THE INTERSECTION OF CHILD WELFARE AND IMMIGRATION ENFORCEMENT POLICY
OVERVIEW

- Introduction and Prevalence
- Challenges at the Intersection of Multiple Systems
  - Family Experiences
  - Barriers to Reunification
- Devolution of Policy
  - Recent Trends
- Local to Florida
- Practice Recommendations
  - Law Makers and Judges
  - State Agency
  - Community-based Care Agencies
  - Case Managers and Supervisors
PREVALENCE OF INTERSECTING SYSTEMS

• Estimated 5,000+ children in foster care with a detained or deported parent

• Approximately 4.5 million U.S. citizen children, and an additional one million non-citizen children, are living in the United States with an undocumented parent.

• The role of policy devolution from the federal level to state government
INCREASED RATE OF PARENT DEPORTATION

Number of Parents Deported with U.S. Citizen Children

- 46,486 (Jan to June 2011 (Six months))
CHALLENGES AND CONSEQUENCES WHEN SYSTEMS INTERSECT
FAMILY STORIES
BARRIERS TO REUNIFICATION
BARRIERS TO REUNIFICATION

- “Disappearing Parents”
- Meaningful visitation
- Access to court hearings
- Access to reunification services
- ASFA vs. timeline of deportation proceedings
- Fear by relative caregivers
- Bias among professionals
- Vulnerability to poverty and limited eligibility for services
- Navigating across borders
CHILDREN WITH NON-CITIZEN MOTHERS HAVE BEEN FOUND TO BE LESS-LIKELY TO BE REUNIFIED COMPARED TO CHILDREN WHOSE MOTHERS HAVE CITIZENSHIP STATUS.
DEVOlUTION OF IMMIGRATION ENFORCEMENT POLICY FROM FEDERAL TO STATE AND LOCAL DOMAINS
EXAMPLE IN ALABAMA: HB 56

Beason-Hammon Alabama Taxpayer Citizenship Protection Act

- Signed June 2011
- “SELF-DEPORTATION”
- Strictest law in the country
- Challenged by U.S. Department of Justice and Civil Rights Groups
Florida Statute Chapter 39.5075  Citizenship or residency status for immigrant children who are dependents.—
(a) “Eligible for long-term foster care” means that reunification with a child’s parent is not an appropriate option for permanency for the child.
(b) “May be eligible for special immigrant juvenile status under federal law” means:
(2) Whenever a child is adjudicated dependent, the department or community-based care provider shall determine whether the child is a citizen of the United States. ...Services to children alleged to have been abused, neglected, or abandoned must be provided without regard to the citizenship of the child except where alienage or immigration status is explicitly set forth as a statutory condition of coverage or eligibility.
(4) If the child may be eligible for special immigrant juvenile status, the department or community-based care provider shall petition the court for an order finding that the child meets the criteria for special immigrant juvenile status.
INFLUX OF DEPENDENCY PETITIONS IN FLORIDA

- Significant rise in filed petitions
- Misuse of dependency status
- Youths claiming abuse and neglect
  - How long ago did this abuse occur?
  - Is there imminent risk to children?
HUMAN TRAFFICKING IN FLORIDA

- Significant overlap between human trafficking, immigrant children & CWS
- FL DCF established training requirements and procedures for addressing human trafficking
LAW MAKERS & JUDGES

- Create and enforce laws that address needs of immigrant parents

- Protection for parents’ and children’s immigration status
  - Confidentiality/non-disclosure

- Identify loopholes to prevent misuse of funds and protection

- Defer TPR proceedings for deported or detained parents until they can be present or actively participate
STATE AGENCY

- Track frequency and outcomes of Immigration/CW cases
- Cross-training for ICE personnel and law enforcement regarding child welfare procedures
- Develop collaborations
  - Enter into MOUs with foreign consulates to facilitate transnational case needs
- Training efforts for awareness and interpretation of local immigration enforcement policy.
COMMUNITY-BASED CARE AGENCIES

- Develop local task force committee members
  - Designate local experts on intersection of immigration and child welfare
  - Partner with ICE agencies and law schools (those specializing in immigration law)

- CMs and Supervisors should be recommended to task force at CTI staffings

- Provide trainings in local regions where CW cases often experience immigration cases

- CBCs can partner with other areas that have more experience with immigration and child welfare cases (i.e. Miami Dade and Broward counties)
RECOMMENDATIONS FOR CASE MANAGERS AND SUPERVISORS

- Clear understanding of Special Immigrant Juvenile Status (SIJS)
  - Advocate for citizenship, when appropriate
- Utilize interpreter services
- Delegate work based on additional duties for undocumented families
- CMs should anticipate reluctance in undocumented families
  - Fear of deportation
- Identify service providers that utilize culturally appropriate services
We all must do our part...