



RESOURCE LIST

STRONG FAMILIES

What do child welfare leaders need to know about supporting families **when caregivers are facing immigration-enforced detention or deportation?**

The impact of immigration enforcement on families is a growing concern for many child protection agencies. Approximately 5 million children in the United States currently live with at least one parent who lacks lawful status, and the number of births to immigrant families appears to be growing.¹ According to data from U.S. Immigration and Customs Enforcement (ICE), [approximately 500,000 U.S. citizen children experienced the arrest, detention, and deportation of at least one parent between 2011 and 2013](#). Like any family separation, these experiences can have a devastating effect on children's well-being.

Although the federal immigration enforcement system is distinct from state and county child welfare systems, there are a number of situations in which a child protection agency may encounter a child whose parent or caregiver has been detained or deported:



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- A U.S. citizen child may be separated from his or her undocumented parents at a border while they are attempting to enter the country. Because ICE cannot take a U.S. citizen child into custody, if a relative cannot be located to take responsibility for the child, ICE will contact a local child protection or law enforcement agency.
- ICE may contact the local child protection agency when taking parents into custody during a workplace raid or other non-border-related enforcement activity.
- Parents involved in an active child welfare case may be detained or deported while their case is active, compromising their ability to participate in dependency hearings and/or make progress toward reunification.
- A youth in foster care may lack lawful immigration status themselves and be unable to safely reunify with family.

Child protection agencies do not need to become experts on immigration, but they do need to understand some basic principles and know whom to contact for assistance when a child or youth receiving out-of-home care or other services has a parent who has been detained or deported. These partners will vary by community but may include local Offices of Refugee Resettlement, legal aid providers, and immigrant community leaders, among others.²

Key issues and principles

Detention and deportation of parents and caregivers can have ripple effects on child well-being. Fear of immigration enforcement is a continual stressor for millions of undocumented parents, children, and extended family members. When word spreads of a large-scale effort, such as a workplace raid, immigrant caregivers and their children in that community and in neighboring areas may experience increased anxiety, regardless of their own family's status. Immigration policies regarding the receipt of public benefits also may cause some parents to decline services that could enhance their children's safety and well-being.

Several core principles have emerged in case law around the intersection of child protection and parental detention/deportation¹:

- Immigration status, detention, and deportation do not affect parents' constitutional interest in the care, custody, and control of their children. Termination of parental rights requires a determination of parental unfitness.
- Agencies must provide reasonable efforts to reunify families and support parents seeking to remedy the conditions that brought their children into the child welfare system, regardless of detention or deportation.



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- The agency has a responsibility to investigate the potential for reunification with parents in their home country. Standard of living alone cannot be the basis for a decision about the child's best interests.
- Parental deportation does not constitute abandonment.

- Detained and deported parents have procedural due process protections, including the right to participate in hearings and have legal counsel.

The following are sources of additional information about the intersection of immigration enforcement and child welfare practice.

RESOURCE	DETAILS
<p>ABA Center on Children and the Law. Immigrants in the Child Welfare System: Case Studies. (2018)</p>	<p>Describes hypothetical but realistic child welfare cases, followed by questions for attorneys, caseworkers, judges and others to consider about the impact of the client's immigration status on their involvement with the child welfare system.</p>
<p>American Immigration Council. US Citizen Children Impacted by Immigration Enforcement. (2018)</p>	<p>Provides an overview of the U.S. citizen children who may be affected by immigration enforcement actions, the challenges and risk factors they face, and how they may be protected.</p>
<p>Child Welfare Information Gateway. Immigration and Child Welfare. (2015)</p>	<p>Outlines current issues related to immigration and child welfare, provides examples of promising practices, and points to additional resources.</p>
<p>U.S. Department of Health and Human Services, Children's Bureau. Information Memorandum 15-02: Case Planning and Service Delivery for Families with Parents and Legal Guardians who are Detained or Deported by Immigration Enforcement. (2015).</p>	<p>Emphasizes the importance of assessing and providing appropriate services to families involved with a child welfare agency whose parents may be at risk of or are being detained or deported.</p>



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Family and community preparation

Advance preparation can help families at risk better understand their rights and protect the safety and well-being of their children in the event of detention or

deportation. Child protection agencies also can take steps to prepare for enforcement actions in their community.

RESOURCE	DETAILS
American Bar Association, The Center on Immigration and Child Welfare. Guidelines for Child Welfare Agencies to Prepare for Immigration Enforcement . (2019)	Brief overview of what child welfare agencies need to know and do to prepare for immigration enforcement in their communities.
Annie E. Casey Foundation and Appleseed, Protecting Assets and Child Custody in the Face of Deportation: A Guide for Practitioners Assisting Immigrant Families . (2009)	This bilingual (English-Spanish) manual provides guidance for working with families at risk for deportation. It highlights financial and family rights.
Tennessee Immigrant and Refugee Rights Coalition. Lessons from East Tennessee: A Toolkit for Organizations Responding to Mass Worksite Immigration Raids . (2019)	In the aftermath of a 2018 worksite raid in East Tennessee, a coalition of local and national organizations developed a model for robust, coordinated community support. In addition to helping organizations prepare in advance for ICE actions, this guide can serve as a step-by-step reference during a large-scale enforcement event.
Women's Refugee Commission. Resources for Families Facing Deportation and Separation . (n.d.)	A compilation of guides and resources regarding family separation, safety planning, and child welfare for families facing deportation.



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When a parent has been detained or deported

Child protection agencies are required to make reasonable efforts to reunify families and support

parents seeking to remedy the conditions that brought their children into foster care, even when the caregivers have been detained and/or deported.

RESOURCE	DETAILS
Drake University Law School, Incarcerated Parent Representation Program. Social Worker's Guide to Assisting Families When a Parent Has Been Detained or Deported. (n.d.)	Steps for social workers to take when working with a family after one or more parents has been detained or deported. Some information is specific to Iowa, but this resource may serve as an example for other communities.
International Social Service USA, Services for Children.	ISS connects vulnerable children and families who are separated by an international border to services and support by conducting home studies, locating relatives, obtaining necessary documents, and providing post-placement monitoring.
Southern Arizona Transnational Task Force. Separated and Transnational Families: A Toolkit for Child Welfare Cases. (2018)	Information for judges, attorneys, and child welfare case workers on how to address cases that involve a family whose members are separated by an international border. The information is specific to Arizona but may serve as an example for other communities.



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When a child or youth in care is not a U.S. citizen

The Vienna Convention on Consular Relations requires child welfare agencies to inform the relevant foreign consulate when a foreign national child comes into

state custody. Consulates can assist with locating parents or relatives (detained, in the U.S., or abroad), identifying service providers in the parents' country of origin, facilitating reunification with parents in other countries, bridging language barriers, and accessing documentation for children.

RESOURCE	DETAILS
The Center on Immigration and Child Welfare. State-Specific Resources . (n.d.)	Links to legislation, policy, and procedures from various states, including MOUs with foreign consulates.
U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. Emerging Child Welfare Practice Regarding Immigrant Children in Foster Care: Collaborations with Foreign Consulates . (2013)	Describes the history, utility, and implementation of agreements with foreign consulates using state and county examples.

- 1 Carr, P. D. (2019). Parental detention and deportation in child welfare cases. *Child Welfare*, 96(5), 81–101.
- 2 Child protection agency staff may also benefit from an [overview of policies and standards](#) for detained parents involved with child welfare, how to reach their [local ICE field office](#), and [how to locate](#) and communicate with caregivers who are detained.

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