



# **THE IMPACT OF CHANGING IMMIGRATION POLICY ON CHILD WELL-BEING & CHILD WELFARE**

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# ABOUT THE CICW

The Center on Immigration and Child Welfare (CICW) is a national professional network with the mission to improve programs and policies related to immigrant children and families involved in the public child welfare system to achieve positive outcomes of safety, permanency and well-being. We envision a world where children of immigrants thrive in their families and communities.

For more information about our mission and work:

- Visit our website at [www.cimmcw.org](http://www.cimmcw.org)
- Find us on Facebook and Twitter
- Sign up for FYI E-News!



**THE CENTER ON  
IMMIGRATION  
AND CHILD WELFARE**

# OVERVIEW

- Children of Immigrants in the U.S. & New Mexico
- Relevant Immigration Policies
- Impact on Children and Symptoms of Trauma
- Child Welfare System Implications
- Recommendations and Opportunities to Support





# **WHO ARE CHILDREN OF IMMIGRANTS?**

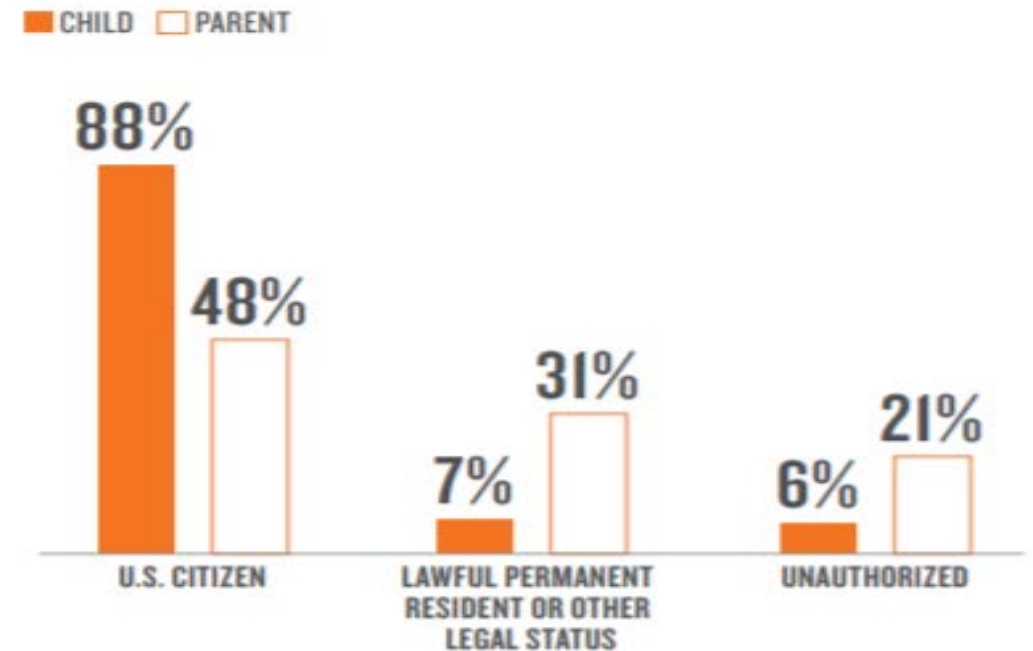
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# CHILDREN IN IMMIGRANT FAMILIES

18,413,000 children in immigrant families

- 88% are US Citizens
- 14% are foreign born
- 6% are unauthorized
- 40% non US Citizen parent
- 21% have at least one unauthorized parent

## IMMIGRANT STATUS OF CHILDREN AND THEIR PARENTS



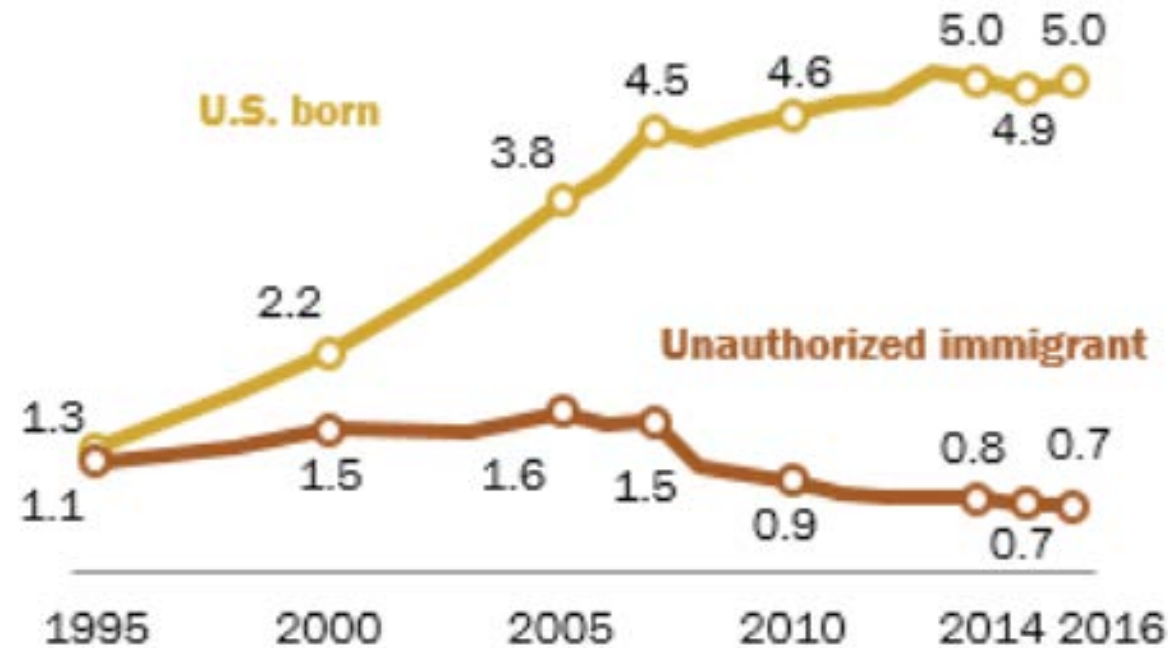
**SOURCE:** Migration Policy Institute analysis of data from U.S. Census Bureau 2014 American Community Survey and 2008 Survey of Income and Program Participation by Bachmeier and Van Hook.

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

# CHILDREN LIVING WITH UNDOCUMENTED PARENTS

**Most children living with unauthorized immigrant parents are born in the U.S.**

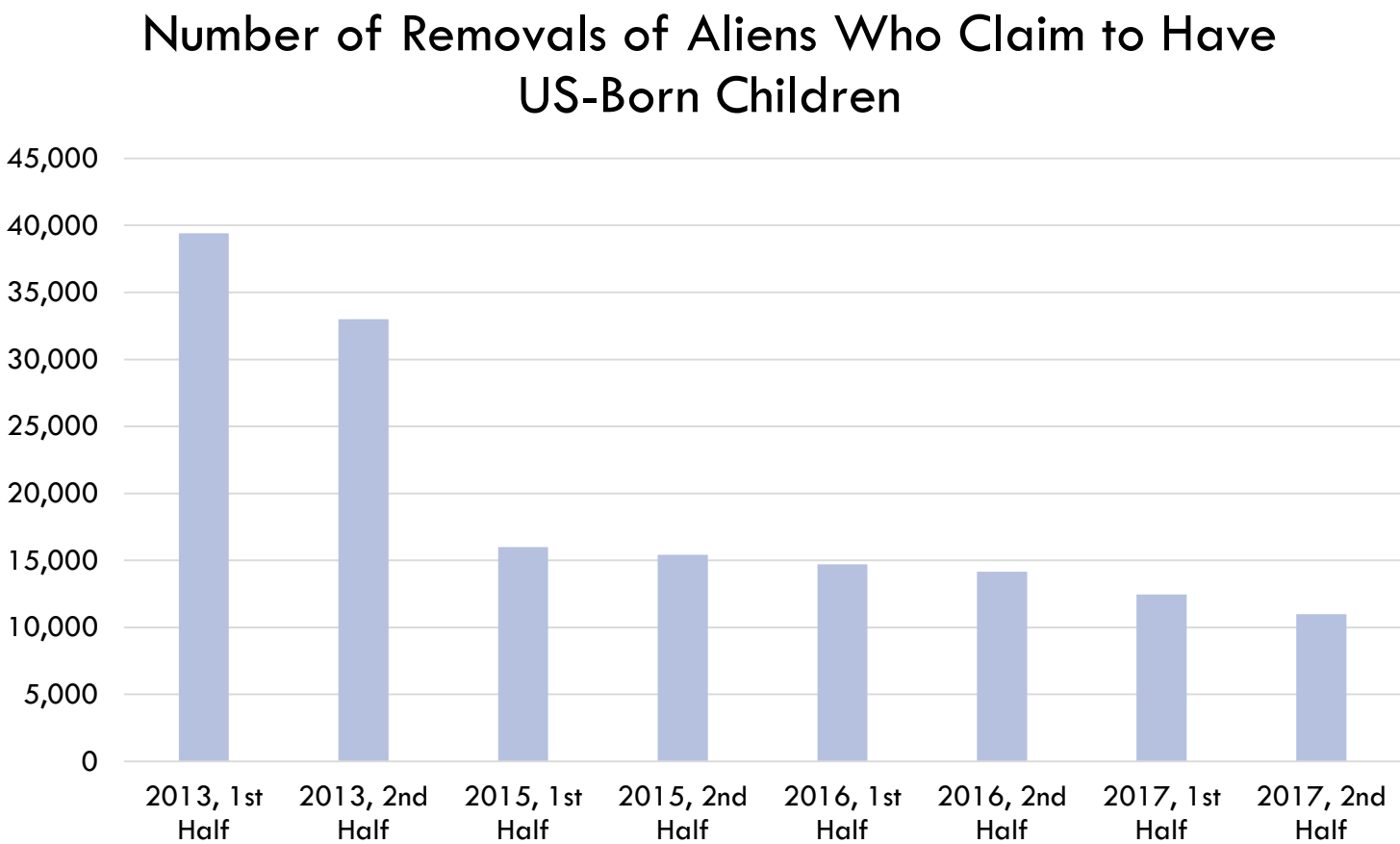
*In millions*



Passel, J. & Cohn, D. (2018). U.S. Unauthorized Immigrant Total Dips to Lowest Level in a Decade. *Pew Research Center*. Retrieved from <https://www.pewhispanic.org/2018/11/27/u-s-unauthorized-immigrant-total-dips-to-lowest-level-in-a-decade/>

# U.S. CHILDREN AFFECTED BY DEPORTATION

Deportation Orders for Parents with U.S.-Born Children	
YEAR	# OF DEPORTATION ORDERS
2010-2012	200,000
2011-2013	500,000
2013	72,410
2015	31,411
2016	28,860
2017	23,445



# FAMILY SEPARATION DURING TRUMP ADMINISTRATION

← PRIOR TO "ZERO TOLERANCE"

SUMMER 2017 - APRIL 2018

**1000s**

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

DURING "ZERO TOLERANCE"

APRIL 2018 - JUNE 2018

**2,654**

2,363  
reunited

125 waived  
reunification

46 UAC

120 still  
separated

50 parents  
deported

70 parents  
in U.S.

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

→ SINCE "ZERO TOLERANCE"

JUNE 2018 - JANUARY 2019

**245**

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

# CHILD WELFARE SYSTEM INVOLVEMENT

- 5,100 children involved with the child welfare system as a result of parental detention and deportation.
- An estimated 15,000 more children will face the same situation.
- Children end up in foster care and experience long periods of family separation.
- Sometimes, these children are never see their parents again e.g., when a 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



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# **FEDERAL POLICY IMPACTING IMMIGRANT FAMILIES**

# ENFORCEMENT DURING OBAMA ADMINISTRATION

- Obama administration oversaw more deportations than in any previous administration
  - Ramping up of fugitive operations, worksite raids, 287g agreements, Secure Communities
- 2014 border deterrence policy increased border apprehension
- A few policies that protected families
  - Prosecutorial Discretion
  - ICE Sensitive Locations Memo (Policy Number: 10029.2 – Enforcement Actions at or Focused on Sensitive Locations)
    - Locations include pre-schools, primary schools, childcare and early education programs
  - Transfer Memo
    - Limits ICE transfers away from attorneys and family

# FEDERAL POLICY INCREASING FAMILY SEPARATION

- Executive Orders on Border and Interior Enforcement (Jan. 2017)
- End to Temporary Protected Status (TPS) for Nicaragua, Honduras, El Salvador, and Haiti (Nov 2017-Jan 2018)
- Zero Tolerance Policy
  - Flores Settlement proposal
  - Asylum proceedings changes
    - “Migrant Protection Protocols”



# Ways in which Parental Detention and Deportation Can Affect Child Welfare Proceedings



Child has no caregiver after parent is taken into custody. Does not involve abuse or neglect



There are allegations of abuse or neglect. As the child welfare case is pending, the parent is detained or deported



Child is placed in foster care due to abuse or neglect from one parent while the other parent has been detained or deported

# SILVER LINING?

- Detained Parents Directive
  - Policy Number 11064.2: Detention and Removal of Alien Parents or Legal Guardians (August 29, 2017)
- Trafficking Victims Protection Reauthorization Act Safeguards Children (TVPRA)
- California's SB 1064 - Child custody: immigration

# **THE IMPACT OF IMMIGRATION POLICIES ON CHILDREN AND FAMILIES**

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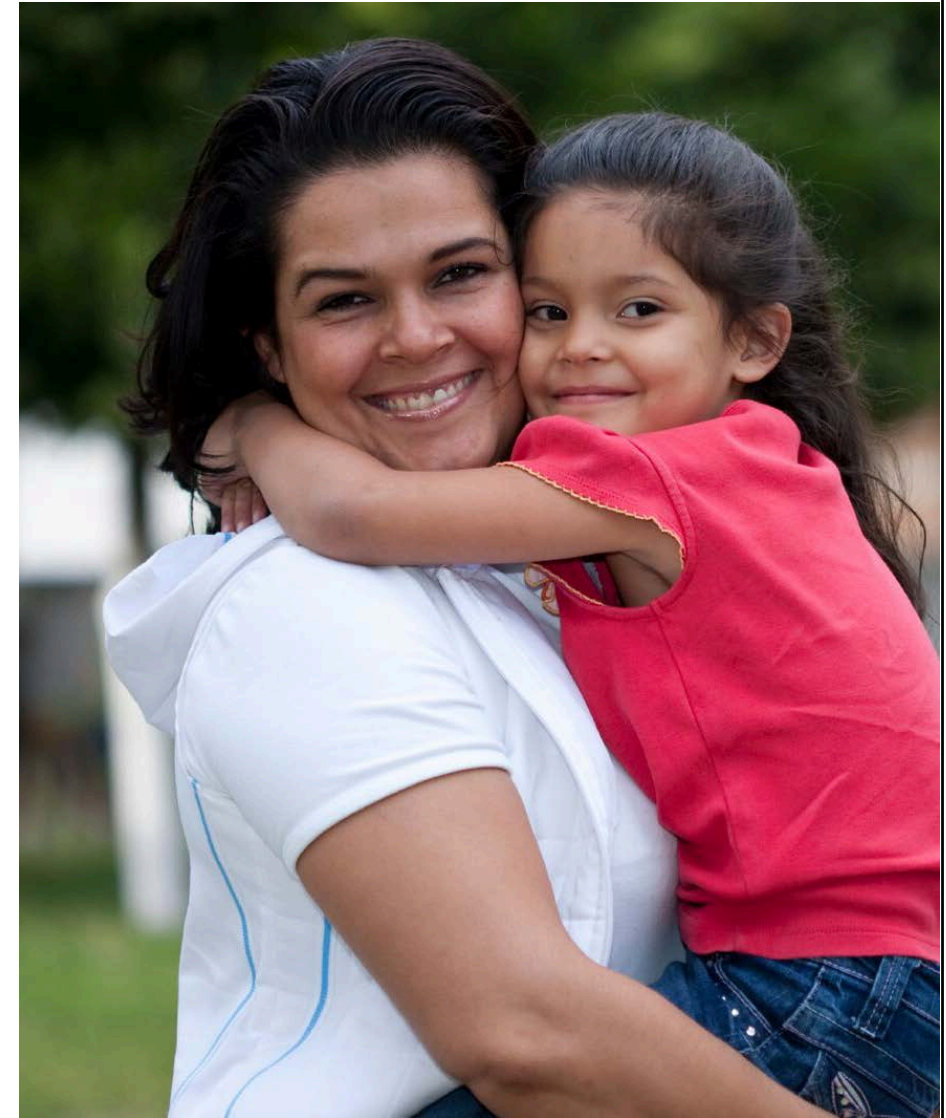
## CASE VIGNETTE

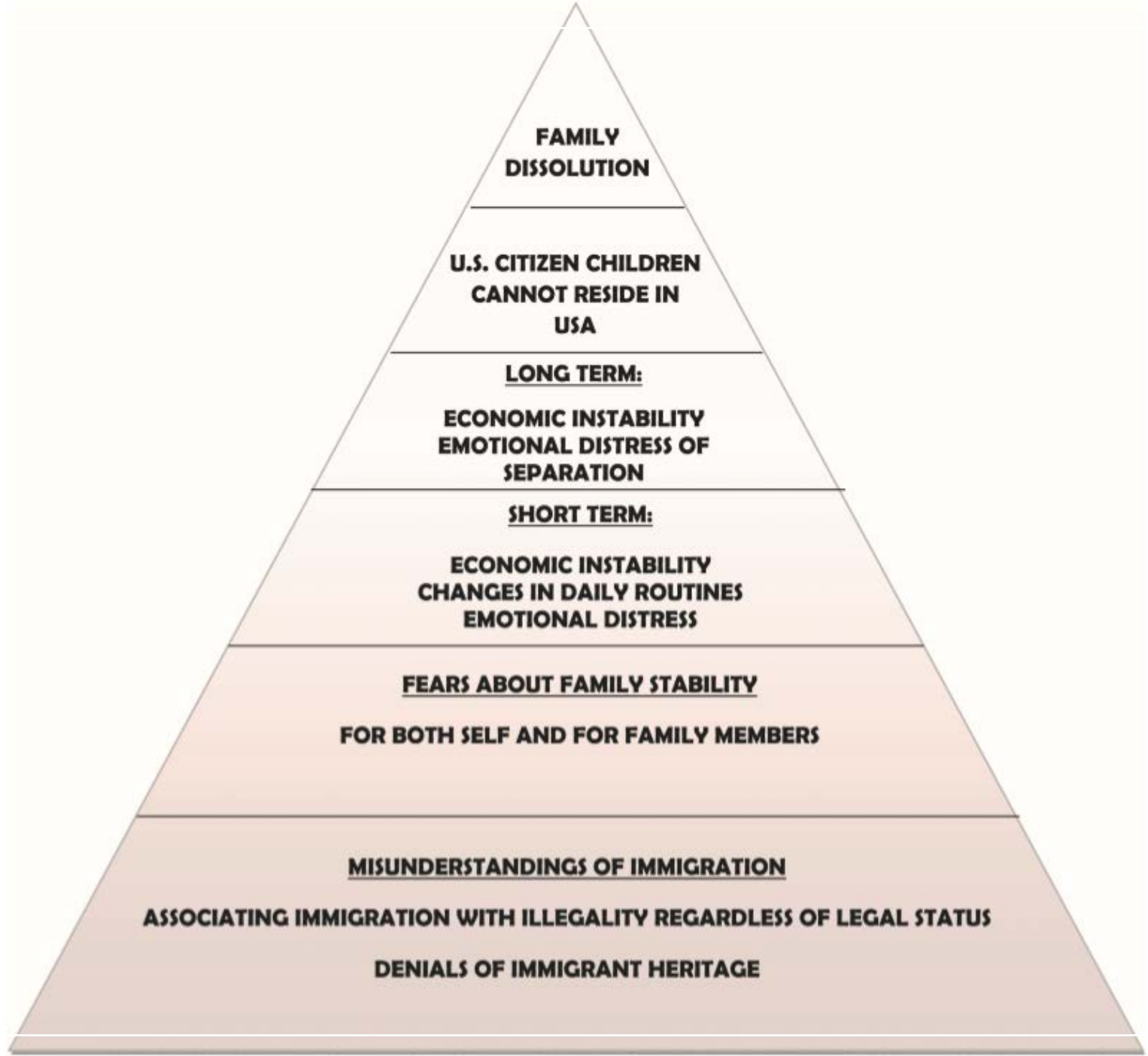
M is an 8 year-old boy whose father was detained and deported from the U.S. two years ago. Over the past month, M has been absent from school more days than not. When the school social worker called the mother asked what was going on with M, the mother stated that M has been waking up at night crying and has been refusing to go to school lately. Although the mother couldn't identify any new stressors for M, she did share how worried she herself has been because she had been getting phone calls from ICE agents who are looking for her niece. She worries about her niece and about ICE agents showing up at her house. The social worker is concerned because M's academic performance is suffering.

- Does any of this resonate with your experience?
- What are you most worried about for M in this situation?
- What are you most concerned about in serving children in immigrant families?

# ISSUES FOR PARENTS

- Daily concerns about detection by authorities, deportation and separation from family members → “trust no one”
- Fear of retribution if voice concerns about unfair conditions
- Unmet needs for physical and mental health, lack of access to needed services
- Loss of work authorization and income
- More likely to have experienced some form of trauma (physical or sexual assault, robbery, threats, extortion, witness to murder through process of immigration)
- Acculturative stress, loss and adaptation



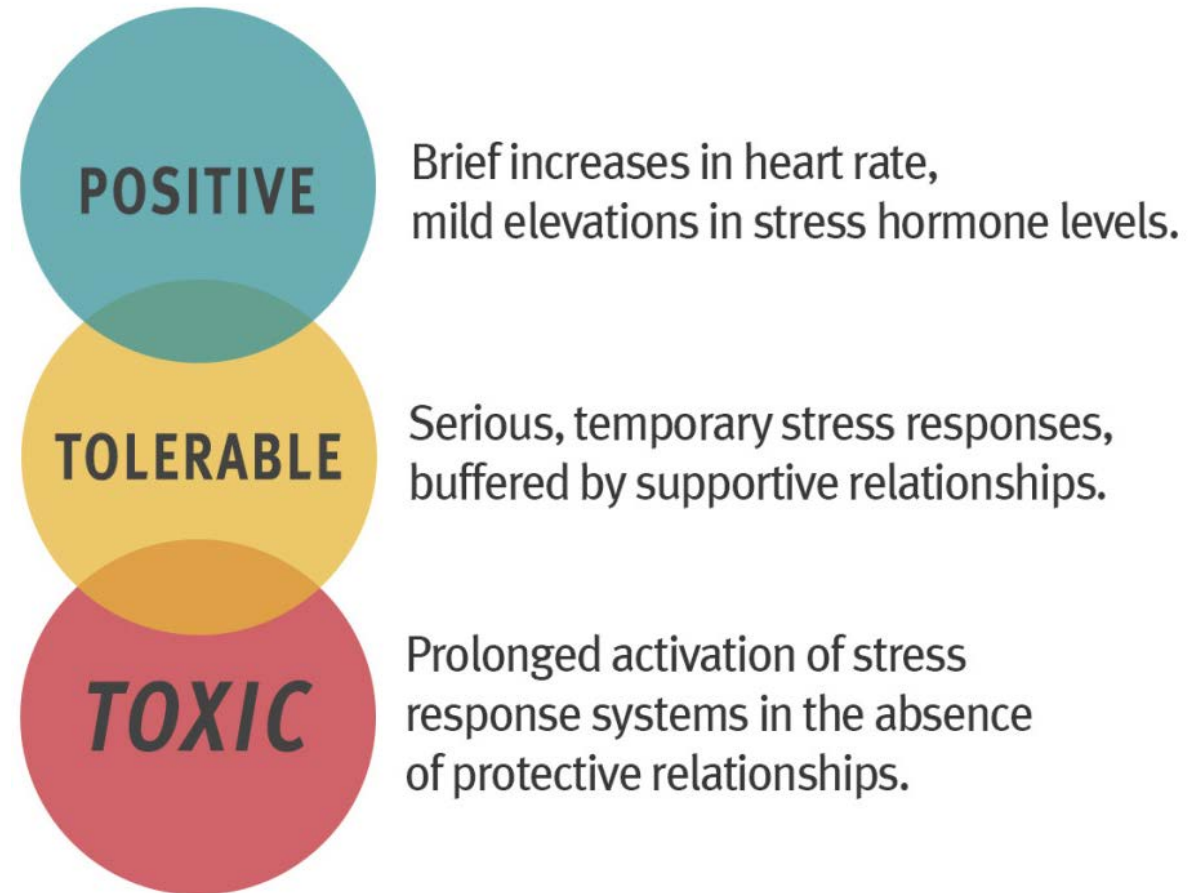


# IMPACT OF DEPORTATION ON CHILDREN

Dreby, J. The Burden of Deportation on Children in Mexican Immigrant Families University at Albany, State University of New York Journal of Marriage and Family 74 (August 2012): 829–845 DOI:10.1111/j.1741-3737.2012.00989.x

# WHAT IS CHILD TRAUMA?

- Witnessing or experiencing an event that poses a real or perceived threat.
- The event overwhelms the child's ability to cope.
- Child traumatic stress refers to the *physical and emotional responses* of a child to threatening situations. (NCTSN)
- Traumatic events overwhelm a child's capacity to cope and elicit feelings of terror, powerlessness, and out-of-control physiological arousal. (NCTSN)
- Bruce Perry: "an experience, or pattern of experiences, that impairs the proper functioning of the person's stress-response system, making it more reactive or sensitive"



Center on the Developing Child. (n.d.). Toxic Stress. [Photograph]. *Harvard University*.  
<https://developingchild.harvard.edu/science/key-concepts/toxic-stress/>

# SYMPTOMS OF TRAUMA IN CHILDREN

- Difficulty sleeping and nightmares
- Refusing to go to school
- Lack of appetite
- Bed-wetting or other regression in behavior
- Interference with developmental milestones
- Anger
- Play that includes recreating the event
- Getting into fights at school or fighting with siblings
- Difficulty paying attention to teachers at school and to parents at home
- Avoidance of scary situations
- Withdrawal from friends or activities
- Nervousness or jumpiness
- Intrusive memories of what happened

# CHALLENGES IN CHILD WELFARE PRACTICE

- Lack of coordination between local ICE and CPS agencies
- Difficulty assessing immigration status of children
- Difficulty identifying viable relatives for placement
- Inability of parents to participate in cases that cross borders
- Difficulty coordinating reunification at the time of a parent's release/deportation
- Inability of parents to visit with child, meet child welfare case plan requirements, participate in family court proceedings
- Barriers to receipt of needed services
- Strict child welfare timelines that can result in termination of parental rights

# ACTIVITY

## Pair & Share/Group Reflection

- Have you seen these situations/scenarios/challenges with the families you serve?
- What's your biggest concern around how immigration enforcement policy is impacting families in your community?



Source: Kugelmass. (2017). A difficult conversation gets back on track, even at harvard, of all places.[Photograph]. <https://kugelmass.wordpress.com/2017/05/26/a-difficult-conversation-gets-back-on-track-even-at-harvard-of-all-places/>



# PROVIDING SUPPORT

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What can I do?

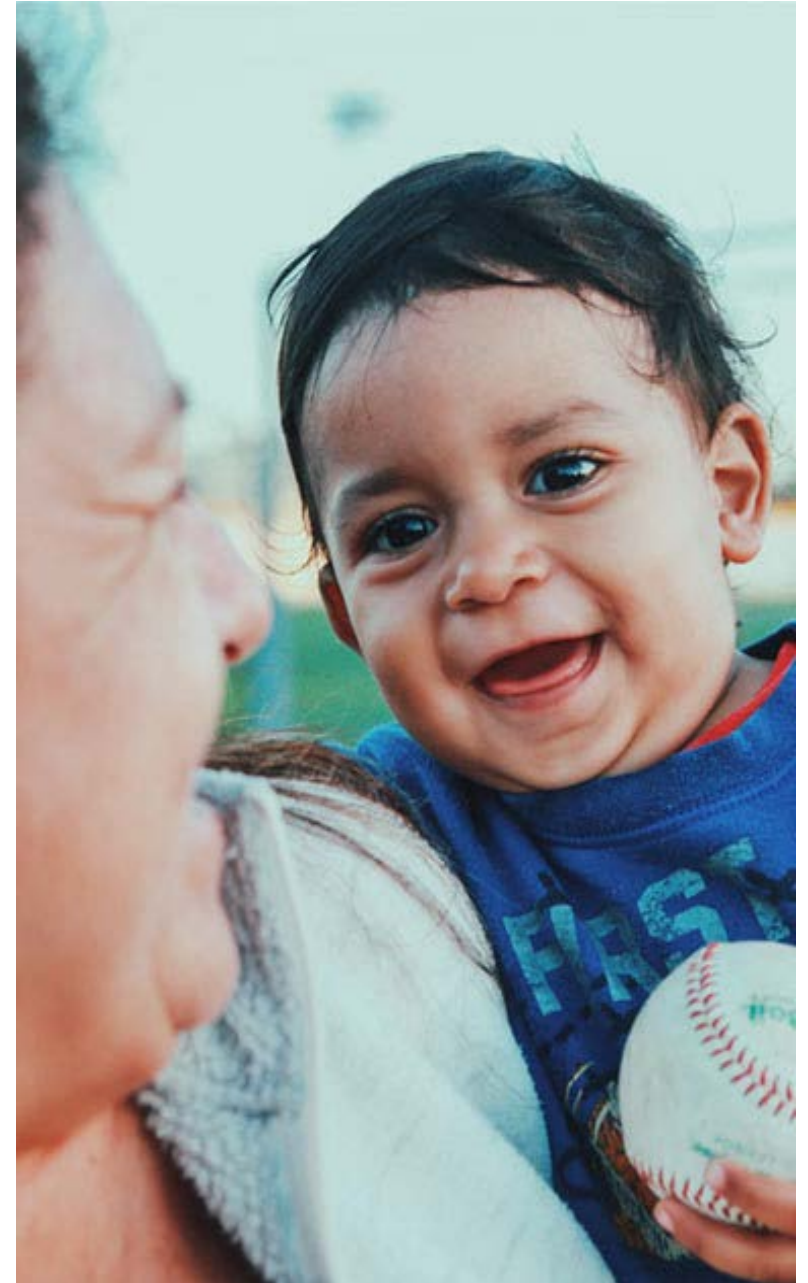


# BEYOND ACEs

- Unique trauma challenges for immigrant children
- Under-identification of immigrant children's trauma experiences
  - Trauma instruments like the ACEs inventory are less likely to identify the types of experiences that immigrant and refugee children have because they focus more on experiences within the household environment as opposed to external factors e.g., acculturation, resettlement, political environment
  - Many mental health screening tools used to assess incoming migrants are not designed for young children

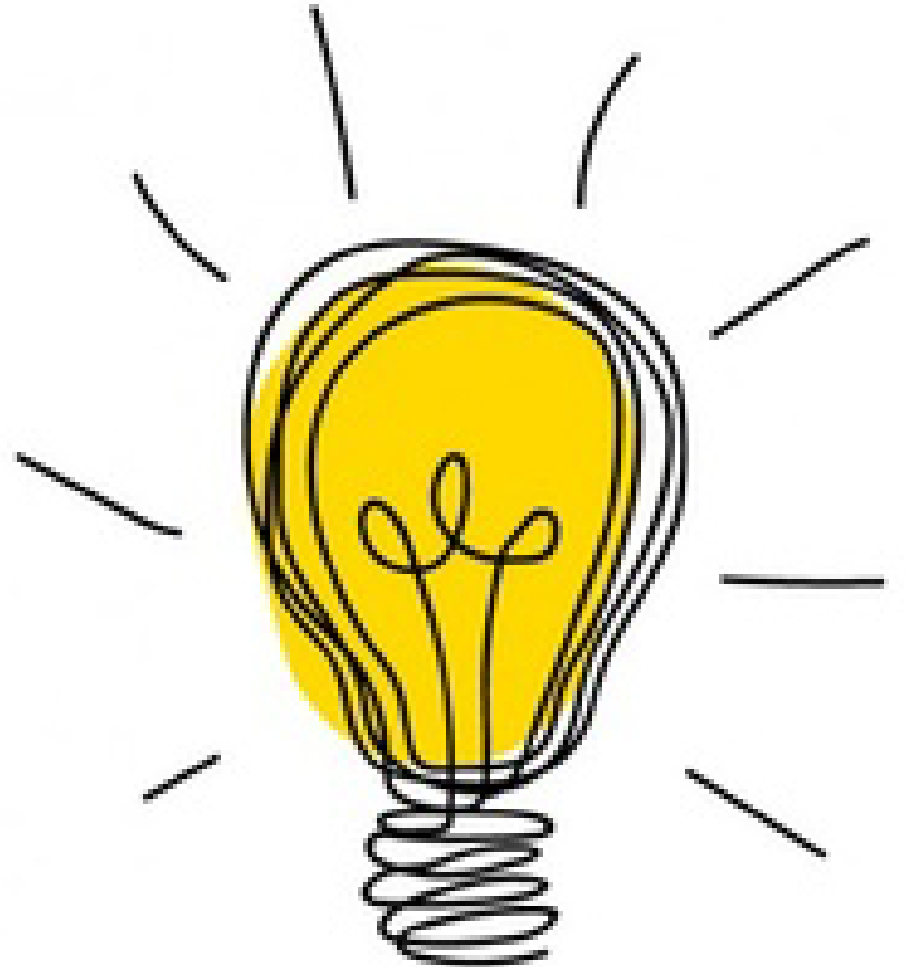
# BEST PRACTICES AT THE INDIVIDUAL LEVEL

- Acknowledge reactions --- yours and theirs
- Regulate -- our fears, anxieties, wishes, disappointments etc.
- Provide a space to talk about these things
- Create a positive story that competes with the negative, hateful messaging.
- Identify allies, supports, and positives in immigration.
- Support safety plans – coping mechanisms, contingency planning, protections for children



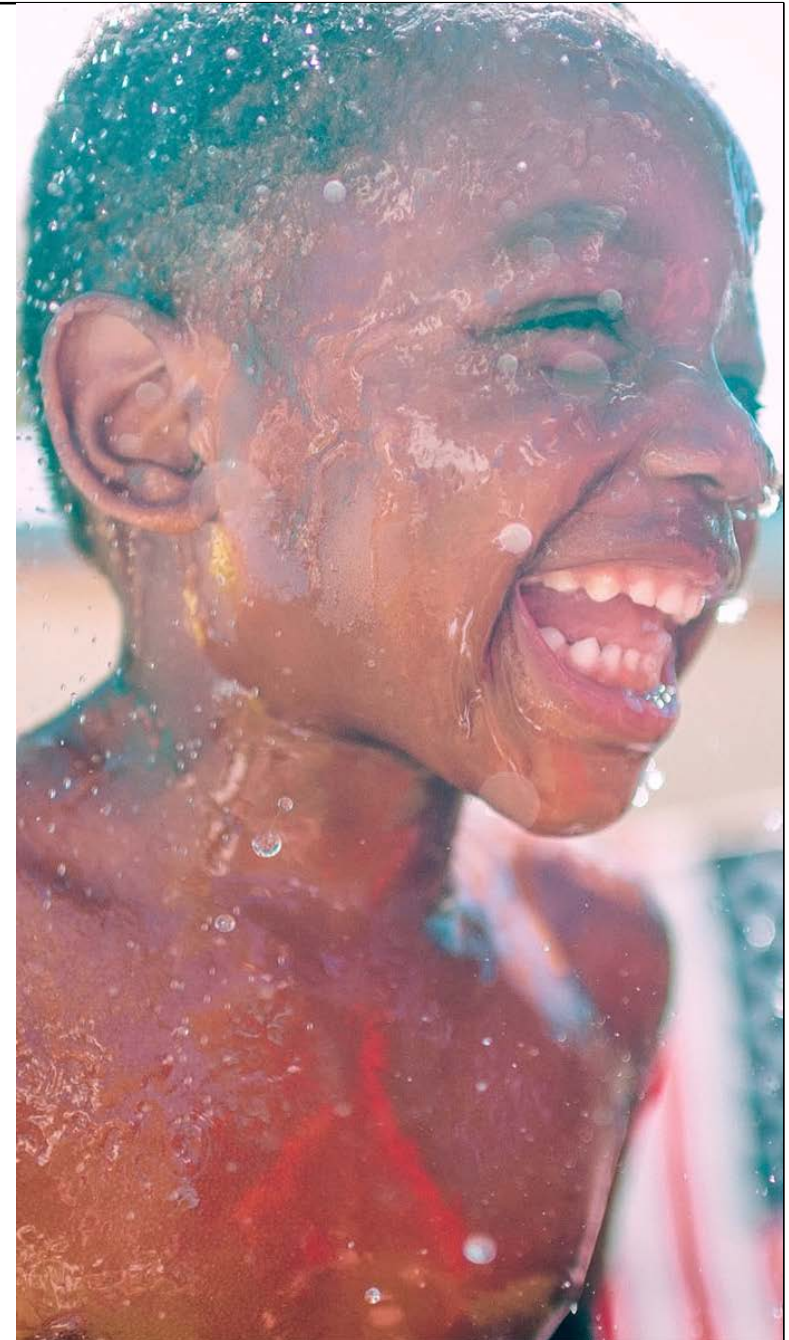
# BEST PRACTICES AT THE AGENCY LEVEL

- Get familiar with the ICE sensitive locations policy.
- Signs, banners, and cards on agency policies.
- Trauma-informed practice.
- Community partners & cross-systems collaboration.
- Hold agency or community events to explain agency policies.
- Create clear policies on confidentiality and information sharing.



# BEST PRACTICES AT THE POLICY LEVEL

- Advocate for policies that protect children in immigrant families e.g., CA's SB1064, Detained Parents Directive
- Writing/calling local officials
- Hold press accountable
- Social media and letters to the editor
- Volunteer/partner with local groups





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# **CHILD WELFARE SYSTEM IMPLICATIONS**

# **BEST PRACTICES**

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In the legal community

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In child welfare agency policy

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In workforce preparation

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Across systems

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Across borders

# LEGAL COMMUNITY

- Enact legislation which provides exceptions to the Adoption and Safe Families Act (ASFA) termination of parental rights timing provisions when case involves delays due to parental detention or deportation.
- In the meantime, argue the exceptions to prevent TPR/extend the timelines.
- Advocate for visitation and reasonable efforts based on ASFA provisions that apply equally to immigrant parents

(Beidler Carr, 2019)

# **AGENCY POLICY & PROCEDURE**

- Make undocumented individuals eligible to be approved caregivers.
- Incorporate the ICE Detained Parents Directive in agency policy.
- Commit to ongoing policy review and development.
- Develop clear policies on confidentiality and sharing info with immigration authorities.
- Implement policies similar to SB 1064.
- Have a process to screen for SIJS, U Visas, VAWA, etc.
- Have specific staff members trained on immigration-related issues e.g., immigration liaison.
- Ensure that all documents are language accessible.
- Listen to and learn from families and caseworkers.

# **WORKFORCE PREPARATION & TRAINING**

- Educate and encourage workers to support immigrant families in preparing for possible detention and deportation (e.g., contingency and safety planning, power of attorney).
- Incorporate trauma-informed and culturally sensitive practices.
- Train workforce on screening for legal relief options.
- Pre-employment AND ongoing training on these issues.

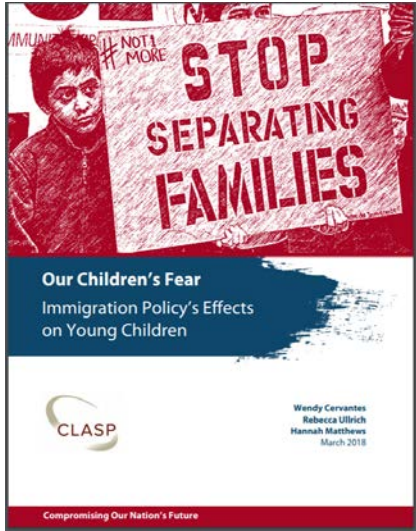
# **CROSS SYSTEMS COLLABORATION**

- Establish relationships with local immigration legal clinics.
- Identify an ICE point of contact.
- Develop relationships/MOUs with consulates.



# RESOURCES

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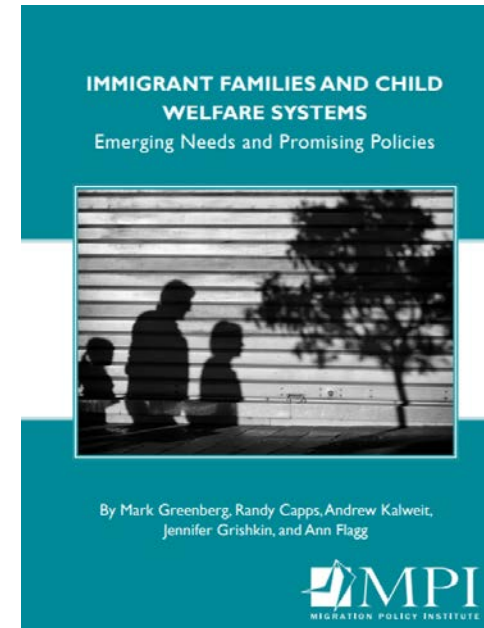
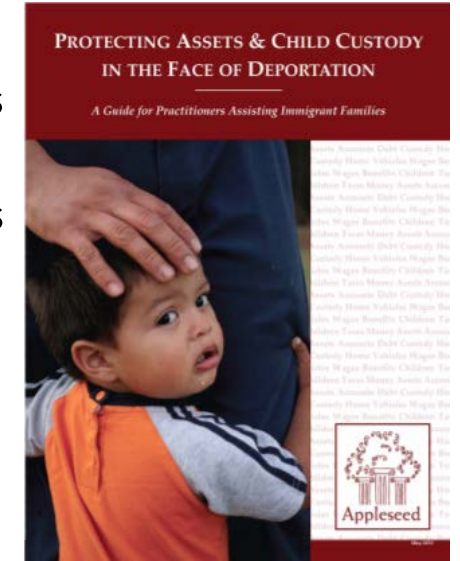
Based on a 6-state study including NM, this report from CLASP includes recommendations to help professionals in the early care and education community support immigrant families.

The CICW website and bi-weekly E-newsletter provide updates and highlights of the most relevant news, practice, policy, and research resources related to the intersection of immigration and child welfare.



**THE CENTER ON  
IMMIGRATION  
AND CHILD WELFARE**

This Appleseed manual contains information on issues like school safety, child custody, psychological issues for children, and much more.



This report presents key policy issues for child welfare agencies with respect to working with immigrant families as well as promising best practices and agency approaches.



# QUESTIONS?

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# REFERENCES

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