Serving Undocumented Children and Children in Mixed Status Families

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US Conference of Catholic Bishops
Migration and Refugee Services
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National Technical Assistance Provider on Refugee and Immigrant Child Welfare for the federal Office of Refugee Resettlement (ORR – under ACF/DHHS)

Goals:

✓ Prevent the need for child welfare interventions through refugee/immigrant family and community strengthening strategies – strengths-based approaches

✓ Improve access to appropriate and effective interventions when needed by promoting collaboration between refugee/immigrant and public child welfare services at local, state, and national levels
BRYCS Provides...

National Technical Assistance on refugees and child welfare

Web site and Clearinghouse
www.brycs.org

- Over 4,000 resources
- BRYCS Briefs, Promising Practices, & Resource Lists
- Monthly “What’s New”
- BRYCS Publications
- Monthly Email Bulletin Alert

Consultations

- Experts available by telephone (888-572-6500) & email (info@brycs.org)
- Discussion Listserv
- Topical trainings by request
- National Technical Assistance Network
USCCB/MRS
Family Reunification Team
http://www.usccb.org/mrs/cshome.shtml

- **Work**: Coordinate and provide home studies and follow-up services

- **Clients**: Undocumented, unaccompanied minors who have been detained by immigration officials

- **Partners**: Private agencies throughout the US

- **Government Entity in Charge of Child in Custody & Release**: Office of Refugee Resettlement/Division of Unaccompanied Children’s Services:
Who Are Vulnerable Immigrant Children....

- Undocumented children re-unifying or being released to relatives/sponsors in the US from federal custody, and who are *in removal proceedings following apprehension by immigration authorities*

- Undocumented children residing with their undocumented or mixed status parents/caregivers

- US Citizen children of undocumented or mixed status parents/caregivers

- Fragile refugee family resettlement, i.e. refugee children resettling with non-parent relatives or non-relatives

- Foreign born child victims of human trafficking
What does “undocumented” mean?

- **No status**: an immigrant who is in the US without having been contacted by Immigration authorities.

- **In removal proceedings**: an immigrant who was apprehended by Immigration authorities, their case (whether to be allowed to remain in the US) will be decided by an Immigration Judge.

- **Out of status/visa overstay**: an immigrant who entered the US on a specific temporary visa, but remained beyond the terms of the visa.
What does “undocumented’ mean? (Continued)

◦ **Outstanding order of removal**: an immigrant who has an order of removal or who was removed from the US and either remained or returned

◦ **Petitioner/filing for adjustment of status**: an immigrant who has applied for a visa, and is waiting on the US government decision in their case

**Immigrants who are undocumented are usually not eligible for public benefits**

*Check your local and state laws*
Who are documented immigrants?

- **TPS**: Temporary Protected Status, they are allowed to work, but cannot travel outside of the US, nor can they petition to bring in any of their family, nor can they access public benefits.

- **Political Asylum**: if granted, which takes minimally one year, they can work and can petition for immediate family (spouse and minor dependent children); they cannot work nor petition for family before the asylum is granted; they may access limited public benefits for a specified time, both of which vary state by state.

- **Refugee Status**: this can only be granted overseas; they can work upon arrival in the US and bring immediate family (spouse and minor dependent children); they may access limited public benefits for a specified time, both of which vary state by state.
Who are documented immigrants? (Continued)

- **T and U visas**: these are for victims of human trafficking and a specific list of serious crimes respectively, if the victims cooperates with law enforcement in a prosecution (there is an exception for minor trafficking victims); T Visa recipients are eligible for the same public benefits as refugees and asylees, and some additional funding, they may petition for immediate family members; U Visa recipients may work.

- **VAWA**: Violence Against Women Act, a visa to enable victims of domestic violence here in the US to remain in the US, they are allowed to work, but cannot travel outside of the US, nor can they petition to bring in any of their family, they can petition for dependent children already in the US, they access very limited public benefits.
Knowing a person’s immigration status

- Do you need to know a person’s immigration status to provide services?

- If you know someone is undocumented, do you have to report them to immigration officials? **Check on your agency’s policy and state/local laws regarding reporting. Inform clients of any confidentiality limitations**

- Will you be able to provide better services to a family if you know the members’ immigration status?
Real or perceived barriers to accessing resources

- Children or adults in removal proceedings lack status until a final determination limiting eligibility for some services or resources.

- Child’s right to education can be questioned.

- *It is a crime* for some immigrants to attempt to apply for or receive some benefits—eligibility rules are complex, and vary state to state.

- Local municipalities are creating climates of fear by regulating other areas.
Family Dynamics

- The child may have to live with a relative he or she hardly knows.

- The child may be returning to a family situation that was difficult before separation: for example, there may be a history of abuse.*

- Reunifying and “blended families” will experience periodic challenges:
  - Children may test boundaries and the sponsor’s commitment
  - Financial stresses
  - Unmet expectations
  - Children joining a parent’s “new” family

- Children may be released or “re-unified” with young adult relatives with little or no parenting experience, which often places tremendous responsibility on both parties.
Best Practices

- Build rapport and dispel myths about child welfare— with families, with communities
- Inform families up front of your reporting requirements regarding their immigration status
- Know immigrants’ eligibility for public benefits
- Know immigrants’ eligibility for your community’s local private/non-profit resources
- Service plans should address the possibility of detention (of children and/or parents)
- Recognize and use strengths in immigrant communities
Recognize and Use Strengths in Immigrant Communities!

- Mutual Assistance Associations
- Community–based organizations working with immigrants
- Do outreach through churches, identify community leaders and host “charlas”
- In our experience, families and immigrant communities can and do positively support each other
- Don’t underestimate; many immigrants are in fact well–educated/professionals
- Immigrants are resilient!
Exercise: Can you serve these kids?

- **Carlos**: no driver’s license, supporting girlfriend and baby, undocumented parents

- **Ana**: Burmese refugee with possible DV in the home; afraid to call police

- **Alfredo**: Released from immigration detention to distant relative; taking psychotropic meds

- **Melissa**: US citizen whose undocumented mother is picked up at a workplace raid
Resources on Child Welfare and Immigration

- Bridging Refugee Youth and Children Services
  
  Examples of Publications:
  * Preventing Child Maltreatment in ORR–Funded Care Provider Programs
    Includes appendices with Cultural Profiles of youth from Haiti, China, India, and Central America (including a special section on Mayan–language speakers) [http://www.brycs.org/ducstrainingmaterials.cfm](http://www.brycs.org/ducstrainingmaterials.cfm)

- Migration and Child Welfare National Network
  Click Toolkits on Right–Hand Bar: A Child Welfare Flowchart and Immigration Status and Relief Options

- Child Welfare Information Gateway
  Examples of Publications:
Immigration Legal Resources

- Catholic Legal Immigration Network
  http://www.cliniclegal.org/

- Kids In Need of Defense
  http://www.supportkind.org/

- Immigrant Legal Resource Center: (see especially: Immigration Options for Undocumented Immigrant Children)
  http://www.ilrc.org/

Organizations serving Immigrants and Refugees

- Voluntary Agencies that Resettle Refugees: http://www.acf.hhs.gov/programs/orr/partners/voluntary_agencies.htm
- Catholic Charities USA: www.catholiccharitiesusa.org/
1. Suggestions for Interviewing Refugee and Immigrant Children and their Families:

2. Helping Refugee and Immigrant Families Stay Together
(See page 4 for considerations for family preservation providers)

3. Family and Community Centered Child Welfare Practice with Refugees and Immigrants
(See page 7 and 8 for considerations/steps to take when working with refugee/immigrant families)

Common misperceptions/fears that families have:

1. (http://www.brycs.org/aboutRefugees/parenting_interviews.cfm)


Special Considerations when working with foreign born child victims of human trafficking

- Most victims of human trafficking were victimized prior to the trafficking situation, resulting in deep mistrust and guarded posture.
- Personal boundaries and interpersonal relationships often inappropriate.
- Do not underestimate threats against family in home country, and the continued control traffickers exert.
- Many foreign born victims mistrust authority and may have experience with corrupt institutions in home country.
- The “rescue” may closely resemble the threats posed by the traffickers: arrest, questioning, detention.
- Restrictions placed on them about communicating with previous contacts—they may continue the “coached” posture.