

Our Children Under Attack: The Failure of the U.S. Immigration System to Protect Child Well-Being

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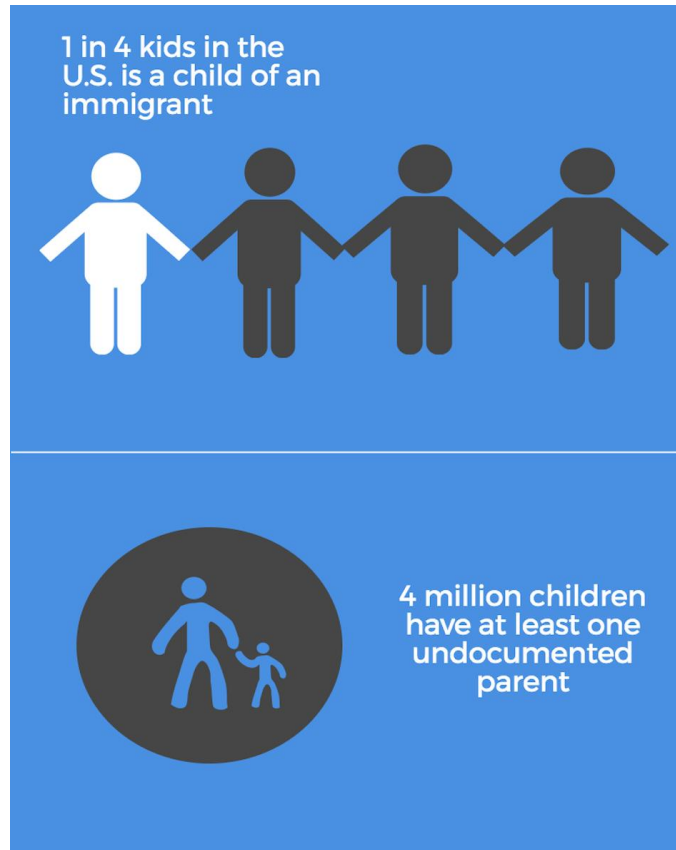
Our Children Under Attack: The Failure of the U.S. Immigration System to Protect Our Children

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Abstract:

- New immigration enforcement climate poses additional threats to child well-being and requires escalated awareness of policy and increased advocacy by practitioners
- Immigrant parents need guidance on how to provide for care of their children so harm is minimized
- Data gathering, advocacy, and interagency partnering essential for effective support



The Issue

One quarter of all children in the U.S. today are [children of immigrants](#). Over 4 million of them live with an undocumented parent. And they are in crisis.

Shortly after taking office, President Trump issued [two executive orders that authorized a new list of immigration enforcement priorities](#), placing nearly 11 million undocumented individuals and many legal permanent residents at risk of deportation. Since that time, the nation has seen ramped-up activity by US Immigration and Customs Enforcement (ICE) in communities across the country. Research documenting the impact of immigration enforcement activities over the past decade has suggested that [parental detention and deportation results in child trauma and mental health problems](#), increased family instability, and heightened risk that a family will become involved with the state child welfare system, the most dire repercussions of which are parents losing their parental rights.

The early years of the Obama administration saw the greatest number of deportations in modern U.S. history. Yet, during that era, some attempts were made to assuage the impact on children. With comprehensive immigration reform nowhere in sight, advocacy by immigrant rights and child protection groups led to an increased use of prosecutorial discretion in deportation cases, resulting in a decrease in removals of parents of children legally present in the United States. Obama's 2013 ICE [Parental Interests Directive](#) also increased the ability of

detained parents to make decisions for the care of their children and participate in child welfare proceedings. While families continued to be separated by immigration enforcement, the chances that a family would become involved with the child welfare system as a result of immigration enforcement decreased.

However, harsh enforcement strategies were again elevated along the border in 2014 when the Obama administration publicly committed to an [aggressive border deterrence strategy](#), resulting in the expansion of immigrant detention, including the [detention of children and mothers](#), and increases in the separation of children from their parents. These detention patterns have only become more acute since the recent presidential election.

Where enforcement was once targeted at worksites and toward serious criminal offenders, new enforcement strategies along the border are reportedly being [geared toward women with children](#), detaining them in traffic stops, during home raids on other individuals, at courthouses, and [near schools](#), churches, and supermarkets. Although we do not yet have hard data on the number impacted, we know that families are scared of leaving their houses for fear that undocumented family members will be apprehended and deported. Some communities are like ghost towns. People have [stopped renewing public benefits](#). Grocery stores and churches are desolate. Children live in terror that an undocumented parent will leave for work in the morning and never come home. Having learned hard lessons from the last wave of raids, legal aid and advocacy groups are scrambling to [help families put contingency plans in place](#) to ensure that children will be cared for in the event of a parent's deportation. In the best case scenario, parents hope that children will be able to live with a friend or relative until the family can be reunified in the United States or the parent's home country. Despite efforts to anticipate and [mitigate the family chaos](#) that can ensue when parents are detained and/or deported, the [detrimental effects](#) of tearing families apart are felt most dramatically by children.

Public outcry against the Trump administration's [proposal](#) to systematically place children crossing borders with their parents into foster care may have put a stop to this inhumane deterrence initiative for now. But, the impacts of ramped-up enforcement are still felt. Pregnant women seeking asylum have been [held in detention](#) with risks to their unborn child's health in violation of ICE's own policy. Asylum claims by people fleeing violence and persecution in Mexico and other Central American countries are [no longer being granted](#). Reports of suicidal ideation and attempt among detained women and their children have surfaced.

The most recent target of cruel enforcement strategies is unaccompanied immigrant children who have fled to the United States in [large numbers](#) for the past several years to escape violence and persecution in their countries of origin. A majority of them are initially placed in the custody of the Office of Refugee Resettlement and released to parents or relatives willing to sponsor the children while they are waiting for decisions in their immigration cases. As currently funded, the ORR licensing and monitoring process for unaccompanied minor sponsor cases is generally less stringent than the regulation and oversight of state foster care licensing. In most cases, federal protective jurisdiction of unaccompanied children ends after a short home study and release to sponsors. Not surprisingly, sometimes these placements don't work

out. Kids end up couch surfing, or on the streets, often becoming involved in state and local child welfare systems.

With the chilling effect of the Trump administration's policies of the past 6 months, families have begun to think twice about applying to sponsor unaccompanied children out of fear of sharing information with the federal government. Their worst fears are now coming true, as just this month, President Trump announced that DHS will begin arresting and [deporting undocumented parents, guardians, and relative sponsors](#) of unaccompanied children. The effects of this horrifying policy exacerbate the chances that unaccompanied children will end up in state child welfare custody. Not only will this new policy punish individuals who have in good faith come forward to care for unaccompanied children, it will also leave children with fewer relative and kin options for sponsors, placing them at higher risk of disruption in placement and increased risk for entry into state foster care.

We know that not all children whose parents are deported come into child welfare custody. We also know that many children of immigrants come into contact with child welfare systems for reasons other than parental detention and deportation. I remember one case in my time working for the child welfare system where an undocumented immigrant mother's children entered into foster care when she was arrested and charged with shoplifting. She had been struggling to make ends meet. There was no food in her house, and the children's clothes were ripped and dirty. This mother appeared depressed and fearful of engaging in parenting classes and counseling services. We later found out she had been involved with an abusive boyfriend who threatened to report her to the police if she left him. Once she was released from jail and began to receive services through the child welfare agency, she was detained and deported because of her conviction. The challenges we faced as a child welfare agency working with this family became infinitely more complex at that point. Unfortunately, those challenges are not uncommon, as immigrants have [less access to needed services](#), often have relatives and kin who are undocumented or residing in other countries, and at times must work reunification plans from other countries, requiring coordination with foreign governments. Many children and their family members involved with child welfare agencies also qualify for some form of immigration relief. Some child welfare agencies across the countries have solid partnerships and policies in place to provide those assessments and ensure that immigrant children and families receive due process, but many still do not.

Implications

At this critical juncture of anti-immigrant politics, there are several opportunities to coordinate and amplify our work on behalf of immigrant children and families, through documenting and collecting needed data, focused advocacy efforts, cross-systems and cross-disciplinary partnering, and leveraging existing resources and supports.

In the modern world of data-driven decision-making, one of the greatest challenges to proposing solutions is that we have no accurate estimation of the number of immigrant children and families impacted by deportation and at risk for child welfare system involvement.

Nativity and citizenship status has never been uniformly collected across child welfare systems in the U.S., and the Department of Homeland Security does not collect (or publicly release) information on the children of immigrants who are detained and deported. Congressional members [have demanded](#) that Homeland Security begin to release this information, and we should follow up with our legislators to keep the pressure on. The news that immigration information will soon be a required field for national child abuse and neglect data collection and reporting is met with mixed reviews. There is a long way to go before that data will be available for analysis, and child welfare agencies will surely grapple with the most sensitive ways to retrieve and record that information from families. At this point, there are confidentiality concerns and apprehension about how such information will be used by federal agencies, and rightly so. With no official data identifying immigrant families impacted by deportation and involved with the child welfare system, efforts to document immigrant family experiences and needs through rigorous research, data collection, community needs assessments, and service evaluations are sorely needed.

Advocacy has always been a part of the job description in social work and a variety of other disciplines, but now more than ever, those of us working with immigrant families, whether in clinical settings, in legal or policy settings, or in research, must extend our scope to include advocacy in our list of responsibilities. Advocacy efforts should focus on electing pro-immigration candidates and may include forming local coalitions to respond to community-specific issues. We must keep up with current policy and report cases of non-compliance with immigration policies to appropriate authorities. Immigrants involved in legal immigration proceedings do not have the right to an attorney, and if they don't have representation, the court will almost never rule in their favor. In our positions of power, we can [help to obtain legal representation for our immigrant clients](#) if they do not have it. The narrative around immigration and immigrants in this country has always ebbed and flowed around our values, our morals, and who we consider to be deserving and the undeserving. We must use our voices to contribute to framing the public narrative around immigration enforcement as a humanitarian crisis characterized by egregious violations to children's rights.

Effective ways to work on behalf of immigrant children:

- 1) document and collect needed data
 - 2) focus advocacy efforts
 - 3) partner across systems and disciplines
 - 4) leverage existing resources and supports.
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Over the past several months, many grass-roots initiatives have sprung up in various states and localities around the country to work on protecting immigrant children and families. We must make sure all the key stakeholders have a place at the table, as issues around immigration and child welfare are complicated, and if successful, will have multiple layers to any response. Collaborations should include foreign consulates and child welfare agencies, legal professionals, public policy and child development experts, natural supports like churches and faith groups, and academics/research scientists.

Need for collaborations working to protect immigrant children and families



Foreign
Consulates



Child
Welfare



Legal
Professionals



Academics



Churches and faith
groups

For those struggling with how to respond, many great resources already exist. Groups around the country have been quick to respond in creating toolkits and legal guides responding to policy changes. Many of them are highlighted and can be accessed on the [Center on Immigration and Child Welfare webpage](#). In fact, resources are being published so rapidly that we may work more efficiently and productively by putting our heads together to avoid duplication of efforts. Our energy should focus on translating and disseminating the newest and most relevant research and resources into practice settings, and developing tools and workshops for front-line workers begging for guidance on working with immigrant children and families in the current climate. We should plan to use existing training opportunities, such as Title IV-E child welfare training for child welfare workers, to increase capacity and skill in working on immigration issues, thereby creating a natural platform for disseminating current knowledge into relevant practice.



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With the scope of immigration policy placing the well-being of our children at an unprecedented crossroads, we must do everything within our power to mitigate or alleviate the traumatic threats and potentially irreparable damage to child well-being imposed by our immigration system.

Recommendations Summary

- Document immigrant experiences and protect confidentiality where data can impact the safety of immigrant children and families.
- Advocate for immigrant children and families in clinical settings, in policy, and in research.
- Stay up-to-date on policy to understand current immigrant practice pronouncements.
- Report policy noncompliance where human rights are ignored and children are endangered.
- Support interagency collaboration and the presence of all stakeholders when immigration policy is discussed and evaluated.
- Champion immigrant children and be their voice at every opportunity.

Sample Tweets:

- #Immigrationpolicy threatens #childwell-being
- Current immigration climate requires #advocacy for children in practice, policy, and research @dorisdukefellows
- Alleviate trauma for immigrant children at every opportunity @dorisdukefellows

Notes

All errors, omissions, views, and opinions are solely those of the authors and in no way represents the opinions or positions of the Doris Duke Fellowship for the Promotion of Child-Wellbeing, the Doris Duke Charitable Foundation, or Chapin Hall at the University of Chicago.

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