

AGENDA

**“Responding to Immigrant Families and Children:
Rising to the Challenge”
Kandiyohi County Health and Human Services Building
Willmar, Minnesota
June 28, 2007**

- 10:30 a.m. **Welcome and Opening Remarks**
- Nancy Johnston, Acting Director
Center for Advanced Studies in Child Welfare*
- Esther Wattenberg
Center for Advanced Studies in Child Welfare and
Center for Urban and Regional Affairs
University of Minnesota*
- 10:40 a.m. **“Immigrant Families and Child Welfare: Barriers to Services and
Approaches to Change”**
- Ilze Earner, Ph.D., LCSW
Faculty, Hunter College School of Social Work*
- Audience Response**
- 11:30 a.m. **“Separated and Unaccompanied Children”**
- Susan Schmidt, MSW, Consultant
Bridging Refugee Youth and Children’s Services*
- Audience Response**
- 12:15 p.m **Lunch**
- 1:15 p.m. **“Life Circumstances of Children in Rural Minnesota’s
Immigrant and Refugee Families”**
- A Roundtable Discussion*
- 2:15 p.m. **Wrap-Up**
Esther Wattenberg/CASCW/CURA

“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.

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.

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.

**Minnesota Department of Human Services
Child Welfare Information and Background
Available in Various Languages:**

Child Protection Notice of Privacy Practices (attached):

Arabic
English
Hmong
Lao
Oromo
Russian
Serbo-Croatian (Bosnian)
Somali
Spanish
Vietnamese

Families' Guide to Child Protection:

English
Hmong
Somali
Spanish
Vietnamese

Investigating Child Abuse or Neglect in Facilities:

English
Hmong
Somali
Spanish

Glossary of Child Welfare Terms:

English
Hmong
Somali
Spanish

Child Protection Notice of Privacy Practices

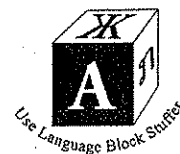
Minnesota Department of Human Services

(Effective Date: April 14, 2003.)

This information is available in other forms to people with disabilities by calling your county worker. For TTY/TDD users, contact your county worker through the Minnesota Relay at 711 or (800) 627-3529. For the Speech-to-Speech relay, call (877) 627-3848.

This notice describes how medical information and other private information about you may be used and disclosed and how you can get access to this information. Please review it carefully.

You have privacy rights under the Minnesota Government Data Practices Act and the federal Health Insurance Portability and Accountability Act (HIPAA). These laws protect your privacy, but also let us give information about you to others if a law requires it.



Why do we ask you for this information?

- To tell you apart from other people with the same or similar name.
- To decide what you are eligible for.
- To help you get medical, mental health, financial or social services.
- To decide if you can pay for some of your services.
- To make reports, do research, do audits, and evaluate our programs.
- To investigate reports of people who may lie about the help they need.
- To decide about out-of-home care and in-home care for you or your children.
- To collect money from other agencies, like insurance companies, if they should pay for your care.
- To decide if you or your family needs protective services.
- To collect money from the state or federal government for help we give you.

Do you have to answer the questions we ask?

Generally, the law does not say you have to give us this information. We need your social security number in order to give you some kinds of financial help or child support enforcement. (45 CFR 205.52 (2001); 42 USC 666; 45 CFR 303.30 (2001)).

What will happen if you do not answer the questions we ask?

We need information about you to tell if you can get help from any program. Without the information, we may not be able to help you. If you give us wrong information on purpose, you can be investigated and charged with fraud.

With whom may we share the information about you?

We may give information about you to the following agencies, if they need it for investigations or to help you or help us help you. We don't always share information about you with these people, but the law says we may share information with them. If you have questions about when we give these people information, ask your worker.

- U.S. Department of Agriculture
- U.S. Department of Health and Human Services
- U.S. Department of Labor
- United States Citizenship and Immigration Services
- Internal Revenue Service
- Social Security Administration
- Minnesota Department of Employment and Economic Development
- Minnesota Department of Education
- Minnesota Department of Human Rights
- Minnesota Department of Human Services
- Minnesota Department of Labor and Industry
- Minnesota Department of Public Safety
- Minnesota Department of Revenue
- Minnesota Department of Veterans Affairs
- Minnesota Historical Society
- American Indian tribes, if your family is in need of human services at a tribal reservation
- Higher education coordinating board
- State hospitals or long-term care facilities

- State and federal auditors
- Court officials
- Anyone under contract with the Minnesota Department of Human Services or U.S. Department of Health and Human Services, or the county social services agency
- Local and state health departments
- County human services boards
- Child or adult protection teams
- People who investigate child or adult maltreatment
- Local Early Childhood Intervention Contacts
- Other human services offices, including child support enforcement offices
- Fraud prevention and control units
- Employees or volunteers of any welfare agency who need the information to do their jobs
- County attorney, attorney general or other law enforcement officials
- Mental health centers
- Ombudsman for families
- Ombudsman for mental health and mental retardation
- Ombudsman for Minnesota Managed Health Care Programs
- Ombudsman for Older Minnesotans
- County Advocates for Minnesota Managed Health Care Programs
- Guardian, conservator or person who has power of attorney for you
- Local collaborative agencies
- Community food shelves or surplus food programs
- Health care providers
- School Districts
- Schools and other institutions of higher education
- Coroner/medical examiner if you die and they investigate your death
- Hospitals if you, a friend, or relative has an emergency and we need to contact someone
- Others who may pay for your care
- Insurance companies to check health care benefits you or your children may get
- Managed care organizations about your health care or benefits
- Credit bureaus
- Creditors
- Collection Agencies, if you do not pay fees you owe to us for services
- Anyone else to whom the law says we can give the information

You have the right to information we have about you.

- You may ask if we have any information about you and get copies, except that certain data relating to child protection assessment or investigation may not be available to you. See "Child Protection Assessment or Investigative Data" below. You may have to pay for the copies
- You may give other people permission to see and have copies of private information about you.
- Unless we get special written permission from you, we will only use your health information for the purposes listed on this form.
- You may question the accuracy of any information we have about you.
- You have the right to ask us to share health information with you in a certain way or in a certain place. For example, you may ask us to send health information to your work address instead of your home address. You must make this request in writing. You do not have to explain the basis for your request. If we find that your request is reasonable, we will grant it.
- You can ask us to restrict uses or disclosures of your health information. Your request must be in writing. You must explain what information you want to restrict from being disclosed and to whom you want these restrictions to apply. You can request to end these restrictions at any time by calling us or by writing to us. We are not required to agree to your restrictions.
- You have the right to receive a record of the people or organizations that we have shared your health information with. We must keep a record of each time we share your health information for six years from the date it was shared. This record will be started on April 14, 2003. It will NOT include those times when we have shared your information in order to treat you, pay or bill for your health care services or to run our programs. If you want a copy of this record, you must send a request in writing to our Privacy Official.
- If you do not understand the information, you may ask your worker to have it explained to you. You can ask DHS for another copy of this notice.

What are our responsibilities under this notice?

We may change our privacy policy in the future. We might do this, for example, because privacy laws change and require us to change our practices. When we change our privacy rules we will publish them on our web-site at: <http://edocs.dhs.state.mn.us/lfservlet/Legacy/DHS-3979-ENG>.

Until we publish new privacy rules we will abide by the terms of this notice.

Child Protection Assessment or Investigative Data

The Minnesota Government Data Practices Act requires that the county agency inform you of your rights under the Data Practices Act when asking you to give private information about yourself.

- The name of any person who reports suspected child maltreatment is confidential. This means that the person's name or any identifying information about the person cannot be disclosed except in very limited circumstances.
- During and after an assessment or investigation, the information the agency collects about you and your child is private data. Private data means that only the person whom the information is about may access the information, unless that person gives permission for others to access the information.
- A copy of a videotape in which a child victim or alleged victim alleges, describes, or denies an act of physical or sexual abuse cannot be given to anyone without a court order.
- Your name may be made public upon a written finding by the court or if the information becomes part of an administrative or judicial proceeding. Public information means that anyone may see the information.

What if you believe the information we have about you is wrong?

Send your concerns in writing, telling us why the information is not accurate or complete. You may send your own explanation of the facts you disagree with. Your explanation will be attached any time that information is shared with another agency.

What privacy rights do children have?

If you are under 18, parents may see information about you and allow others to see this information, unless you have asked that this information not be shared with your parents or it involved medical treatment for which parental consent was not required. You must make this

request in writing and say what information you want withheld and why. If the agency agrees that sharing the information is not in your best interest, the information will not be shared with your parents. If the agency does not agree, the information will be shared with your parents if they ask for it. When parental consent for medical treatment is not required, information will not be shown to parents unless the health care provider believes failing to share the information would jeopardize your health.

What if you believe your privacy rights have been violated?

You may complain if your privacy rights have been violated. You cannot be denied service or treated badly because you have made a complaint. If you believe that your medical privacy was violated by your doctor or clinic, a health insurer, a health plan, or a pharmacy, you may send a written complaint either:

- Directly to that organization, *or*
- To the federal office of Civil Rights at:

U.S. Department of Health and Human Services
Office for Civil Rights, Region V
233 N. Michigan Avenue, Suite 240
Chicago, IL 60601
(312) 886-2359 (Voice) or
toll free (800) 368-1019/(866) 282-0659
(312) 353-5693 (TTY/TDD)
(312) 886-1807 (Fax)

If you think that the Minnesota Department of Human Services has violated your privacy rights, you may send a written complaint to the U.S. Department of Health and Human Services at the address above, or to:

Minnesota Department of Human Services
Privacy Official
PO Box 64941
St. Paul, MN 55164-0941

Acknowledgement of Receipt of Notice of Privacy Practices

I hereby acknowledge my receipt of this Notice of Privacy Practices. I understand that if I have any questions about the information on this form, I can ask my case worker or other appropriate agency personnel.

RECIPIENT OF NOTICE OR LEGALLY AUTHORIZED REPRESENTATIVE	DATE
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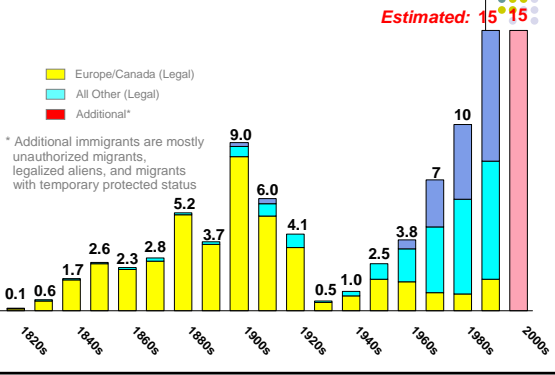
Immigrant Issues in Child Welfare

Overview of US Immigration And Demographic Changes

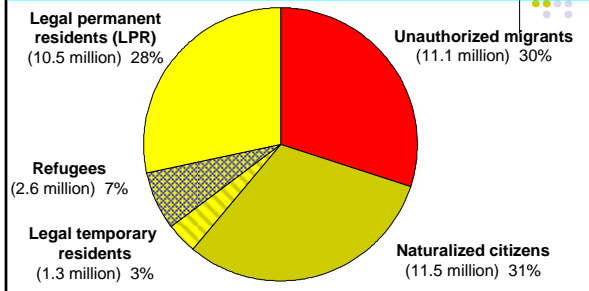
This presentation was made by Randy Capps of the Urban Institute at the Migrating Children Conference at Loyola University in July, 2006.



15 Million Immigrants this Decade

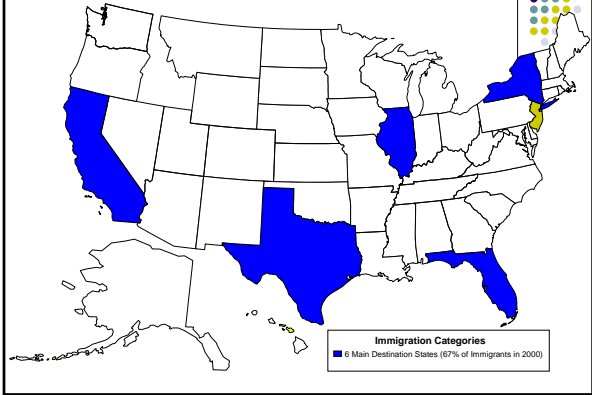


3 in 10 U.S. Immigrants Are Unauthorized

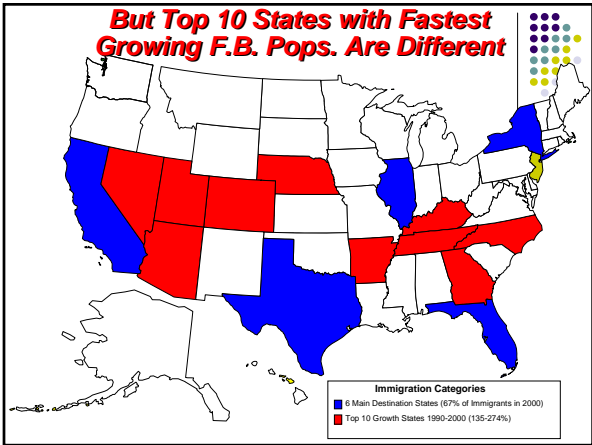


37 Million Foreign-Born in 2005
(Passel 2006)

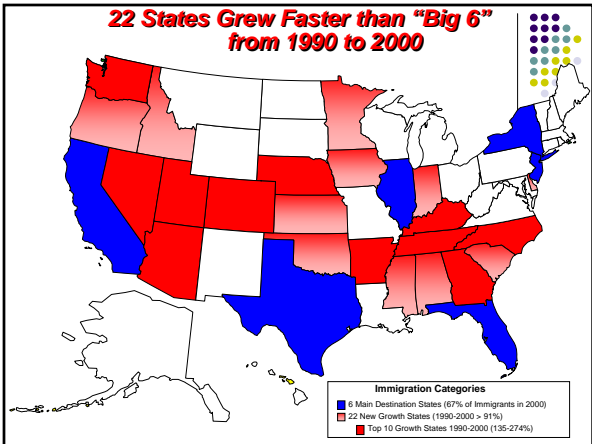
2/3 of Immigrants Live in 6 States



But Top 10 States with Fastest Growing F.B. Pops. Are Different



22 States Grew Faster than "Big 6" from 1990 to 2000



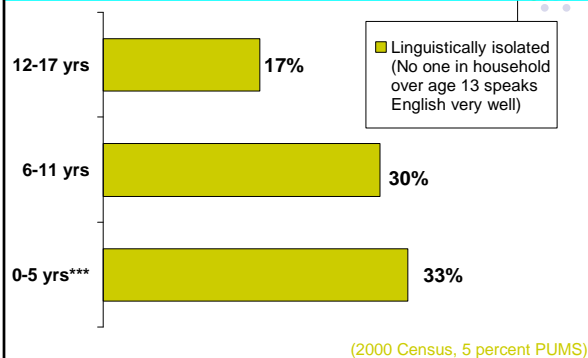
Mixed Status Families



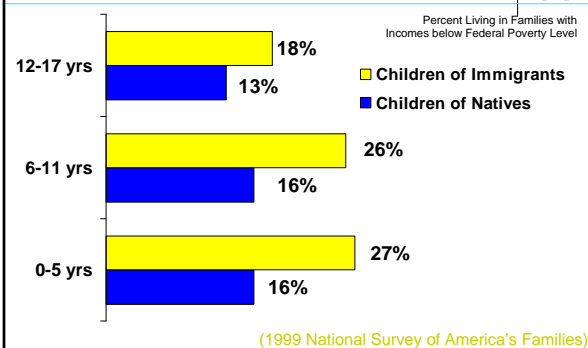
- 1+ Non-Citizen Adults and 1+ Citizen Children
- 9.1 Million Children
- 13% of all Children
61% of Kids in Immigrant Families
85% of Kids in Non-Citizen Families
- Even in Unauthorized Families --
2 of 3 Kids are Citizens

(March 2002-2003 Current Population Survey)

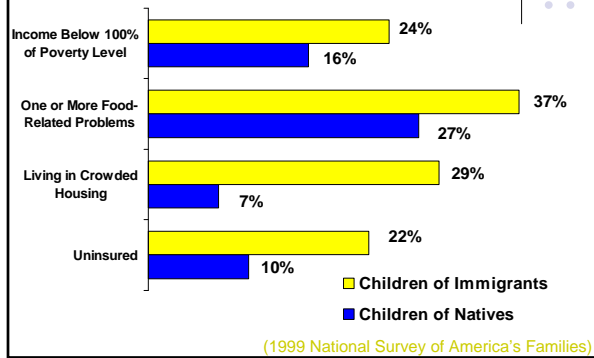
1/3 of Young Children of Immigrants (0-5) Linguistically Isolated



Young Children of Immigrants (0-5) Have Highest Poverty Rate



Children of Immigrants Have High Levels of Economic Hardship



Implications for Child Welfare

- Immigrant population growing fastest in smaller "new growth" states.
- Legal status = bigger barrier for parents (very few young children are illegal).
- Latino immigrants/Spanish widespread, other languages/cultures rarer.
- Children of immigrants poorer, especially younger children.
- Children of immigrants LESS likely to live with single parents.

Immigrant Issues and Child Welfare

Developing a Best Practices Approach

Ilze Earner, Ph.D., LCSW
Hunter College School of Social Work

Family Immigration Assessment

- Critical Prerequisite: Trust
- Protocols: Confidentiality, Guidelines for Practice, MOUs
- Familiarity with immigration terms
- Immigration status assessment
- Cultural competence – stages of migration framework for family assessment
- Family system response vs. individual relief
 - Domestic violence – VAWA
 - Permanency for the child - SIJS

Differential Response Strategies

- Moving away from the 'one size fits all' model
- Allows for a holistic approach to solving family problems
- Takes into consideration cultural diversity
- Involves community as stakeholders in family well-being
- Encourages advocacy

Developing Differential Response Strategies with Immigrant Populations in Child Welfare

- First Factor: Community-Based Organizations
 - If you are making a referral; what purpose?
 - How will immigration services impact the child welfare service plan?
 - Current immigration status assessment – who needs to know what?
 - How will child welfare coordinate with immigration services?
 - What if voluntary services fail?

Differential Response Strategies – cont'd.

- Second Factor: Voluntary Child Welfare Services (Preventive)
 - Are they accessible/responsive to immigrant families?
 - Services for immigration-related issues may be referred out to community-based agencies - need for collaboration with child welfare services continues
 - Feedback loops, safety assessments – who is responsible?
 - Additional assessments of family supports, strengths, barriers – how does that information get developed and used?

Differential Response Strategies – cont'd.

- Third Factor: Court Involvement
 - Is immigration relief focused on the family or the child?
 - Is a foreign government involved?
 - Status updates of relative support systems for children locally, nationally, internationally
 - Services to provide family reunification or permanency for child outside of family
 - VAWA, U or T visas?

Differential Response Strategies – cont'd.

- Fourth Factor: Aftercare and Permanency Planning Support
 - Follow up and tracking of SIJS, U or T visa applications
 - Impact of immigration status on guardianship, adoption and independent living
 - If possible – no minor should 'age out' as undocumented – necessitates collaboration between court, child welfare and immigration
 - Continued support and involvement with families – what if immigration status remains an issue?

Self Inventory:

- What trainings do you provide your staff on immigration and immigrant issues?
- Do you have a handbook? Guidelines? Regulations? Confidentiality protocols? Language access?
- How do you interface with and collaborate with community-based organizations that serve immigrant communities? What about foreign consulates?
- Have you integrated immigration legal services into the overall child welfare services delivery system?
- How would you do an international home study?

Promising Practices

- BRYCS: Services to refugee families and children involved with child welfare; community training; technical assistance; guidelines and best practices information
- New York City – ACS: Office of Immigrant Services – training, community liaison, trouble-shooting, handbook, advisory committee; grants to cbos
- Santa Clara County, CA: Handbook, staff training, focus on special populations
- Los Angeles County, CA: SIJS unit within child welfare system

Bridging Refugee Youth & Children's Services (BRYCS)

Separated & Unaccompanied Children

Susan Schmidt, MSW
BRYCS Consultant

BRYCS is a project of
USCCB/MRS,
supported by ORR



Funded by ORR / ACF / DHHS Grant No. 90 RB 0018

Agenda

- BRYCS
 - Description
 - Resources
- Terms
- Statistics
- Special Needs of Separated Children and Unaccompanied Children
- Guardianship
- SIJS and VAWA
- URM Programs

BRYCS Provides...

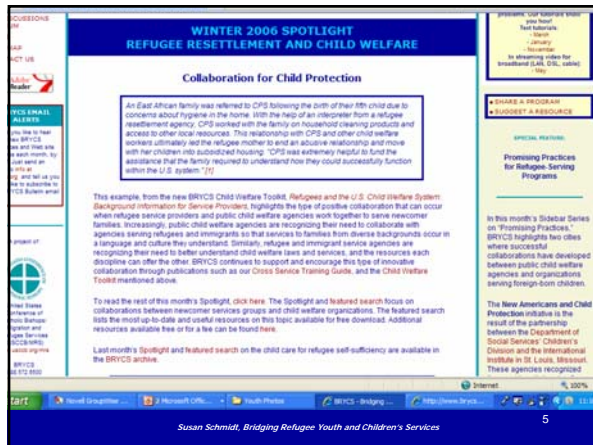
National Technical Assistance on refugee children, youth, and families

- Consultations and Training
- Web site and Clearinghouse (www.brycs.org)
- Resource Development
- National Coordination
- Promising Practices Initiative

Web Site & Clearinghouse www.brycs.org

- Quarterly Spotlights – includes descriptions of “Promising Practices”
- “What’s New” resources are posted monthly and are drawn from over 40 listservs
- Monthly Email Bulletin Alerts
- Clearinghouse – your one-stop location with over 1,500 resources

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BRYCS Publications

- **Toolkits**
 - Child Welfare
 - Child Care
 - Positive Youth Development
 - Parenting
- **Other Child Welfare Related**
 - *Serving Refugee Children in Foster Care: Fundamental Considerations*
 - *Developing Refugee Foster Families: A Worthwhile Investment*
 - *Building Bridges: A Cross-Service Training Guide*
 - *Foster Care at a Cultural Crossroads: Refugee Children in the Public Foster Care System*

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Coming Soon from BRYCS... "Raising Children in a New Country: An Illustrated Handbook"



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Terms

- Refugee
- Asylee / Asylum seeker
- Immigrant or Migrant
- Undocumented
- Trafficking victim
- Federal Alphabet Soup
 - DHS: ICE or CIS
 - DOJ: EOIR
 - DOS: BPRM
 - HHS: ORR

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Terms: Unaccompanied & Separated Children

- Unaccompanied
- Separated
- Separated or unaccompanied after arrival
- Mixed status families
- Unaccompanied alien child / DUCS

Susan Schmidt, Bridging Refugee Youth and Children's Services

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MN Statistics

- **Legal Immigrants** (from DHS' "Yearbook of Immigration Statistics")
 - LPR adjustments in MN:
 - 18,254 in 2006
 - Non-immigrant (temporary) admissions to MN:
 - 149,451 in 2005
 - Naturalizations in MN:
 - 9,137 in 2006
- **Undocumented**
 - Estimated 80,000 - 85,000 in MN (from "The Impact of Illegal Immigration in MN," Dec 2005)

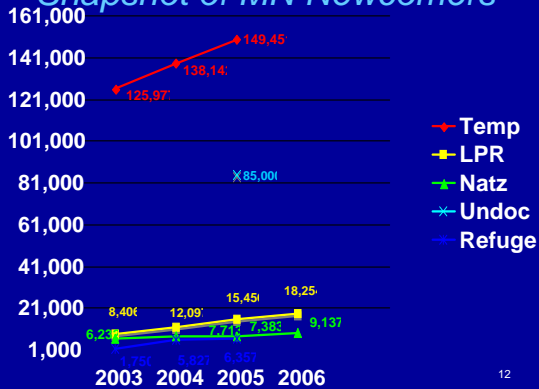
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Statistics -- Refugees

- **Total Refugee Arrivals to the U.S.** (from www.state.gov)
 - U.S.
 - FY06: 41,277
 - FY05: 53,813
 - MN
 - FY04: 5,827
 - FY03: 1,750
 - FY02: 701
 - FY01: 3,232
 - FY00: 3,492

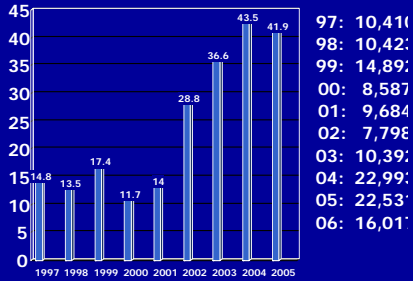
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Snapshot of MN Newcomers



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USA: Children as a Percentage of Total Refugee Arrivals



97: 10,411
 98: 10,421
 99: 14,891
 00: 8,587
 01: 9,684
 02: 7,798
 03: 10,391
 04: 22,991
 05: 22,531
 06: 16,011

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Refugee Children Coming to MN

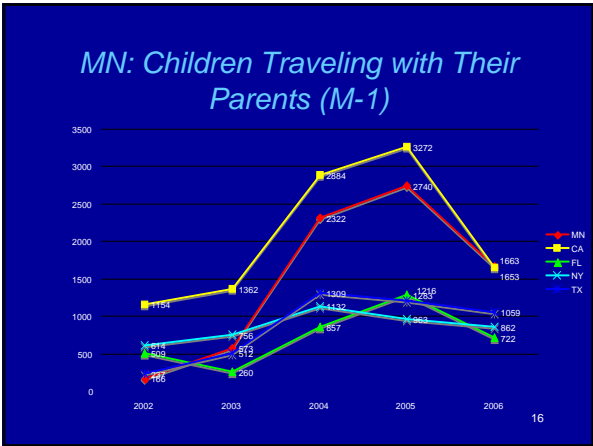
- MN # 1 in 2006!
 - Overall refugee child arrivals
 - M-1: Minors traveling with parents
 - M-2: Minors traveling with relatives
 - M-3: Minors traveling with non-relatives
 - M-5: Minors coming to join parents

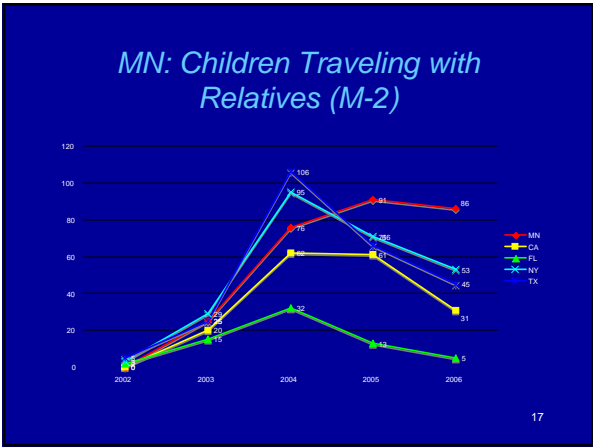
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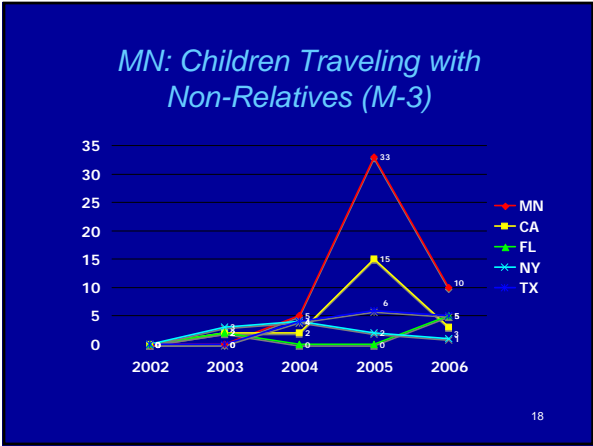
MN: Nationalities of Children Resettled

Origin	2002	2003	2004	2005	2006
Burma	-	5	79	69	70
Ethiopian/ Eritrean	15	185	232	125	168
Laos	-	-	1205	1735	154
Liberia	20	167	163	234	141
FSU Bel/Rus/Ukr/ Mol/Lat/Kyr/Kaz/Uzb	93	86	104	89	52
Somalia	16	129	697	696	1230

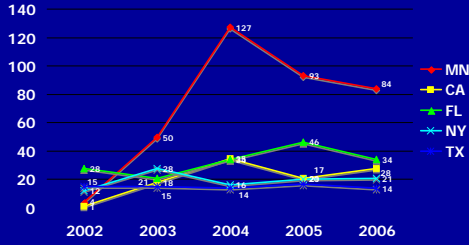
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MN: Children Coming to Join Parents (M-5)

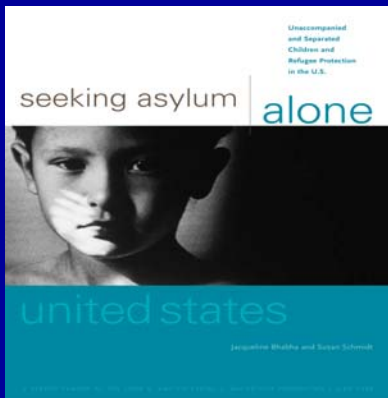


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Refugee & Undocumented Kids: Similar or Different ?

- *Similar*
 - Cultural adjustment
 - Family separation
 - Possible trauma
 - Potential mistrust of government authorities
 - Educational needs
 - Guardianship needs
 - Need for legal assistance
- *Different*
 - Legal status
 - Benefits eligibility
 - Sense of permanence
 - Reasons for coming

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http://www.humanrights.harvard.edu/conference/Seeking_Asymlym_Alone_US_Report.pdf

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Guardianship

- Relevance to refugee / immigrant kids
- BRYCS Resources
 - “Guardianship Fact Sheet for Staff Assisting Refugee Families”
 - “Guardianship FAQ Summary”
 - “Guardianship Information by State”
 - Available at www.BRYCS.org on the “Publications” page
- <http://www.minnesotaguardianship.org>

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SIJS

- *Special Immigrant Juvenile Status*
- *Basic definition*
- *Foster care, guardianship, or juvenile delinquency cases*
- *Important role of child welfare workers*

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VAWA

- *Violence Against Women Act*
- *Basic description*
- *VAWA & SIJS connection*

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URM Programs / Reclassification

- URM
 - Who, What, Where
- Reclassification
 - Who, What, Why
- URM Program Contacts
 - U.S. Conference of Catholic Bishops (USCCB) / BRYCS
Laura Gardner, (202) 541 - 3232
 - Lutheran Immigration and Refugee Svc (LIRS)
Amy Anderson, (410) 230 - 2796

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BRYCS Contact Info

- Send an email to info@brycs.org
- Call 1-888-572-6500 or 202-541-3232
- Available for consultations

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Bridging Refugee Youth & Children's Services

www.BRYCS.org

Contact:

info@brycs.org

1-888-572-6500

www.BRYCS.org



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

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.