptions Act of 2008 (U.S. Department of Health and Human Services, 2013).

Foreign Consulates can: • ensure that families understand the legal process as it relates to their parental rights; • assist parents in the provision of required case plan services in their native countries; • facilitate home studies and conduct background checks; • conduct searches for deported parents with a child in the U.S. foster care system; • conduct searches for other parent or relatives in native country; • process passports to ensure that children are able to leave the U.S.; • assist in the facilitation of visits between parents and their children in U.S. border regions; and • transport children abroad to reunify with parents who have been deported (Wessler, 2011).

In addition to abiding by the Vienna Convention on Consular Relations’ obligation for notification, several states and counties in the U.S. have taken steps to establish agreements with local Consulates to ensure communication in child welfare cases — this is a particularly common practice with Mexican Consulates (U.S. Department of Health and Human Services, 2013). Other have developed formalized relationships (through Memorandums of Understanding (MOU)) regarding Consular notification and cooperation that address cases that involve non-citizen parents and their children even if the children are not citizens of their parent’s native country (U.S. Department of Health and Human Services, 2013) whereas, some localities have developed informal relationships to help meet the needs of children and their families on a case-by-case basis. For example, in Washington state (that operates without an MOU), Consulates are brought into discussions if there is an immigrant parent or child involved in a foster care case. Consulates have been helpful in providing support to these families during child welfare proceedings. This process has also resulted in parents feeling less fearful of being turned into immigration enforcement and less likely to flee during child protective services investigations (U.S. Department of Health and Human Services, 2013). If working with a Consulate is not an option, there are other alternatives to facilitate international child welfare cases such as working directly with a foreign public or private social service agency or working with a U.S.-based agency (e.g., International Social Service United States of America Branch, Inc.) that has partners in another countries.

Social Work Action Steps

Social workers face a range of obstacles in meeting the unique needs of immigrant families. Though not all experts on immigration issues, social workers can take some of the following steps to familiarize themselves with relevant terminology, relief options and resources while also adhering to ethical social work practice which prohibits discrimination based on immigration status (NASW, 2008).

✓ Assess for immigration relief options. Some children, youth and families involved with the child welfare system do not have a legal immigration status, making it challenging for them to access resources or services. Initially, social workers may be the only individuals available to identify potential relief options and connect them to an immigration specialist. For example, immigrant children who are ultimately unable to reunify with their families and remain in state custody are eligible for the Special Immigrant Juvenile Status (SIJS); however, this process needs to be completed before they transition out of foster care. Working with an immigration specialist is critical to completing the necessary paperwork to obtain a legal status within appropriate timelines. [See Potential Immigration Relief Options].

✓ Contact ICE to help locate parent(s) and to ensure that his or her rights are protected. ICE has several resources that parents, family members and social workers can access. • Online Detainee Locator System. Social workers who are trying to locate a detained parent can use the Online Detainee Locator System. In an effort to conduct an effective search, social workers should have the following information: parent’s full name, date of birth, country of birth or Alien Registration number. Please note the information in the database is for current detainees or those released within the last 60 days. If the name of the parent is not on the database, contact ICE directly for more information.

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Social Work Action Steps
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• Contact an immigration specialist. Social workers can build professional working relationships with local immigration service providers to ensure they understand the range of immigration relief options available as well as recent changes to immigration policies.

• Understand the range of immigration status.

There are a range of immigration status which immigrant children, youth and parents may hold. These could include legal permanent residents, naturalized citizens, refugees or undocumented persons. Each category or status can carry different legal rights and access to services. Determining each family member’s immigration status early can help to determine each person’s eligibility for services. For example, a parent can receive benefits for their U.S. born children regardless of their own immigration status. (See Key Terminology).

• Assess for immigration relief options. Some children, youth and families involved with the child welfare system do not have a legal immigration status, making it challenging for them to access resources or services. Initially, social workers may be the only individuals available to identify potential relief options and connect them to an immigration specialist. For example, immigrant children who are ultimately unable to reunify with their families and remain in state custody are eligible for the Special Immigrant Juvenile Status (SIJS), however, this process needs to be completed before they transition out of foster care. Working with an immigration specialist is critical to completing the necessary paperwork to obtain a legal status within appropriate timelines. [See Potential Immigration Relief Options].

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ICE Community and Detainee Hotline. If a detained parent does not receive an appropriate or timely response from the Field Liaison, social workers can contact the ICE Social workers face a range of obstacles in meeting the unique needs of immigrant families.
Community and Detainee Helpline to report concerns or request assistance regarding the parental interests of a detained immigrant.

- Make parents aware of Parental Interests Directive. Social workers in contact with parents can help them understand how ICE can support them under the Parental Interests Directive. ThisDirective intends to support parents in maintaining relationships with their children and making decisions in their best interest. [See Parental Interests Directive].

Conclusion
The children of detained or deported parents face the risk of entering the child welfare system at any time. Unfortunately, the number of challenges that parents and social workers face can contribute to extended periods of family separation. The increase in immigrant families in child welfare is creating a shift in the workforce where social workers need to provide culturally responsive services and develop an understanding of key terminology, immigration laws and policies to effectively serve immigrant children and families. Thus, NASW supports federal, state and local policies and procedures that promote the training of social workers regarding immigration status and its impact on services (NASW, 2009). It is important that child welfare agencies support social workers working with immigrant families through clear policies and access to resources to support permanency. However, without comprehensive immigration policies, thousands of children and families caught in between the child welfare and immigration systems will continue to experience trauma and irreparable harm. Effective immigration policy changes are critical to ensuring the safety and wellbeing of children and to make certain that families remain together despite their immigration status.

Critical Questions for Social Workers Working with Immigrant Families Involved in Child Welfare
The following is a tool to help social workers locate a parent or family member in the U.S. or abroad in an effort to ensure permanent connections for the children involved.

<table>
<thead>
<tr>
<th>CRITICAL QUESTIONS</th>
<th>YES</th>
<th>NO</th>
<th>ADDITIONAL NOTES</th>
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<tbody>
<tr>
<td>If you are not fluent in the child or parent's native language, do you have access to a professional interpreter or translation services?</td>
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<td>Does the child (if appropriate) understand where his or her parent is and why he/she is not in regular contact (if at all)?</td>
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<td>Have you determined the child's citizenship status? (This information is necessary for eligibility of services).</td>
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<td>Did you collect as much information as possible on parents and relatives? (This includes full names, date of birth, country of birth, addresses, phone numbers and any other relevant identifying information.)</td>
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<td>Have you contacted an immigration specialist regarding this case?</td>
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<td>Have you or someone from your agency been in contact with the Foreign Consulate?</td>
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<td>• Did you check to see if your agency has a MOU with the relevant Consulate or if there are existing informal relationships in place?</td>
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<td>Does the child have another parent or other family connections out of the state or outside of the U.S.?</td>
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<td>• Have you reached out to external resources such as the Foreign Consulate or ISS-USA to conduct a search or schedule a home study?</td>
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<td>Are any family members available to serve as a kinship placement or a resource for this child? (Undocumented status of family members should not be a factor).</td>
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<td>Does the family have a clear understanding of why the child is involved with the child welfare system?</td>
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<td>• Have you collected information about the child’s immigration status?</td>
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<td>Does the family understand the consequences of not participating in the permanency planning for the child?</td>
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<td>Are appropriate resources available to support family members if the child is placed in their home?</td>
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<td>Do you have access to the child’s passport, birth certificate, etc.?</td>
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<td>• If not, have you spoken with the Foreign Consulate or an international social service agency (e.g., ISS-USA) regarding steps to obtain documents (if child is not U.S. Citizen)?</td>
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<td>If you are not able to locate a detained parent, have you:</td>
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<td>• contacted the ICE Community and Detainee helpline?</td>
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<td>• used the Online Detainee Locator System?</td>
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<td>• contacted the detention facility directly?</td>
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<td>Once you have located the parent or family members, have you explored the use of technology to keep the parent engaged in child welfare proceedings?</td>
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Effective immigration policy changes are critical to ensuring the safety and well-being of children and to make certain that families remain together despite their immigration status.
The increase in immigrant families in child welfare is creating a shift in the workforce where social workers need to provide culturally responsive services and develop an understanding of key terminology, immigration laws and policies to effectively serve immigrant children and families.

Community and Detainee Helpline to report concerns or request assistance regarding the parental interests of a detained immigrant.

✓ Locate Family Members to Care for Children. Family connections are critical for children. In addition to locating detained or deported parents, social workers can try to locate the other parent and/or other family members to serve as a kinship placement or a permanent connection to the child. Social workers can gather information such as full names, last known address, type of work they did, date of birth, etc. to help in the search of a parent or family member. Undocumented status of family members should not be a factor in identifying a potential placement with kin. If family members are undocumented, alternative forms of identification such as passports can be used to obtain a background check and Foreign Consulate Identification Cards and Individual Tax Identification Numbers (ITIN) can be used for foster care payments (if applicable).

• Contact International Social Service United States of America Branch, Inc. (ISS-USA), an organization who can connect children and families that are separated by international borders to services and supports to ensure they are part of the permanency planning process. Some of their services include: criminal background checks, document tracing, home studies for kin or adoption placements and post-placement follow ups.

✓ Collaborate with Foreign Consulates. Social workers should first determine, if their agency has an agreement with the Consulate from the parent or child’s birth country. If there are no formal relationships in place, social workers can contact the Consulate directly to notify them that the parent and child are involved with child welfare. [See Foreign Consulates].

✓ Make parents aware of Parental Interests Directive. Social workers in contact with parents can help them understand how ICE can support them under the Parental Interests Directive. This Directive intends to support parents in maintaining relationships with their children and making decisions in their best interest. [See Parental Interests Directive].

Conclusion

The children of detained or deported parents face the risk of entering the child welfare system at any time. Unfortunately, the number of challenges that parents and social workers face can contribute to extended periods of family separation. The increase in immigrant families in child welfare is creating a shift in the workforce where social workers need to provide culturally responsive services and develop an understanding of key terminology, immigration laws and policies to effectively serve immigrant children and families. Thus, NASW supports federal, state and local policies and procedures that promote the training and development of social workers regarding immigration status and its impact on services (NASW, 2009). It is important that child welfare agencies support social workers working with immigrant families through clear policies and access to resources to support permanency. However, without comprehensive immigration policies, thousands of children and families caught in between the child welfare and immigration systems will continue to experience trauma and irreparable harm. Effective immigration policy changes are critical to ensuring the safety and wellbeing of children and to make certain that families remain together despite their immigration status.

Critical Questions for Social Workers Working with Immigrant Families Involved in Child Welfare

The following is a tool to help social workers locate a parent or family member in the U.S. or abroad in an effort to ensure permanent connections for the children involved.

<table>
<thead>
<tr>
<th>CRITICAL QUESTIONS</th>
<th>YES</th>
<th>NO</th>
<th>ADDITIONAL NOTES</th>
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</thead>
<tbody>
<tr>
<td>If you are not fluent in the child or parent’s native language, do you have access to a professional interpreter or translation services?</td>
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<td>Does the child (if appropriate) understand where his or her parent is and why he/she is not in regular contact (if at all)?</td>
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<td>Have you determined the child’s citizenship status? (This information is necessary for eligibility of services).</td>
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<td>Did you collect as much information as possible on parents and relatives? (This includes full names, date of birth, country of birth, addresses, phone numbers and any other relevant identifying information.)</td>
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<td>Have you contacted an immigration specialist regarding this case?</td>
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<tr>
<td>Have you or someone from your agency been in contact with the Foreign Consulate?</td>
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<tr>
<td>• Did you check to see if your agency has a MOU with the relevant Consulate or if there are existing informal relationships in place?</td>
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<td>Does the child have another parent or other family connections out of the state or outside of the U.S.?</td>
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<td>• Have you reached out to external resources such as the Foreign Consulate or ISS-USA to conduct a search or schedule a home study?</td>
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<tr>
<td>Are any family members available to serve as a kinship placement or a resource for this child? (Undocumented status of family members should not be a factor)</td>
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<tr>
<td>Does the family have a clear understanding of why the child is involved with the child welfare system?</td>
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<tr>
<td>• Does the family understand the consequences of not participating in the permanency planning for the child?</td>
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<tr>
<td>Are appropriate resources available to support family members if the child is placed in their home?</td>
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<tr>
<td>Do you have access to the child’s passport, birth certificate, etc.?</td>
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<tr>
<td>• If not, have you spoken with the Foreign Consulate or an international social service agency (e.g., ISS-USA) regarding steps to obtain documents (if child is not U.S. Citizen)?</td>
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<tr>
<td>If you are not able to locate a detained parent, have you:</td>
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<td>• contacted the ICE Community and Detainee Helpline?</td>
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<tr>
<td>• used the Online Detainee Locator System?</td>
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<td>• contacted the detention facility directly?</td>
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<tr>
<td>Once you have located the parent or family members, have you explored the use of technology to keep the parent engaged in child welfare proceedings?</td>
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</tbody>
</table>
Key Terminology

Asylee or Refugee: An individual fleeing his or her native country due to religious, political or physical persecution without the possibility of returning. These individuals are in the U.S. under a legal status.

Foreign Consulate: Consulates typically handle minor diplomatic issues like issuing visas, aiding in trade relationships, and taking care of migrants and tourists. Foreign consulate offices are typically located in major metropolitan areas.

Legal Permanent Resident (LPR): An individual who has legal documentation permitting him or her to live as a resident of the United States. While Legal Permanent Residents (also known as Green Card Holders) are still citizens of their native countries, they have many of the same rights as U.S. citizens with the exception of the right to vote. In addition, they remain deportable until they gain their U.S. Citizenship.

Naturalized Citizen: An individual who becomes a U.S. citizen through Naturalization. Typically, an individual must first be a Legal Permanent Resident for a specific period of time before applying for Naturalization. A Naturalized citizen generally cannot be deported and has the same rights and responsibilities as a native-born U.S. citizen.

Parental Interests Directive: This federal agency policy document directs ICE personnel on detention and primary caretakers.

Undocumented Immigrant: An individual who has migrated to the U.S. without legal documentation.

U.S. Citizenship: An individual who was born in the U.S. or its territories or if born abroad, had a parent who was a U.S. Citizen. In addition, an individual can become a citizen through Naturalization.


Potential Immigration Relief Options

Asylum: Provides specific protections to individuals who have reason (e.g., political, economic, etc.) to fear returning to their native country.

Deferred Action for Childhood Arrivals (DACA): Provides individuals who came to the U.S. under the age of 16, protection from deportation and an opportunity to receive employment authorization for two years. At the end of the two year period, individuals may apply for renewal.

T-Visa: Provides immigration relief to human trafficking victims who can demonstrate they have suffered tremendous hardships. Victims must have cooperated with reasonable requests during the investigation or in the prosecution of the accused.

Temporary Protected Status (TPS): Provides temporary protection to individuals from certain countries that have experienced devastating natural disasters and civil conflicts, to reside and work legally in the United States.

U-Visa: Provides temporary visa to victims of crime. Victims must possess information related to the criminal activity and must cooperate with the criminal investigation and prosecution of the accused.

Violence Against Women Act (VAWA): Provides abused victims an opportunity to seek permanent residency under the immigration provisions of VAWA. A victim is eligible if he or she experiences abuse at the hands of a U.S. citizen or permanent resident spouse, parent or stepparent.

References


Key Terminology

Asylee or Refugee: An individual fleeing his or her native country due to religious, political or physical persecution without the possibility of returning. These individuals are in the U.S. under a legal status.

Foreign Consultant: Consulates typically handle minor diplomatic issues like issuing visas, aiding in trade relationships, and taking care of migrants and tourists. Foreign consulates offices are typically located in major metropolitan areas.

Legal Permanent Resident (LPR): An individual who has legal documentation permitting him or her to live as a resident of the United States. While Legal Permanent Residents (also known as Green Card Holders) are still citizens of their native countries, they have many of the same rights as U.S. citizens with the exception of the right to vote. In addition, they remain deportable until they gain their U.S. Citizenship.

Legal Temporary Resident: An individual who seeks temporary entry into the United States for a specific purpose (e.g., to study or visit, etc.).

Mixed Status Family: Family members hold different legal statuses (e.g., U.S. Citizen, Legal Permanent Resident, Undocumented, etc.).

Naturalized Citizen: An individual who becomes a U.S. citizen through Naturalization. Typically, an individual must first be a Legal Permanent Resident for a specific period of time before applying for Naturalization. A Naturalized citizen generally cannot be deported and has the same rights and responsibilities as a native-born U.S. citizen.

Parental Interests Directive: This federal agency policy document directs ICE personnel on how to handle U.S. citizen children and youth who are under the jurisdiction of the juvenile court and who have not been able to reunify with their families as a result of abuse, neglect or abandonment. Timing is critical; the SIJS application must be processed while the child or youth is under the jurisdiction of the court.

Potential Immigration Relief Options:

Asylum: Provides specific protections to individuals who have reason to fear return to their native country.

Deferred Action for Childhood Arrivals (DACA): Provides legal temporary residency to immigrant children and youth who are under the jurisdiction of the juvenile court and who have not been able to reunify with their families as a result of abuse, neglect or abandonment. Timing is critical; the application must be processed while the child or youth is under the jurisdiction of the court.

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References


Additional NASW Resources


1 More information about the Parental Interests Directive is available at firstfocus.net/sites/default/files/Parental%20Interest%20Directive%20Final.pdf or ice.gov/doclib/about/offices/enforcement-removal-operations/ero-outreach/contact.htm

2 Information on Foreign Consular Offices and the Honorary Consular Offices in the United States is available at state.gov/documents/organization/221620.pdf

3 A foreign national-child includes noncitizen and U.S. citizen children who may have dual citizenship in their parent(s) native country. Please note: not all countries grant dual citizenship.

4 The Online Detainee Locator System is available at locator.ice.gov/odls/homePage.do

5 Search for U.S. Immigration and Customs Enforcement detention facilities at ice.gov/detentionfacilities

6 Information to contact the appropriate ICE ERO Community Field liaison can be found at ice.gov/about/offices/enforcement-removal-operations/ero-outreach/contact.htm

7 ICE Community and Detainee Helpline number is 888.351.4024

8 Sample policy guide and procedures: State of Illinois’ policy on Licensing, Payment and Placement of Children with Undocumented Relatives or Procedural Guide: Los Angeles Live Scan and Law Enforcement Clearance

9 More information about ISSUSA services is available at issusa.org/


11 More details are available at dhs.gov/deferred-action-childhood-arrivals
Caught in the Middle: Supporting Families Involved with Immigration and Child Welfare Systems

Background
In the last decade, the U.S. immigrant population has dramatically increased. In 2011, there were an estimated 40 million immigrants in the U.S.; 11 million of these individuals were undocumented (Pew Research Center, 2013). Children living in immigrant families now represent the fastest growing segment of the child population. In fact, it is estimated that one in four children and youth have an immigrant parent or are immigrants themselves (Capps & Passel, 2004; Torrico, 2010; NASW, 2013). It has also been reported that as many as 5.5 million children are part of a mixed status family (Passel & Cohn, 2009) [See Key Terminology]. Unfortunately, due to immigration enforcement, many of these children are at risk of being separated from a parent at any time. While federal laws and policies that impact immigrants’ status have evolved as a result of the political, social and economic climate (Morgan & Polowy, 2010), the failure to reform outdated immigration laws and policies continue to have devastating and unintended outcomes on children and their families.

In 2011, approximately 392,000 individuals were deported from the United States (U.S. Department of Homeland Security, 2011). The Department of Homeland Security reported that over 200,000 parents of U.S. citizen children were deported in just over two years, accounting for nearly 23 percent of all deportations in that period (Wessler, 2012). Sadly, many of these parents left their children behind. There are an estimated 5,100 children in child welfare systems across the U.S. as the result of a parent’s immigration detention or deportation (Wessler, 2011). In addition, it is estimated that 15,000 more children and youth are at risk of entering the child welfare system over the next several years (Wessler, 2011). To date, hundreds of thousands of U.S. born children have already left the U.S. with their deported parents (Children’s Defense Fund, n.d.; Kline, 2013).

Challenges Facing Children and Families Involved with Child Welfare
There are a number of ways that an immigrant child or family can become involved with the child welfare system. In some instances, involvement is a result of immigration enforcement. For example, a parent may not...