

## Quick Reference Guide: Immigration and Child Welfare

# Working with Immigrant and Undocumented Families

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This is a quick-reference guide for Ohio child protection caseworkers, supervisors, and agency directors who are working with immigrant or undocumented families when detention or deportation is likely. This quick-reference guide does not qualify as legal advice. For situations where legal advice is required, consult a local immigration or family law attorney.

## Introduction

### Relevance

In Ohio, as of 2015, there are nearly 198,000 children living with one or more foreign-born parents (foreign born includes naturalized citizens, permanent residents, refugees, visa holders, and undocumented individuals)<sup>1</sup>. Of these children, about 35,000 were also foreign born. The undocumented population in Ohio is 83,000 individuals; 9,000 of them are under the age of 16.<sup>2</sup>

### Children services agency role

Child welfare agencies are required to provide reunification efforts regardless of immigration status. It is our job to assist these families by providing culturally competent services and knowing the resources and circumstances involved when working with immigrant families.

Tips for providing culturally competent services to immigrants:<sup>3,4</sup>

- Provide services in the individual's native language or provide translation services
- Do not use the child as an interpreter
- Acknowledge the importance of family by including extended family members in the process
- Ensure interventions and services are culturally competent

- Learn about the culture of the family you are working with by asking them questions
- Make sure case plan tasks are doable (ensure services are available to them regardless of immigration status and in their native language)

## Scenarios

### *Undocumented parents come to you concerned about deportation*

Provide parents with these or other similar resources. These resources provide families with the steps they need to take to plan for the care of their (citizen) children in case they are deported. The second resource provides templates of legal documents that may be needed. This template only serves as a guideline to help families begin to plan for deportation; it is not legal advice, and it is not specifically applicable to Ohio. Parents should consult a local immigration attorney to get comprehensive, updated, Ohio-specific advice on the law and necessary documentation.

Resources:

- [Women's Refugee Commission](#)
- [JDSUPRA](#)
- [State of Connecticut](#)

### *A U.S. citizen child of undocumented immigrants is brought into custody*

**Parents are detained:** Due to the potential of detainment or deportation, it is important to keep a record of all the parents' identifying information such as full name, date of birth, and birth place.<sup>5</sup> If you are unable to contact the parent or if you know the parent has been detained, contact the local ICE office.

The 2013 Parental Interests Directive encourages ICE offices to assist detained parents to participate in child welfare cases including accommodating visits and parents attending court hearings. Visit the [ICE website](#) for more information on this directive and who to contact.

**Parents are deported:** If parents have been deported, contact the foreign consulate and ask for assistance to locate the parent. The consulate may be able to help with providing needed services to the parents.<sup>6</sup> Deportation is not a reason for terminating parental rights, and reasonable efforts are still required.<sup>7</sup> Nothing in the ASFA or Title IV-E prohibits reunification with parents who live outside of the U.S.<sup>13</sup>

**Relative placement in another country/parent services after deportation:** Placing children in kinship homes could be more difficult if the family members are undocumented or out of the country; however, this can still be accomplished.<sup>13</sup> No exception in relative notification requirements is made for relatives who live outside the U.S.<sup>13</sup> The foreign consulate could be a valuable resource for placing children out of the country.<sup>8</sup> In addition, try contacting the local child protective services entity. It may be able to assist you in making arrangements and conducting necessary procedure when placing a child outside the US.<sup>12</sup> Many child welfare agencies

have Memoranda of Understanding (MOU) with foreign consulates.<sup>9</sup>

For more information on MOUs, placement with foreign relatives or reunification services with foreign parents, visit the [California Child Welfare Indicators Project](#).

### ***An undocumented child is brought into custody***

This child would not be Title IV-E eligible; however, county agencies are still required to provide services for the child and family.

The county agency must notify the foreign consulate when a child who was born in another country and is not a U.S. citizen is removed by CPS. This is in compliance with the Vienna Convention on Consular Relations (Article 37b).<sup>10</sup>

If the child you are working with is undocumented, he/she may be eligible for Special Immigrant Juvenile Status (SIJS). This option would only be available in situations where reunification is not a viable option. To be eligible, the child must be a dependent of the court or in state custody.<sup>11</sup> For more information contact one of the Ohio legal resources on the next page. For a discussion of risks and benefits, and caseworker responsibility for applying for SIJS, see [this helpful guide from Texas](#).

For additional information, refer to [PCSAO's March 2017 immigration webinar](#).

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## Endnotes

<sup>1</sup> Migration Policy Institute (2015). [Ohio state immigration data profile](#).

<sup>2</sup> Migration Policy Institute (2015). [Profile of the unauthorized population: Ohio](#).

<sup>3</sup> Dettlaff, A., Morland, L. & Lincroft, Y. (2014). [Special issue on migration and child welfare: An introduction](#).

<sup>4</sup> Child Welfare Information Gateway (2015). Immigration and child welfare. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.

<sup>5</sup> Kline, V. (2014). [Supporting transnational family reunification and kinship care: Perspectives from across the border](#).

<sup>6</sup> Ibid.

<sup>7</sup> Park, A. (2014). [Keeping immigrant families in the child protection system together](#).

<sup>8</sup> Kline, V. (2014). [Supporting transnational family reunification and kinship care: Perspectives from across the border](#).

<sup>9</sup> Child Welfare Information Gateway (2015). Immigration and child welfare. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.

<sup>10</sup> United Nations Conference on Diplomatic Intercourse and Immunities (1961). [Vienna Convention on Relations and Optional Protocol on Disputes](#).

<sup>11</sup> U.S. Citizenship and Immigration Service (2014). [Special immigrant juvenile status: Information for child welfare workers](#).

<sup>12</sup> Texas Department of Family Protective Services. Child Protective Services. [Child Protective Services Handbook: International and Immigration Issues](#).

<sup>13</sup> [Quick Guide to Federal Child Welfare & Immigration Law Report](#).

## Ohio Resources

### Catholic Charities Social Services of Southwestern Ohio

Mid-Pointe Tower, 7162 Reading Road, Suite 600  
Cincinnati, OH 45237

513-241-7745 | [www.catholiccharitiesswo.org](http://www.catholiccharitiesswo.org)

**Services:** Offer immigrants legal services, mental health, refugee, and senior services.

### International Services Center

1859 Prospect Avenue

Cleveland, OH 44115

216-781-4560 | [www.internationalservicescenter.org](http://www.internationalservicescenter.org)

**Services:** Refugee services

### International Institute of Akron

Madhu Sharma, Director of Immigration,  
[madhu.sharma@iiakron.org](mailto:madhu.sharma@iiakron.org),

330-376-5106 ext. 102 | [Web Page](#)

**Services:** Refugee services, Deferred Action for Childhood Arrivals, Special Immigrant Juvenile Status (SIJ), U-Visa, T-Visa, family-based immigration

### Catholic Charities Diocese of Cleveland Migration and Refugee Services

Immigration Legal Office: 216-939-3769

216-281-7005 | [Web Page](#)

### Legal Aid Society of Cleveland

888-817-3777 | [www.lasclev.org](http://www.lasclev.org)

## Other Resources

### International Social Service

[www.iss-usa.org](http://www.iss-usa.org)

**Services:** This agency can help facilitate services in other countries for relatives of U.S. foster children. These services include finding relatives, providing services to parents or relatives such as background checks, home studies, visitation and/or placement services.

### The Fleischer Law Firm, Cincinnati

Neil Fleischer, Immigration Attorney

513-246-1212 | [www.immigrate2usa.com](http://www.immigrate2usa.com)

### Dorman Law, Columbus

Monica Dorman, Immigration Attorney

614-827-1200 | [www.dormanlegal.com](http://www.dormanlegal.com)

### Community Refugee and Immigrant Services (CRIS)

1925 E. Dublin-Granville Road, Suite 102

Columbus, OH 43229

614-235-5747 | [www.crisohio.org](http://www.crisohio.org)

**Services:** Refugee services, legal services

## About the Authors

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## About PCSAO

Public Children Services Association of Ohio is a membership-driven association of Ohio's county child protection agencies that advocates for and promotes child protection program excellence and sound public policy for safe children, stable families and supportive communities.



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