

FINAL REPORT

New Populations in Rural Counties: Implications for Child Welfare*

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Context

This project unfolded at a time when the national debate on immigration had sharpened, revealing a deeply divided nation, with the health and well-being of children of immigrants rarely on the agenda at any level of government. Comprehensive immigration reform appeared to have been abandoned.

We were in a period of unprecedented crackdowns and raids being conducted with increasingly militaristic aspects, such as helicopters hovering over arrest sites. A serious blow to educational opportunities for the children of immigrant parents occurred with the defeat of the Minnesota “Dream Act,” legislation allowing children of illegal immigrants to pay in-state tuition if they had graduated from a Minnesota high school.

For Minnesota, the settlement of immigrant families drawn to rural areas by employment opportunities in meat packing and poultry processing companies posed unexpected challenges for the county social service system and school districts.

In some ways, Minnesota immigrant populations differed from the national profile. A higher share of the immigrant population came from Africa, Pacific Rim, and Asian countries. These families typically came with refugee status. Latino representation in immigration profiles was still substantial and was the fastest growing ethnic group. However, their profiles were increasingly those of mixed-status, in which the children, born in this country, were citizens, but the parents arrived as “undocumented.” Overall, in Minnesota 15% of children five years old and younger had foreign-born parents.

During the period of this project, state and federal funding cuts placed an additional burden on counties to pay for a larger share of child welfare costs. Counties with high service needs and limited tax capacity faced special funding challenges. At the same time, the Child and Family Services Review (CFSR) pointed out various issues that required attention for counties to address in Program Improvement Plans (PIP). Rural counties were especially affected by reductions in funding. Their ability to use revenue from local property taxes had serious limitations.¹

The search for additional funding had uneven results. For example the Refugee School Impact Grant, which provided resources to enhance a county’s capacity to serve refugee populations, did not include rural counties as grantees at the time of this study.

Federal legislation will require the child protection system to track citizenship status and to enter this information into the Social Services Information System (SSIS). The status categories will include: U.S. national; qualified non-national; non-qualified non-national. The period of “don’t ask, don’t tell” appears to be over.

¹ Office of the Legislative Auditor, State of Minnesota, Evaluation Report: Human Services Administration, January 2007, p. 28.

For child welfare, the circumstances of immigration became increasingly relevant. The necessity to determine eligibility for services added yet another requirement for an overburdened and understaffed rural county.

The variety of ways and the degree to which rural counties discharged their responsibilities to insure the “best interests” of children in immigrant families provided the framework of this study.

Introduction

Reliable data on the proportion of children of immigrant families served by the child welfare system was not available as we began this project. The distinction between African-American and African children; and the distinction between newly arrived Hispanic immigrants and old settlers and their distinction from migrants had not yet been made.

Seven rural counties selected for this study were identified from enrollment data provided by the Minnesota Department of Education, in response to the question “What language other than English is spoken at home?” Counties with the highest proportion of languages other than English were taken to represent an influx of immigrant families.

Counties included in the study were: Kandiyohi; Nobles; Freeborn; Watonwan; Steele; Otter Tail; and Todd.

Seven major communities within our designated counties suggest the growth and development of Latino settlements in rural Minnesota¹:

- ***Willmar:*** Latinos have a long history of living in this community. In terms of raw numbers, it has the third highest Latino population in the state. There is a good base of Latino leadership in the community.
- ***Worthington:*** This Latino community has shown rapid growth recently and is also relatively well established. The Latino population makes up almost 20 percent of the overall population in Worthington, and there is an emerging Latino leadership in town.
- ***Albert Lea:*** Latinos here have a very long history as migrant and factory workers. A large number of Latinos have recently taken permanent residence with their families in the community.
- ***St. James:*** This Latino community has shown rapid population growth in the last five to seven years, and now almost a quarter of the population consists of Latinos. The community is establishing a new multicultural library.
- ***Owatonna:*** The Latino community here has shown steady growth over the years. Owatonna has both supportive community organizations and several Latino-owned businesses.

¹ “The Vitality of Latino Communities in Rural Minnesota,” December 2001, Deborah Bushway for the Center for Rural Policy and Development, Minnesota State University, Mankato, MN.

- ***Pelican Rapids:*** Pelican Rapids has experienced recent population growth in several of its immigrant communities. Latinos account for close to 20 percent of the overall population. They are also establishing a multicultural library.
- ***Long Prairie:*** This Latino community is in the earlier stages of development despite some long-term Latino residents. At this point, Latinos already account for almost 10 percent of the overall population.”

Even though Minnesota is home to the country’s largest population of Somali residents, the demographic profiles on this population were not easily tracked, because the distinction between African Americans and newly arrived African refugees had not been made for demographic purposes in the Social Services Information System (SSIS).

Minnesota’s Asian population nearly doubled in the 1990’s, but their rural population settlement was limited.

Methodology

Sources of data for this project included focus groups in each county with representatives from a broad range of human services; consultations with state, university, community groups and a consultant with Bridging Refugee Youth & Children’s Services (BRYCS); and an advisory committee. A literature retrieval provided background information (see Appendix 1).

Focus Groups

Two-hour meetings were held in the county seat of the seven identified rural counties, organized under the direction of their child welfare staffs. These were broad-based meetings. The following participated: child protection, mental health, and public health workers; school staff, including principals, truancy officers, school social workers, and ESL teachers; probation officers, county sheriffs, and chiefs of police; and members of community collaboratives. Typically, 20-25 persons participated.

The following questions guided the discussions:

- How do children in immigrant families come to the attention of child protection?
- Is the issue of the immigration status of the parents a factor in responding to child welfare issues?
- Are there ways in which we can communicate a better understanding of child protection policies and services to immigrant communities?
- What are the services most needed to respond to cultural and linguistically diverse immigrant families?
- What is the state of collaboration with community agencies?
- Are there needs of children in immigrant and refugee families that are not usually encountered in the child welfare system?
- What can you share about “Best Practices.”
- Recommendations?

Consultative Meetings

Among the many exchanges with immigrant groups and spokespersons, the following meetings were organized and consultations provided guidance in identifying and meeting the challenges of serving children in immigrant families:

- Hispanic Advocacy and Community Empowerment through Research (HACER)
- Metropolitan School Social Workers
- Members of advocacy groups under the auspices of Mayoral committees
- Southern Minnesota Regional Legal Services (SMRLS)
- Guardians ad Litem (Minnesota Supreme Court)
- Somali Women's Group
- Olmsted County Staff working with Somali families
- Exchanges with the Office of Refugee Resettlement and the Mexican Consulate
- Minnesota Department of Education
- FLACSO, Mexico Division—Faculty of Latino Social Sciences/Department of Educational Policy Administration, University of Minnesota

Advisory Committee

Two meetings of a 30-member advisory committee contributed observations, sharpened issues, and reviewed local and state initiatives dealing with immigrant organizations and their agendas. Among interests represented on the advisory committee: the legislature; state and county interests; legal services, public health; and faith-based agencies.

Major Forums/Workshops

- Willmar, June 28, 2007, “Rural Counties and Child Welfare/Responding to Immigrant Families and Children: Rising to the Challenge,” reviewed issues and responses from a national perspective. Highlights are available and were widely distributed. They can be accessed at: <http://cehd.umn.edu/ssw/cascw/>
- University of Minnesota, January 10th, 2008, “Children in Immigrant Families: Assessment and Case Planning Issues with Refugee Parents Who Have Experienced War Trauma,” presented to metro area and rural supervisors in family and children's services. (Powerpoint available on line at: <http://cehd.umn.edu/ssw/cascw/>)
- University of Minnesota, May 1, 2008, “Addressing the Best Interests of Children in Immigrant and Refugee Families: Rising to the Challenge,” brought a national perspective to the specific issues encountered by Minnesota's rural family and children's services. Highlights in preparation. Agenda, handouts, available at: <http://cehd.umn.edu/ssw/cascw/>

A review of integration collaboratives focused on education, health, and community initiatives on immigration issues (see Appendix 2).

Findings

The Settlement Environment for New Populations in Rural Counties

We discovered variations, both subtle and direct, on how counties provided a settlement environment for immigrant families. Reading local newspapers (“editorials” versus “letters to the editor”), assessing the observations made at focus groups, and sifting through commentaries of community members, one could make an informed judgment on where the county stood on a scale of “hospitable” to “rejecting.”

For at least one county, the settlement of a Hispanic population was more than 40 years old. The attitude of “old settlers” toward “new arrivals” was mixed.

Generally, those representing the school system welcomed new populations as having saved their schools from further retrenchment, and even the loss of a local school district. Local officials noted the renewed vitality of small-town main-street, with the variety of ethnic restaurants and new businesses. And various community members observed that rural areas would wither away without the source of renewal brought by immigrant settlements.

However, there was, at this time, an escalating campaign of raids, nation-wide, with a very divided response as to their justification. When a raid occurred in Willmar, many citizens expressed shock at the presence and behavior of Immigrant and Customs Enforcement (ICE). The details of the raid in which immigrant parents were arrested at home and in the work place, shackled, and sent to unknown detention centers elicited concerns with civil rights violations. In addition, there was strong support for sanctuary offered by a local church. In contrast, in both the paper and on the internet, stern warnings to all immigrants were issued with a “law and order” message.

There was reticence in revealing the ongoing organization of anti-immigration groups. Focus group participants noted that, “Immigrants are visible when they come into contact with law enforcement. The newspaper publishes convictions.” However, there was also support for finding ways for undocumented parents to acquire driver’s licenses and bank accounts.

The distinctions between the status of “undocumented” as opposed to “refugee” parents were clearly understood. The child welfare system understood the implicit instruction that it was not an immigration office, and therefore, generally took the stance, “don’t ask, don’t tell.” The question of citizenship status was generally not pursued. In a telling exchange with a sheriff in one county, his point of view was that inquiry into the undocumented status of the county’s residents was federal business, not his . . . he had his hands full with local law enforcement.

The role of the employers (meat packing, poultry processing) in these counties was variable. Their contribution to the provision of housing, child care, and health benefits, was not easily tracked. One contribution of note was a collaborative project between a college, the company, and the state. Here, in Owatonna, Steele County, Riverdale Community Collage partnered with Viracon (a glass manufacturing company with 30% of its work force reflecting immigrant backgrounds) to develop wide-ranging classes from language to management skills for its

workers. The award originated from the Minnesota Job Skills Partnership, with Viracon's contribution of \$877,000 toward the project. In another county, the local employer purchased land for a soccer field. In yet another county, the employer made no contribution, even when shift hours posed serious child care concerns.

In short, the rural counties in this project reflected the tension of the nation's unresolved immigration crisis of undocumented parents who were, for the most part, deeply embedded in the economic life of the community; in their family life; and seriously attached to school and church. The factors that distinguished a "hospitable" county, with a philosophy of integration toward new populations from an "inhospitable" county that was intentionally segregationist in its practices were not the subject of this project. But certainly, the leadership of the mayor, the school principal, and the director of human services was pivotal in establishing a climate of acceptance.

The acknowledgment that children in undocumented immigrant families are "undercounted and underserved" is nationally recognized, but the extent to which this is true for Minnesota is not easily tracked. Minnesota, with its county-based administration of child welfare, discloses considerable variations on cases opened and those under case management (see Appendix 3). There is a reluctance of all immigrant families to seek services for their children. At the same time, the understaffed and under-funded condition of rural child welfare systems forces hesitancy to open cases, which are complex and time-consuming. Developing a case plan will require an understanding of immigration law; language barriers require a search for translators; and understanding the impact of the immigration experience requires a measure of cultural competency in therapeutic resources that is in short supply.

Encountering Eligibility Issues for Services: The Case of Undocumented Parents

The differential treatment and differential access to services that exists for children in various groups (legal immigrants, refugees, undocumented immigrants, mixed-status families, unaccompanied children, and migrants) pose an issue of concern. Access to services based on citizenship is a very troublesome issue for vulnerable children in high risk families.

"Mixed status" families were a specific concern, as were unaccompanied and separated children. Case planning requires legal advice which was not easily available, especially when clients were "undocumented."

Every county was mindful of the citizenship requirements for Medicaid and Food Stamps, but understood that child protection services had to be provided, regardless of non-citizenship status. Child welfare and other human services staffs understood the vulnerable position of undocumented parents and their tendency to avoid visibility in seeking services. The new federal legislation requiring citizenship information may further chill families' willingness to seek assistance on behalf of their children. This legislation requires the child protection system to track citizenship status and to enter this information into the Social Services Information System (SSIS).¹ The status categories include: U.S. national; qualified non-national; non qualified non-

¹ See Minnesota Department of Human Services Bulletin #07-68-05, "New Citizenship and Immigrant Status Verification Requirements for Children in Foster Care," May 23, 2007.

national. The period of “don’t asks, don’t tell” appears to be over. The numbers of children of immigrant and refugee families in child welfare cases are relatively small. However, the amount of work and anxiety in opening a case is great. Agencies in rural counties are small, overburdened, and understaffed. School social workers and public health nurses noted the difficulty, in many instances, in securing a child protection response.

Access to health care is a serious concern for all the counties. In some counties, non-profit agencies provide some services. Adolescent pregnancies are special concern. While medical care was provided, financial assistance, after the birth of the baby, is not available for an undocumented adolescent.

Sources of Referrals to Child Protection

The three chief sources of mandatory reports on maltreatment were: schools; law enforcement; the medical community, chiefly public health; and a small portion from probation.

To some extent, the circumstances are similar to non-immigrant reasons for maltreatment reports: a portion are related to “neglect” associated with drug activity; adolescent pregnancy with allegations of sexual abuse; and truancy, which is associated to a large degree with Latino children. “With new populations, what goes on in their community, stays in their community.” Avoiding any entanglement with child protection was universally reported, not only because of a community-wide fear that children are easily removed, but also because a mandatory report of maltreatment will exclude the parent from a series of health-related occupations (nursing home aide, etc.).

The Role of Integration Collaboratives

Four distinct models of collaboratives were uncovered. Each had its distinctive character, but generally their mission shared this common objective: to enhance the quality of life for all community residents by developing community projects that promote inclusiveness and multi-cultural competencies among the staffs of human services agencies.

Sources of funding included funds from the state under a desegregation rule (Minnesota Rules, Chapter 3535); Minnesota Department of Education; federal funding through Local Collaborative Time Studies; private non-profit foundation; and occasionally grants from employers.

Among the projects funded by collaboratives, we identified outreach workers, language classes, youth programs, ethnic family and children’s organizations, liaison staff, school-based mental health projects, and a variety of early intervention projects.

Collaborative programs were highly valued, but generally they ran from 2-3 years, and when that base of support disappeared, only 2 or 3 counties stepped forward to continue funding.

Providing Bi-lingual Services, Translators, Multi-lingual Documents to Reduce Language Barriers

The provision of multi-lingual services was described as scarce, difficult, and frequently unavailable. Some counties attempted to use court interpreters, who were accredited, but were frequently unavailable or had to travel from urban areas. Some used the “language line” to find assistance by phone. Using interpreters from ethnic-based organizations raised questions in the minds of child welfare staff as to their accuracy in translating information. Child welfare staff scrambled to find members of the community who could be trained to fully understand child welfare and thus be a trusted liaison in translating information for an assessment or investigation. In one county, a Hispanic liaison position was funded, with a combination of county, foundation, and employer (meat packing plant) contributions. When funds ran out, the position was not renewed. Using children as interpreters was uniformly acknowledged as the least desirable way of communicating child welfare issues to the parents.

School System Issues

Issues were raised in monthly meetings held chiefly with child welfare, public health, and probation.

The requirement of school attendance was not well understood in the immigrant community.

For children with undocumented parents, there were special problems: parents’ reluctance to provide a signature for voluntary special needs assessments; participation in extra-curricular activities; library use. The role of a liaison or “family advocate,” who speaks the family language, was the key to securing signatures for these situations. But even here, one could not overestimate the fear and anxiety of living “below the radar” and the fear this imparts to the children.

The raid in Willmar had a profound impact on children: fear of leaving home; anxiety due to uncertainty of parents’ whereabouts; need to care for younger children. Absences from school were notable.

Children who had arrived here directly from refugee camps (particularly Sudanese and Somali children), frequently could not provide information on their educational experiences, which was not always age-related.

Parents were frequently ambivalent about the necessity for school attendance, and their child’s future as tied to education was not always accepted as a concept.

Child care provision for 2nd and 3rd work shifts was frequently not available, and older children were required to baby-sit.

The rate of learning disabilities among immigrant children appeared to be high. There was considerable discussion as to whether the rate reflects a language factor or whether there were, in fact, some cognitive issues. In this connection, special education classes were negatively

perceived across immigrant cultures. English Language Learners (ELL) give us an approximate measure of immigrant families (see Appendix 4).

The school experiences of Latino girls were identified as a source of challenge. Some of the difficulties related to the parents' concern with the impact of American teenage culture, perceived as sexually permissive, on their children. Parents sometimes appealed to teachers to be "strict" with their girls. The suspension and drop-out rates are high (see Appendix 5).

Truancy was a pervasive issue. The role of the courts in enforcing school attendance had mixed results.

Bi-lingual liaisons in partnership with school social workers were considered essential for dealing with school issues.

There was considerable variation in the way schools integrate immigrant children. Creating athletic opportunities in team sports was widely used. An integrated winning soccer team elicited enormous small-town pride. In one school, a Latino couple emerged as the school's top team ("Prince and Princess") for popularity. In one instance students asked for graduation speeches to be in Spanish for their parents.

On the other hand, concern with a reputation of a school for low graduation rates, high drop-out rates, and expulsion incidents caused a ripple effect of resentment, assuming these markers were contributed by immigrant children. The perception that support money was going disproportionately to immigrant children was also noted as playing into community resentments.

Generally, however, schools played an essential role in carrying out positive, integration activities. Complaints of harassment and racial taunts on school playgrounds were taken seriously.

Issues with Probation

Children in new populations were involved with probation on petty crimes similar to their peers: underage consumption (alcohol and marijuana); gang activities; shoplifting. More commonly, however, driving without a license and forgeries to obtain a social security number, if they were left behind by parents and needed work, are probation issues especially tied to Hispanic youngsters.

In the case of assaultive behaviors involving property damage, placement is more often in a mental health facility. Correctional placements are few (less than 10% of the youth on probation).

The age of the youth has in some instances raised problems. Unaccompanied children or those abandoned by family have no documentation on their age. This is a factor for the criminal justice system, in determining whether they should be treated as a juvenile or an adult.

On occasion, probation officers have sought a medical examination for confirmation.

Practice Issues

The differential status of immigrant families—the unaccompanied child, the citizenship child with undocumented parents, the family with refugee status—requires time and effort in determining their eligibility for services.

Further, exploring relevant resources within a reasonable distance in a rural county adds complexity to caseload responsibilities. Lutheran Social Services and Catholic Charities and their connection to ethnic community collaboratives were especially useful in identifying family support services, but these agencies were not located in every county.

Cultural consultation on family networks, pro-bono immigration services, and experts in translating documents were not readily available.

Locating family members, especially for Hispanic families from Mexico, for permanency arrangements, such as adoption/guardianship, required extensive discussions with the Mexican Consulate and knowledgeable community members.

Among the key service gaps, the following were identified in all of the rural counties: timely access to culturally competent mental health services for children and parents; residential treatment placements with a bi-cultural staff; interpreter services; bi-lingual foster parents; and certain transportation issues. (In one county, the GAL would not allow the parents or friends to bring a child to the agency/court, if they did not have a driver's license.)

The reluctance of undocumented parents to emerge in any visible way and the proliferation of rumors and speculations on the power of child welfare to forcibly remove children from families pose serious barriers in responding to reports of maltreated children.

Specific casework tasks of constructing the composition of a family, determining the age of a child, and grasping the traumatic experiences of underground migration pose challenges for effective case planning. In the case of refugee children, the treatment of post-traumatic stress disorders were difficult to access.

Domestic violence was identified as an issue, although the extent of this factor in family instability was unknown. Emergency shelter is generally unavailable. Referrals are usually made to larger centers, such as Mankato, Brainerd, and St. Cloud. Recently, a pivotal non-profit agency with a safe-house program emerged in Todd County, known as “Hands of Hope.”

Best Practices with a Prevention Focus

Although this period in child welfare is characterized by retrenchment with serious constraints in providing services, rural counties continue to search for ways to improve services. Among the initiatives we encountered, the following are noteworthy:

- In St. James (Watonwan County), where a large portion of families are in very low income categories, almost half are children of color, and a large part of the population

consists of teenage parents, a quality child care program was developed. Support was provided to both family-based and center care. In a recent review, the young children in these programs scored higher than the state average on kindergarten readiness skills.

- In Kandiyohi County, child welfare has a good working relationship with public health. Home-visiting alerts child welfare to families needing respite care and substance abuse counseling—“Incredible Years” offers parenting classes in Spanish and Somali. Trusting relationships have been developed between interpreters and child welfare in order to achieve accurate family assessments.
- The “Weekend Consequential Camp” was established in Watonwan County in response to escalating truancy. The referrals come from the court or schools. This weekend program combines outdoor camp experiences, counseling, remedial school work, and meetings with parents. Funded by the DHS, this camp experience, augmented by counseling and family support, is highly valued in the community and is credited with lowering the truancy rate.
- A few counties are exploring the “Community Health Workers (Promotoras)” model. In this outreach effort, paraprofessionals, recruited from the ethnic group needing attention (some are paid, others are volunteers), go door to door with information and are available to share concerns with community agencies. Counties are considering this model as a prevention strategy to address adolescent pregnancies.

Discussion

The unequal treatment of children in immigrant families is a striking and troubling phenomenon. Citizen status determines to a significant extent the availability of health, financial, and social services. In the case of mixed-status families (most often the child, born in the USA has citizen status and the parents are undocumented), the child suffers in direct and indirect ways: living in households with scarce resources and in an environment of fear and anxiety intensified by the threat of escalating raids. In the Willmar raid, only the church offered sanctuary; children were afraid to answer the door; attending school was hazardous, because parents were arrested at work, with scarce knowledge provided to the child as to the location of the interment camp or prison where parents were being held.

The only group among immigrant families that has officially received a warm welcome are refugees, with official government sanction and a state office supported by federal funds to assist them.

Caseworkers are frequently unprepared for the complex situations of immigration law, but they cannot use Southern Minnesota Regional Legal Services (SMRLS) for consultation in cases of an undocumented child or parent. SMRLS is limited by virtue of their funding to providing only services for refugee resettlement. The extent to which voluntary legal services are available for undocumented families is limited by both location (chiefly in the metro area) and the overburden of their workload.

The linguistic and cultural factors which inhibit the work of child welfare with children in immigrant families was partially met with an array of cultural liaisons, interpreters, and advocates from ethnic community collaboratives. The unavailability of these “bridge” persons, their lack of preparation in understanding the role of child welfare, and the fact that they were overworked were consistent observations. On the other hand, bicultural staff was scarce, and the opportunities for staff to attend ethnic-related workshops were few.

To some extent, each of the counties could have access to networks in which knowledge and understanding of immigrant families could be exchanged. Opportunities to meet in work groups around community collaborative programs and cultural events appeared to be available, but staff time and travel constraints were severe.

The role of employers in providing housing, child care, health, and recreational opportunities was not well developed. Occasionally, contributions to school activities (a soccer field) were mentioned. However, advocacy to encourage employers to take an active role in supporting the well-being of families in their community was only occasionally mentioned.

Clearly, the school system is pivotal in identifying and serving the needs of children and families in rural communities. Along with public health, they are the first in the community to be alert to vulnerable children. And in every county, the school system and public health stepped forward to be the first line of defense in intervening with fragile children in hard-pressed families.

Recommendations

Shift Attention to the School System and Public Health: Early Intervention for Vulnerable Children in Immigrant Families

The reluctance of family, kin, and community networks in immigrant communities to report maltreatment and the intense need of undocumented parents to keep a low profile and avoid using support services result in the modest presence of immigrant children and families in child protection caseloads. The school system becomes the major gateway in detecting abuse and neglect and in making referrals for services. The lesson to be learned from this persistent observation in focus groups is that concentrating on improving the linkages between school social workers and child protection staff should be paramount in future planning for child welfare in rural counties.

For prevention purposes, a shared concern for an early response to observations made by school social workers and public health nurses should be intensified by instituting inter-disciplinary workshops and inter-agency training. Issues such as confidentiality and shared fiscal support for follow-up should remain at the top of the agenda to strengthen linkages with child protection.

Improve Quality of Services for Immigrant Children

- Prepare a handbook for child welfare staff (see New York’s handbook as a model) that is a comprehensive guide, with “practice prompts” on obtaining brief accounts of the immigration experience; tribal connections; family and children’s patterns of behavior; a

fact sheet for basic information on the child and family; family composition; community liaison connections; medical, legal, and interpretation services; cultural resources for foster care; mental health, physical health, and resources for family advocacy; references for legal assistance.

- Prepare a one-page cultural profile for staff on each immigrant group summarizing:
 - Accurate understanding of parenting practices
 - Role of kin and tribal networks
 - Intergenerational tradition and values
 - Roles of men and women in their family life and socialization of the children
 - Experiences in the migration journey
 - Ethnic collaborations, projects
 - Community network references

- Prepare a one-page summary for the immigrant family in their own language and in a culturally appropriate way on:
 - The background and development of the child welfare system.
 - Definitions of maltreatment: neglect; physical punishment; sexual abuse
 - Definitions of a case plan; permanency/stability/well-being
 - An explanation of truancy laws
 - The availability of disability services

Develop a Series of Community Meetings for Parents

In collaboration with community representatives, develop content that explains the role and authority of the child welfare system; encourage a dialogue and respond to parent concerns on discipline and family privacy. Encourage questions on how to prepare their children to deal with racist attitudes that emerge on the playground (noted as an issue in the Willmar forum).

Encourage Child Welfare, School Social Workers, and Colleagues in Public Health and Probation to Attend Workshops on Multi-Cultural Issues

- The role of guardianship for unaccompanied/separated children
- The impact of traumatic experiences on parenting

Encourage the Growth and Development of Community Resources

- Respite care
- Culturally competent mental health services for parents and children
- Universal home-visiting for every birth
- Increase networking with private non-profit agencies

Develop a Certificate Program for a Cultural Liaison with Para-Professional Status in the Merit System

The rural child welfare system experiences uneven access to consultation on cultural factors associated with the growing populations of Latino, Asian, and African immigrant families. To respond in what is predicted to be a growing need, we are recommending the development of a certificate program to prepare a new staffing component for the child welfare system: a cultural liaison.

The chief features of such a program should be content on the child welfare system; knowledge of principles and guidelines for referral for treatment and support services; the role of the court system; linkages to other systems of care; best practices in prevention and advocacy; paraprofessional status in the merit system.

Improve Interpreter and Language Services

Initiate consultations with the Center for Advanced Research on Language Acquisition (CARLA) at the University of Minnesota for a series of workshops for child welfare staff to support the possibilities of acquiring a second language proficiency; regional seminars on improving capacity to understand immigrant families who are learning a second language.

Broaden an Understanding of Children in Immigrant Families

- Continue the tradition of providing community forums, as we did in this past year: Forum on rural counties and child welfare—“Responding to Immigrant Families and Children: Rising to the Challenge,” Willmar, Minnesota, June 28, 2007; “Addressing the Best Interests of Children in Immigrant and Refugee Families: Rising to the Challenge,” University of Minnesota, May 1, 2008. (“Highlights” and materials from these forums can be accessed at: <http://cehd.umn.edu/ssw/cascw/>)
- Maintain and increase broad advisory committees.
- Prepare one-page summary of emerging issues; practice guidelines; and policy statements for staff and community education.

Special Note

For materials/fact sheets prepared for meetings consultations and forums, see Appendix 6.

APPENDIX 1

Literature Retrieval and Review

- Brighter Futures for Migrating Children: An Overview of Current Trends and Promising Practices in Child Welfare, <http://www.brycs.org/documents/BRYCSReport-BrighterFuturesForMigratingChildren-CWLA2006.pdf>
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- Vang, C. Y. (February 2006). Family, Friend and Neighbor Child Care Providers in Recent Immigrant and Refugee Communities. Minnesota Department of Human Services.
- Special Issue: Immigrants and Refugee in Child Welfare, *Child Welfare*, Vol. LXXXIV, 5, September/October, 2005.

APPENDIX 2

Review of Integration Collaboratives

Overview:

Focus of Attention:

- Primarily work around schools and with school districts
- Intend to promote cultural awareness and build communities

Sources of Funding:

- Department of Education through the school districts and others

Chief Activities:

- Community outreach, liaisons, cultural awareness activities
- Youth-programs, summer programs, school-based programs

Examples:

West Central Integration Collaborative (Willmar)

Mission:

- “To enhance the quality of life for all community residents by developing multicultural competent school and community projects that promote inclusiveness, healthy youth development, and economic growth.”

Focus of Attention:

- Education
- Health
- Building Inclusive Communities

Sources of Funding:

- The school districts involved (Atwater-Cosmos-Grove City, Maynard-Clara City-Raymond, New London-Spicer, and Willmar) allocate “the maximum allowable amount generated by the state integration revenue formula to fund operation of the West Central Integration Collaborative.” (School districts receive funds from the state under Minnesota Rule 3535- a desegregation rule.)
- Funding for the Cultural Liaison positions- MN Department of Education, Blandin Foundation, City of Willmar and Kandiyohi County (Jennie-O Turkey Store also provides staff)
- Additional funding for specific projects from: SWMN Foundation, Mid-Minnesota Development Commission (in-kind services), Minnesota Department of Health, African Coalition

Chief Activities:

- Retention Coordinators
- Teaching tolerance activities (including language classes, soccer, youth programs)
- Newcomers Program
- Community Health Outreach Workers
- Cultural Liaisons/Language Interpreters
- Cultural Competency Consultations

Nobles County Integration Collaborative (Worthington)

Mission:

- “The mission of the Nobles County Integration Collaborative, a consortium of adjacent school districts, is to promote students success and community acceptance of differences

by providing opportunities for students, families and staff from diverse backgrounds to learn from and with one another.”

Focus of Attention:

- Schools
- Communication
- Employment opportunities
- Involvement of parents and families
- Increase cultural awareness
- Foster student success

Sources of Funding:

- Department of Education and the school districts (Adrian, Brewster, Ellsworth, Fulda, Round Lake, and Worthington)

Chief Activities:

- Family Advocates
- Parent liaisons
- Theater field trips for students
- Fund projects through mini-grants to community members
- Kindness Retreat for 5th graders, and an 8th Grade Retreat
- Summer Programs
- Youth Diversity Corp (drama troupe)
- Spanish/English Exchange program for adults
- Spanish classes in elementary schools
- Staff development workshops

Family Services and Children’s Mental Health Collaboratives

Overview:

Focus of Attention:

- Integrate services to children and families
- Focus on early intervention and prevention services to children and families

Source of Funding:

- Integrated funds from federal, state, local, or private resources
- Federal funding come through Local Collaborative Time Study funds which come from Foster Care and Adoption Assistance (IV-E) funds and Medical Assistance (Title XIX) funds

Chief Activities:

- Mental health projects
- School-based projects
- Promote collaboration among agencies

Examples:

P.A.C.T. 4 Families Collaborative (Kandiyohi- Willmar)

Mission:

- “The Collaborative is a unique organization developed by its 100+ partners to fill gaps in services and reduce duplication. Members include: county social service, public health, and corrections agencies; school districts; mental health providers; and other child serving agencies. PACT 4 and its partners are dedicated to changing systems to be more prevention focused and family friendly.”

Focus of Attention:

- Children and Families
- Communities
- Connecting Community Organizations

Source of Funding:

- Local Collaborative Time Study

Chief Activities:

- Mental health projects- Project SUCCEED, Wraparound Initiative, PRIDE 4
- School-based activities
- Trainings
- Restorative Justice- Peacemaking and Sentencing Circles
- Early Risers program
- Parent Advisory Committee / Parent Retreat
- Awarding LCTS Grants

Otter Tail Family Services Collaborative (Otter Tail)

Mission:

- “It is the vision of the Otter Tail Family Services Collaborative that families, communities and service providing agencies work together for a responsive, flexible system of education, support and services that focus positively on the needs, strengths and potential of each child and family.”

Focus of Attention:

- Children and Families
- Communities
- Connecting Service Agencies

Source of Funding:

- Local Collaborative Time Study

Chief Activities:

- School Based Mental Health Project
- Caring Connections project
- Truancy Prevention Project
- Interagency Early Intervention Committee
- Children’s Mental Health Local Advisory Council
- Community Transition Interagency Committee / Service Coordination

*The Family Facilitator Program is another program we heard of in St. James and which is operated by the 3 Counties for Kids collaborative

APPENDIX 3

Caseload “Assessments” and “Case Management” Openings* with Hispanic Clients on 9/5/2000

Assessments open on 9/5/2007		
County	WGs	WGs with Hispanic clients
Freeborn	14	1
Nobles	4	2
Otter Tail	52	2
Steele	10	3
Todd	1	
Watsonwan	8	4

Case Management open on 9/5/2007		
County	WGs	WGs with Hispanic clients
Freeborn	35	10
Nobles	10	5
Otter Tail	48	5
Steele	29	7
Todd	74	8
Watsonwan	12	8

*Data provided by Alexandra Beutel, Research Analyst, Minnesota Department of Human Services, June 10, 2008.

APPENDIX 4

Number of ELL (English Language Learners): Students Involved in Disciplinary Incidents*

- Steele County: 47 students received 80 suspensions/removals
1 student was expelled 2 times
2 students received in-school suspensions
- Kandiyohi County: 25 students received 27 suspensions/removals
- Freeborn County: 8 students received 13 suspensions/removals
- Watonwan County: 8 students received 9 suspensions/removals
1 student was expelled
1 student received 2 in school suspensions
- Todd County: 6 students received 9 suspensions/removals
2 students received in-school suspensions
- Nobles County: 6 students received 9 suspensions/removals
1 students received an in-school suspension
- Otter Tail County: 5 students received 6 suspensions/removals

*School Suspensions/Removal, Expulsion, Exclusion, or In-School Suspension.
Data retrieved for School Year 2006-2007, Minnesota Department of Education.

APPENDIX 5

Suspensions and Drop-Out Rates for Hispanic Students in Six Rural Counties*

District	%HispanicEnrollment	%SuspensionHisp	Difference
Pelican Rapids	23.5	37.9	14.4
Worthington	33.7	50	16.3
Owatonna	9.9	26.9	17
Albert Lea	14.3	32.8	18.5
Willmar	28.2	51.6	23.4
St. James	38	65.7	27.7

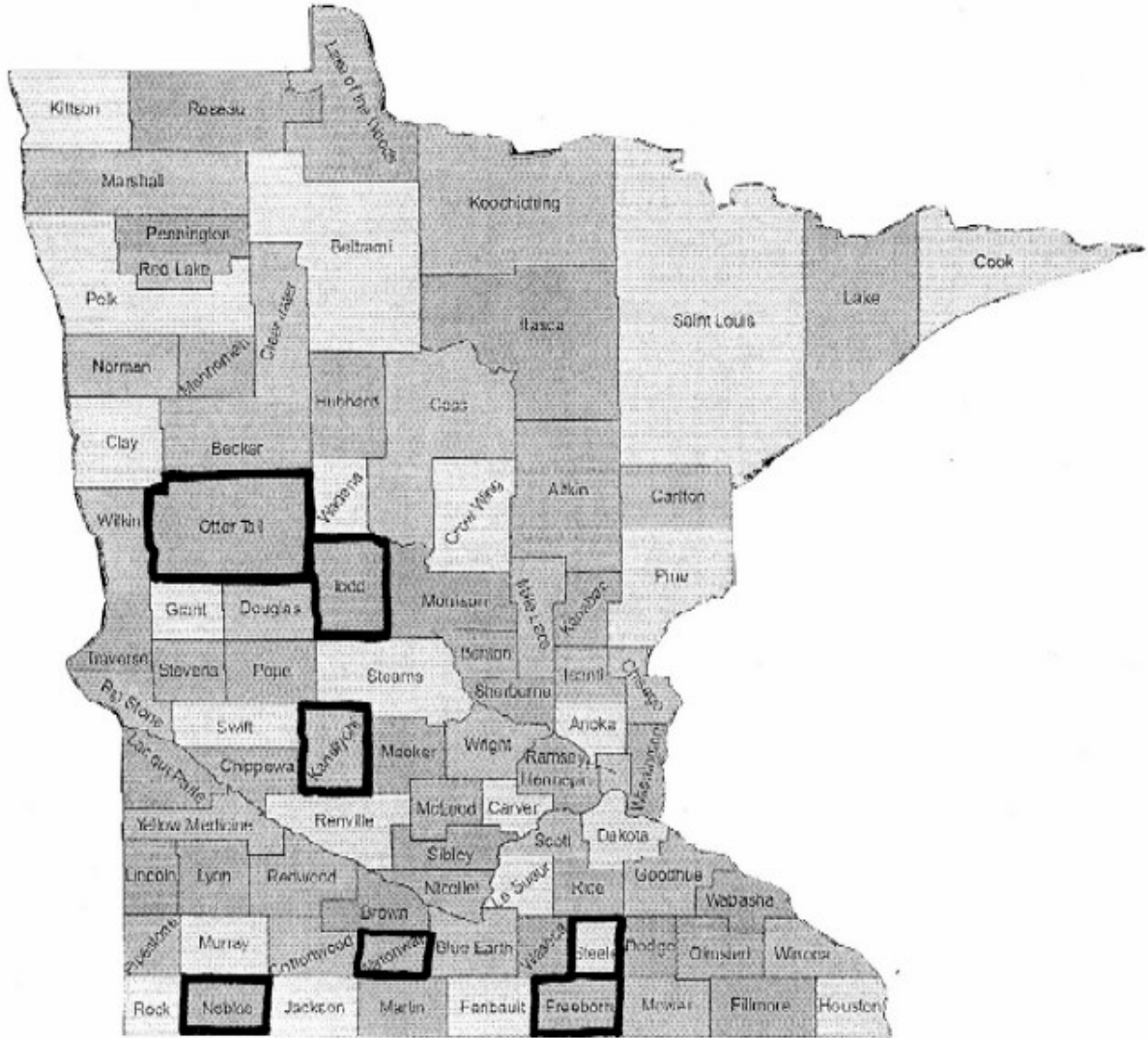
*Data provided by Andrey Skarie, Research Associate, HACER, June 10, 2008.

APPENDIX 6

Materials/Fact Sheets Prepared for Meetings, Consultations, Forums

- Map of Seven Counties Involved in Study
- Definitions
- Immigrant and Refugee Children: Status Categories
- Fact Sheet: Mixed-Status Families
- Fact Sheet: Differential Access to Services
- Fact Sheet: Special Immigrant Juvenile Status
- Fact Sheet: Violence Against Women Act (VAWA)
- Fact Sheet: Human Trafficking
- Fact Sheet: Court Interpreters

NEW POPULATIONS IN RURAL COUNTIES: IMPLICATIONS FOR CHILD WELFARE



COUNTIES/CITIES OF INTEREST

- Freeborn County—Albert Lea
- Kandiyohi County—Willmar
- Nobles County—Worthington
- Otter Tail County—Fergus Falls
- Steele County—Owatonna
- Todd County—Long Prairie
- Watonswan County—St. James

“New Populations in Rural Counties: Implications for Child Welfare”

Definitions*

Every year, far more people want to immigrate to the U.S. than are allowed by law. For practical and humanitarian reasons the federal government distinguishes among people, depending on where they come from, whether they have work skills that are needed in this country, and whether they already have relatives here. These distinctions determine who can come to the U.S., for how long, and under what classification.

Refugee: A person who is unable or unwilling to live in his or her native country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Like many countries, the U.S. has made a commitment to allowing refugees to settle here.

Immigrant: A person who moves to a country where he or she intends to settle permanently. Legal immigrants have permission of the government to live in the U.S. Undocumented immigrants do not.

Guest or Temporary Worker: A person who has temporary permission to work in the U.S.

Visa: A legal permit to enter the U.S. There are many different types of visas, granted according to the purpose, such as travel, work, or study.

Foreign-born Person: A U.S. resident who was not a citizen at birth.

Undocumented Worker: A person living and working in the U.S. without legal permission to do so.

Green Card: A colloquial term for legal permanent residence, the status that enables someone who is not a citizen to live and work in the U.S. permanently. One must be a legal permanent resident before applying for naturalization in most circumstances.

Family Reunification: The process by which citizen and legal immigrants, including refugees, are allowed to sponsor close relatives, enabling them to come live in the U.S. Every year, approximately two-thirds of this country’s legal immigrants join family members already living here.

Naturalization: The process by which an immigrant becomes a U.S. citizen. With a few exceptions (such as the right to run for president), naturalized citizens have all the rights, privileges, and responsibilities as native-born citizens.

* Derived from The Minneapolis Foundation study, “Immigration in Minnesota: Discovering Common Ground,” October, 2004. These definition were reviewed by Rafael Ortiz, Executive Director, HACER, and John Keller, Executive Director, Immigrant Law Center of Minnesota.

Immigrant and Refugee Children

Status Categories

Asylee: A child who has arrived in the United States and requests protection. An asylum seeker goes through a legal process and must be found unable or unwilling to return to his or her native country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

Child Victim of a Severe Form of Trafficking: A child involved in a sex act by force, fraud, or coercion, or a child who was recruited for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. (Trafficking Victims Protection Act of 2000)

Reclassified Minor: A refugee minor who arrived in the United States accompanied by adult relatives but has been abandoned, neglected, or otherwise separated from his or her caregiver, and whose status is therefore reclassified by the Office of Refugee Resettlement to Unaccompanied Refugee Minor (URM) status. These children are eligible for specialized refugee foster care services.

Refugee: A child who is unable or unwilling to live in his or her native country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Refugees in the United States obtain this legal status before arriving in the country.

Separated Child: A child who is separated from his or her parents, and is with other relatives or is alone.

Child with Special Immigrant Juvenile Status: A child who is under the jurisdiction of a juvenile court, where the court has found that the child cannot be reunified with either parent because of abuse, neglect, or abandonment, and that it would not be in the child's best interest to be returned to the home country.

Unaccompanied Refugee Minor: A refugee under 18 who is outside the care of a parent or guardian and who is eligible for specialized foster care and child welfare services.

Undocumented Minor: A child under age 18 who entered the United States without any legal status or permission. The Office of Refugee Resettlement has responsibility for the care and welfare of undocumented children who are unaccompanied by a parent or guardian and who are in federal custody.

Sources:

USCCB and BRYCS, *Brighter Futures for Migrating Children*, CWLA National Conference, February 2006, Page 22-23.

Special Immigrant Juvenile Status (SIJS) Handout. Immigrant Legal Resource Center. June 2006.

Fact Sheet: Mixed-Status Families

Definitions:

Mixed-Status Family: A family with members of varying legal status. While this term refers to families with both citizen and non-citizen parents and children, these families may consist of members with any combination of legal status. A prevalent situation is one in which the children have citizenship by being born in the U.S. and at least one parent is a non-citizen.

Non-citizen: A person who has not obtained U.S. citizenship, but resides in the U.S. as an undocumented immigrant or a lawful immigrant.

Lawful immigrant: A person who has received a type of status that allows him or her to legally reside in the U.S. This includes lawful permanent residents, refugees, asylees, temporary visitors, and others.

Non-immigrant: A person who is allowed to enter the U.S. for a specific purpose for a certain period of time. This includes students, tourists, visitors, migrant laborers, and others.

Scope:

- In 2002-2003, there were 4.6 million families of mixed-status in the U.S. and 57% of children of immigrants lived in mixed-status families. (Capps & Fortuny, 2006)
- In 2005, of children in immigrant families, 80% were U.S. citizens, 6% were legal immigrants, and 10% were undocumented. (Capps & Fortuny, 2006)

Eligibility for Services to Maintain Well-Being:

- Citizens are eligible for services to maintain well-being. These programs usually refer to food stamps, Medicaid, TANF, housing assistance and SSI benefits.
- Non-citizens' eligibility for services depends on their status and on the source of funding.
- Undocumented immigrants are barred from access to any means-tested benefits, but can receive emergency medical assistance that includes medical assistance during pregnancy.
- Lawful immigrants are generally restricted from participating in federally-funded means-tested benefits for the first 5 years of their legal status. During this time, assistance may be available through some states' programs or limited private sector programs by non-profit or faith organizations.
- Refugees, asylees, and some victims of domestic abuse will qualify for more generous federal and state programs than the undocumented and some legal permanent residents.
- Eligibility depends on the person receiving the benefits. To this end, child-only grants may be available for families with children who are U.S. citizens.

Issues:

Confusion over eligibility rules leads to a reduction in benefit use.

- Eligibility depends on the status of the person receiving benefits (e.g. a child, but not the parent). However, confusion and fear regarding eligibility rules has caused a reduction in benefit use.

In mixed-status families, there is reluctance to seek benefits even for those who are eligible.

- *Many families with non-citizen members fear interaction with government officials.* Families worry that such interaction will jeopardize their immigration status or will lead to the deportation of undocumented family members. The typical scenario is an undocumented mother will not seek any benefits or even medical attention, at times, due to fear that "the government" will find out she is undocumented and deport her. With the increase in raids, arrests and deportations in MN by USICE (immigration) this anxiety is

markedly increasing. Additionally, immigrant families living in rural MN generally feel more exposed or vulnerable when contemplating interacting formally with government services than those living in larger urban areas. (*Over*)

Issues: (continued)

- *Many families also worry about being perceived as a “public charge.”* Families believe that utilizing benefits will jeopardize their ability for future status changes toward becoming citizens.
- *These situations results in a “chilling effect” in which eligible members do not receive the benefits to which they are entitled.*

The unequal status of family members may cause tensions/divisions.

- Although part of the same family, one sibling may have access to resources another does not or one parent may have access to resources another does not.
- Although both citizens, a child in one family may have greater access to resources than a child in another family due to the status of the parents.

Please Note:

- It is advisable to consult legal services for advice with concerns regarding mixed-status families. Contact Immigrant Law Center of Minnesota at 651-641-1011.

Sources:

- Capps, R. & Fortuny, K. (2006). Immigration and child and family policy. Washington, DC: The Urban Institute and Child Trends.
- Chun, R. & Punelli LeMire, P. (2006). Eligibility of noncitizens for health care and cash assistance programs. *Information Brief*. St. Paul: Minnesota House of Representatives, Research Department.
- Dinan, K. A. (2005). Children in low-income immigrant families (policy brief): Federal policies restrict immigrant children’s access to key public benefits. *National Center for Children in Poverty*. (Available at www.nccp.org).
- Fix, M. E. & Zimmerman, W. (1999). All under one roof: Mixed-Status families in an era of reform. Washington, DC: Urban Institute. (Available at www.urban.org).
- Hernandez, D. J. (2004). Demographic change and the life circumstance of immigrant families. (policy brief). *The Future of Children*, Summer, 14(2). (Available at www.futureofchildren.org).
- Pine, B. A. & Drachman, D. (2005). Effective child welfare practice with immigrant and refugee children and their families. *Child Welfare*, 84(5).

Prepared by Ann Beuch, MSW/MPP Candidate, with consultation by John Keller, Executive Director, Immigrant Law Center of Minnesota.

Fact Sheet: Differential Access to Services

Legal Immigrant:

Definition: A person who has received a type of status that allows him or her to legally reside in the U.S. Although the term legal immigrant often refers to lawful permanent residents, there are additional specific categories of legal immigrants such as refugees, asylees, temporary visitors, and others that are included within this definition.

Access to Services: While there are several exemptions for specific categories of legal immigrants, qualified legal immigrants are generally restricted from participating in federally-funded means-tested benefits (Food Stamps, Medicaid, TANF, and SSI) for the first 5 years of their legal status.

Additional Resources: Some assistance may be available through some states' programs and limited private sector programs by non-profit or faith organizations.

Refugee:

Definition: A specific category of legal immigrants. Refugees are defined as individuals who are unable or unwilling to return to their country of origin due to well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion.

Access to Services: Refugees will qualify for a case worker during the first 90 days of resettlement and are eligible for Refugee Cash Assistance for eight months from date of arrival, for SSI and Minnesota Supplemental Aid for seven years from date of entry, and for other means-tested benefits.

Additional Resources: Some assistance available from MAA and other non-profit or faith organizations.

Undocumented Immigrant:

Definition: A person living in the U.S. without legal permission.

Access to Services: Undocumented immigrants are barred from access to any means-tested benefits, but can receive emergency medical assistance that includes medical assistance during pregnancy.

(Over)

Mixed-Status Families:

Definition: A family with members of varying legal status. While this term refers to families with both citizen and non-citizen parents and children, these families may consist of members with any combination of legal status. A prevalent situation is one in which the children have citizenship by being born in the U.S. and at least one parent is a non-citizen.

Access to Services: Family members with citizenship are eligible for benefits to maintain well-being, such as food stamps, Medicaid, TANF, housing assistance, and SSI benefits. Other family members are eligible for benefits according to the category of status they maintain (see above). An additional note: since eligibility depends on the person receiving the benefit (e.g. a child rather than the parents), qualified family members continue to be eligible for benefits despite restrictions placed on other members.

(For additional information, please refer to the “Fact Sheet: Mixed-Status Families.”)

Sources:

Capps, R. & Fortuny, K. (2006). Immigration and child and family policy. Washington, DC: The Urban Institute and Child Trends.

Chun, R. & Punelli LeMire, P. (2006). Eligibility of noncitizens for health care and cash assistance programs. *Information Brief*. St. Paul: Minnesota House of Representatives, Research Department.

Dinan, K. A. (2005). Children in low-income immigrant families (policy brief): Federal policies restrict immigrant children’s access to key public benefits. *National Center for Children in Poverty*. (Available at www.nccp.org).

Fix, M. E. & Zimmerman, W. (1999). All under one roof: Mixed-Status families in an era of reform. Washington, DC: Urban Institute. (Available at www.urban.org).

Hernandez, D. J. (2004). Demographic change and the life circumstance of immigrant families. (policy brief). *The Future of Children*, Summer, 14(2). (Available at www.futureofchildren.org).

Pine, B. A. & Drachman, D. (2005). Effective child welfare practice with immigrant and refugee children and their families. *Child Welfare*, 84(5).

Prepared by Ann Beuch, MSW/MPP Candidate, on October 10, 2007.

SPECIAL IMMIGRANT JUVENILE STATUS (SIJS)

Special Immigrant Juvenile Status (SIJS) provides lawful permanent residency to children who are under the jurisdiction of a juvenile court and who will not be reunified with their parents due to abuse, neglect or abandonment.

What are the benefits of Special Immigrant Juvenile Status (SIJS)?

- Allows the child to remain in the United States and eventually obtain lawful permanent residency (a “green card”).
- Provides an employment authorization document that allows the child to work and serves as a government-issued identification card.

Who is eligible for SIJS?

A child who is under the jurisdiction of a juvenile court, where the court has found (a) that the child cannot be reunified with either parent because of abuse, neglect or abandonment, and (b) that it would not be in the child’s best interest to be returned to the home country.

What are the requirements for SIJS?

1. The juvenile court either must declare the child to be a court dependent or must legally commit the child to a state department or agency. This should include children in dependency proceedings, delinquency proceedings, and guardianship through a probate court.
2. The SIJS application will include a special order signed by the juvenile court finding that the child is “deemed *eligible for long-term foster care*,” because of abuse, neglect or abandonment. *Eligible for long-term foster care* means that family reunification is not an option, and generally the child will be expected to remain in foster care until reaching the age of majority, unless the child is adopted or placed in a guardianship situation. The court’s order, or a social worker’s statement, must provide at least a brief reference to facts supporting the finding of abuse, neglect or abandonment.
3. The juvenile court must find that it is not in the child’s best interest to return to her/his country of origin. This can be proven through an interview with the child, a home study in the home country, or other evidence showing there is no known appropriate family in the home country.
4. The child must be under 21 and unmarried. The child’s age can be proven with a birth certificate, passport, official foreign identity document issued by a foreign government. The child can be a parent.
5. The child must remain under juvenile court jurisdiction until the immigration application is finally decided and the child receives the green card. This is important to keep in mind because the immigration interview may not be scheduled until three months to three years, or even longer, after the SIJS application is filed, depending on the local immigration office backlog and complexity of the case.

*Immigrant Legal Resource Center
www.ilrc.org
June 2006*

VIOLENCE AGAINST WOMEN ACT (VAWA)

The Violence Against Women Act (VAWA) permits an abused child of a U.S. citizen or lawful permanent resident to self-petition for a green card without the cooperation of the abuser.

What are the benefits of VAWA?

- Allows the child to remain in the United States and eventually obtain lawful permanent residency (a “green card”).
- Provides an employment authorization document that allows the child to work and serves as a government-issued identification card.
- Allows the child to receive some public benefits (in California this includes Medi-Cal, food stamps, CalWorks, etc.)

Who is eligible?

- A noncitizen child abused by a U.S. citizen or lawful permanent resident parent
- A noncitizen abused by a U.S. citizen or lawful permanent resident spouse
- A child (whether abused or not) of a parent who was abused by a U.S. citizen or permanent resident spouse. In other words, a child can receive VAWA benefits even if he or she was not abused, as long as the child’s parent qualifies for VAWA due to abuse.

NOTE: Both male and female abused children (or spouses) are eligible to apply

What are the requirements for VAWA for children?

1. The abusive parent is or was a U.S. citizen or lawful permanent resident
2. The child resided at some point in time with the abusive U.S. citizen or lawful permanent resident parent, in or out of the United States. Any period of visitation will count.
3. The child qualifies as a “child” under immigration law
 - This means that the child is unmarried and under the age of 21
 - This includes:
 - ✓ Natural born children born in wedlock
 - ✓ Stepchildren where the marriage creating the step-relationship occurred before the child’s 18th birthday
 - ✓ Adopted children where the adoption was finalized before the child’s 16th birthday and the child has been in the adoptive parent’s physical and legal custody for two years (the two year custody requirement can be waived if there is abuse)
 - ✓ Children born out of wedlock where the child has been legitimated by the father or can show a bona fide parent-child relationship
 - ✓ Children up to the age of 25 may qualify if abuse was a reason for filing delay
4. The child must be a person of “good moral character”
 - Children under the age of 14 are presumed to be of good moral character and are not required to submit any evidence of good moral character
 - Children over the age of 14 must prove good moral character with police clearance letters
5. The abuse must constitute battery or “extreme cruelty” which can include psychological or emotional abuse – the child need not suffer *physical* abuse to be eligible for VAWA

*Immigrant Legal Resource Center
www.ilrc.org
June 2006*

Fact Sheet: Human Trafficking

Definitions:

Human Trafficking: refers to the recruitment, obtaining, or maintaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of involuntary servitude, forced labor, debt bondage, slavery, or commercial sex exploitation (including sex acts in which the person induced to perform such acts is under 18 years of age, regardless of the use of force, fraud, or coercion). This definition does not require that a victim is moved or transported, only that force, fraud, or coercion is used.

Force: includes physical abuse.

Fraud: may involve luring a person to the U.S. through false offers of employment.

Coercion: includes threats to the victim or victim's family, debt-bondage, psychological abuse, confiscation of legal documents, and isolation from assistance.

Scope:¹

- 12 million people around the world are victims of human trafficking, and as many as 800,000 people are trafficked across international borders each year.
- 14,000-17,000 people who have been trafficked are in the United States.
- Minnesota has been identified as one of the top 15 centers in the U.S. where human trafficking is a significant issue.
- 63 new human trafficking victims emerged in Minnesota last year.
- 3,989 trafficking-related charges occurred in Minnesota from 2003-2006.
- It is likely that the number of people trafficked is underrepresented in the data.
- It is thought that more than half of the victims are children.
- Human Trafficking exists in urban as well as rural areas.

Issues:

- **Language:** Language may act as a barrier for receiving services for those who are trafficked, and may be one way they are kept in isolation. Therefore, appropriate interpretation by a trusted and professional interpreter is vital.
- **Fear:** Fear plays a significant role as those who have been trafficked may worry about their legal status, the criminal acts they have been forced into, or retribution to family members. Fear may be used as a coercion tool.
- **Trauma:** Trauma due to the experiences.
- **Legal services:** Legal services can be of great assistance to those who have been trafficked. VAWA and other acts provide pathways to receiving legal status and other assistance.

Resources:

- Crisis Line: 1-888-7-SAFE-24 (1-888-7-7233-24); Civil Society: 651-291-0713
- Language Line: www.language.com
- Legal Clinics: YWCA, Lao Family Community, SEWA, Brian Coyle Center, Eastside Family Center, Waite House, North Point, Cedar Riverside Center, Vietnamese Minnesota Association, Vietnamese Social Services Human Trafficking Task Force, MN Advocates for Human Rights, and various legislation

(Over)

¹ Human Trafficking in Minnesota Conference. Held Friday, September 28, 2007 in St. Paul.

Case Examples:¹

- There have been cases where conflicts with parents due to adjusting to a new culture have caused some Somali youth to leave home, after which the youth are approached by other adults, are taken to other states, and end up becoming entrapped.
- Other cases noted involve youth who have obtain documents in other countries with a fake age. These youth arrive in the U.S. and the uncertainty of their actual age creates obstacles in providing assistance.

Sources:

- Minnesota Office of Justice Programs, Minnesota Statistical Analysis Center. (2007, September). Human trafficking in Minnesota: A report to the Minnesota Legislature.
- International Association of Chiefs of Police. The crime of human trafficking: A law enforcement guide to identification and investigation. Available at www.theiacp.org.
- Civil Society. Human trafficking informational flyer.

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¹ Human Trafficking in Minnesota Conference. Held Friday, September 28, 2007 in St. Paul.

Fact Sheet: Court Interpreters

Law:

“It is hereby declared to be the policy of this state that the constitutional rights of persons disabled in communication cannot be fully protected unless qualified interpreters are available to assist them in legal proceedings.” (Minnesota Statute 611.30)

Qualifications:

An interpreter must be “readily able to communicate with the disabled person, translate the proceedings for the disabled person, and accurately repeat and translate the statements...” (Minnesota Statute 611.33)

Rule:

In 1994, the Minnesota Supreme Court with funding from the legislature created a training and certification program for court interpreters. At this time, the MN Supreme Court established **Rule 8** which outlines a *Code of Professional Responsibility* and *Rules on Certification*. In order to train and certify interpreters, an orientation program was created along with a written test on the code of ethics and legal interpreting proficiency exams. Under Rule 8, the state maintains a *Statewide Roster of Court Interpreters* who are eligible to work in the state court system.

Definition:

“Interpretation means the unrehearsed transmitting of a spoken or signed message from one language to another. Interpretation is distinguished from ‘translation,’ which relates to written language.” (MN Supreme Court Interpreter Advisory Committee)

Certification:

- To be included on the roster, interpreters must **(1)** receive a passing score on the written ethics test, **(2)** complete the orientation program, **(3)** file an Affidavit agreeing to the Code of Professional Responsibility.
- The roster is divided into categories: **(a)** Certified Court Interpreter on Statewide Roster, **(b)** Non-Certified Court Interpreter on Statewide Roster, **(c)** Non-Certified Sign Language Court Interpreter on Statewide Roster, **(d)** Non-Certified Court Interpreter Not on Statewide Roster.

NOTE

- Only Spanish, Russian and Hmong have a certification program.
- Courts must make efforts to appoint certified interpreters on the statewide roster. If not possible, must appoint a non-certified interpreter on the statewide roster.

** “Only after the court has exhausted these requirements may the court appoint an interpreter who is not on the statewide roster.”

Other Qualifications:

- Must be at least 18 years old
- Must have good character and fitness
- Must have a passing score on a legal interpreting proficiency exam

Adapted from “Best Practices Manual on Interpreters in the Minnesota State Court System” by the Minnesota Supreme Court Interpreter Advisory Committee.