



THE CENTER ON
IMMIGRATION
AND CHILD WELFARE



Developing Sustainable Repatriation and Reintegration Programs for Children and Families Separated by Borders

International Social Service–USA

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Introduction

International Social Service, USA Branch was founded in 1924 to assist children and families reuniting after an international migration. Today the International Social Service network has partners in over 130 countries and is a leading expert on cross-border child welfare issues.

In the United States, changes in immigration policy, and more significantly immigration enforcement, over the past several years have raised a collective consciousness about the precarious situation that many undocumented and mixed status families face regarding long term separation. These stories capture headlines and evoke a strong emotional reaction. While thousands of children in the child welfare system have family resources overseas, the child welfare system is increasingly being tasked with supporting children separated by an international border as a result of immigration enforcement.

The separation of children and parents at the U.S-Mexico border, a phenomenon that has recently gained more attention and media coverage, often results in parents' deportation while children are released to a sponsor or placed in federal foster care. Unfortunately, both of these options lack adequate follow up measures to ensure the safety and wellbeing of the children. Similarly, the discontinuation of Temporary Protected Status (TPS) for El Salvadoran, Haitian, Honduran and Nicaraguan citizens, leaves thousands of children and parents vulnerable to immigration enforcement. These families will struggle with the difficult decision about what to do if they are detained and/or deported. Should the children return with them, or if should they remain in the US? These decisions are emotionally burdensome to family members and strain already limited resources. Thousands of other non-TPS holding immigrant parents of American citizen children will continue to be detained and deported, placing children at increased risk of entry into child welfare systems that now face the looming possibility that their already strained resources will become overburdened with children who are not eligible for federal funds to provide care and protection.

The following brief provides recommended best practices to ensure that children and/or their caregivers who face deportation are provided with necessary pre-departure and reintegration services to support a safe and sustainable return.

Barriers to Cross Border Collaboration:

Bias: Individual and institutional biases can undermine the willingness of child welfare professionals and systems to consider placement in foreign countries as feasible, or in the best interest of the child. There has been much documentation of the dangers children face when being forcibly returned to the Northern Triangle. The primary reasons cited by children for fleeing this region includes economic insecurity, neighborhood gang presence and other forms of

violence. While the safety of a return is paramount to permanency planning for children, it is important that decisions be made with a child-specific assessments related to the community and situation to which a child would return, rather than an assumption of conditions in another country.

Parental rights: Immigrant parents taken into custody by immigration officials are at risk of losing their parental rights much more quickly than US-born parents who are incarcerated. Deportation should not be seen as a sufficient reason for the termination of parental right. However child welfare workers, supervisors and legal and judicial professionals often lack the knowledge, or perceive a lack of resources, to find and engage or assess deported parents for safe placement in the country of origin. As a result, children with family resources in other country are often unfairly freed for adoption, and risk the loss of connection to family, culture, language, and other meaningful sources of healthy development.

Notion of limited resources: Conducting assessments in foreign countries and facilitating cross-border placements are often not included in permanency planning for children of deported or detained parents because of concerns about cost for services and quality of services in the foreign country. On average, children in foster care cost the state child protection system over \$30,000 per year. Investing in the safe placement of a child with his or her family in another country can save state systems money while working to keep families together when it's in the child's best interest.



Contextual Considerations

U.S. Citizen Children of Deported Parents

We must be aware, and accepting, of the fact that it may be in the best interest of a child taken into protective custody after the deportation of a parent to be reunified with that parent in his or her country of origin. Obtaining comprehensive assessments of a parent or potential caregiver in another country, as well as an assessment of the resources available to that child upon his or her placement is a crucial step in making decisions in the best interest of the child.

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Non-U.S. Citizen Children of Deported Parents

Non-citizen children who are taken into custody after the detention or deportation of a parent are at increased risk as

they are not subject to the same rights and services as U.S.-born children. As has been widely publicized regarding the recent “Zero Tolerance Policy,” children who unlawfully enter the country with their parents are separated and processed as unaccompanied minors and must be released to a sponsor or the care of an ORR foster home within 20 days while awaiting removal proceedings, which can take several years due to current backlogs.

Unlike state child protection systems, children released to a sponsor or an ORR home do not receive the same level of follow up care and case management, and there is no federal mandate that applies to them requiring states to practice family finding and engagement or make case management decisions in the best interest of the child. As a result, there are significant gaps in data and our

understanding of the outcomes for these children and adolescents who can spend years separated from their families, and still face a very real likelihood of receiving a deportation order and being returned to a home country.

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Unaccompanied Minor Children

Less than 30% of all unaccompanied children receive an adjustment of immigration status, despite

laudable efforts to provide legal aid to these children. The majority of cases are terminated or have an administrative closure without granting any kind of relief. As a result, thousands of undocumented minors in the US are subject to immigration enforcement and at risk of detention and deportation. Thousands more “voluntarily” repatriate to avoid the risk of formal deportation procedures.

Repatriation and reintegration services must be incorporated into concurrent planning for these children, whether they enter the child protection system or receive services through other community-based social service programs. Identifying and establishing connection with family members overseas, assessing community resources and developing a reintegration plan must begin well before a child or adolescent is returned.

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Recommended Practices

We must face the harsh reality that it is our responsibility to protect vulnerable families regardless of whether they stay in America or are forced to leave. These plans must be made in advance of departure and be coordinated with appropriate social service entities in the families' home country. These interventions will prevent unnecessary involvement with the domestic child welfare system, which risks prolonged family separation and further destabilization.



Social Service Workforce Training

Social service interventions increasingly demand knowledge of immigration policy and familiarity of issues affecting immigrant families. In the child welfare system, front line workers, supervisors and legal teams are called upon to provide services and make decisions and service plans in the best interest of the child. Social workers need expanded training on the resources available to support children and families preparing for deportation, assist in creating a safe repatriation plan, collaborate on reintegration services in the foreign country, and track outcomes for their clients.



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Repatriation and Reintegration Planning

Social workers and social services agencies can support repatriation and reintegration planning for families facing deportation in a number of ways:

1. Help identify families at risk of separation and support their access to reliable, up-to-date information to help them create a plan for a disruption. This includes assigning temporary custody in the event of detention or deportation.
2. In the event that children are taken into protective custody following the detention or deportation of a parent, social service workers can help identify family resources both domestically and internationally to support permanency planning in the best interest of the child. Deported or non-custodial parents have a right to participate in permanency planning for their children, including requesting placement with them in their country of return as part of concurrent planning.
3. Ensure the homes and caretakers with whom children will be placed are safe and appropriate, and there are mechanisms in place to support the long term integration into family and community life. ISS-USA partners help identify schools, medical facilities, behavioral and mental health providers, and other community resources where the child (and family) would re-locate. Assessments conducted by local social workers provide US judges and family courts with child-specific information to make informed decisions.
4. Support family reunification and reintegration through ongoing case management and communication with service providers in the country of departure and the country of arrival. The members of the ISS Network can help connect families to resources in their local communities to sustain placement and prevent further separation.

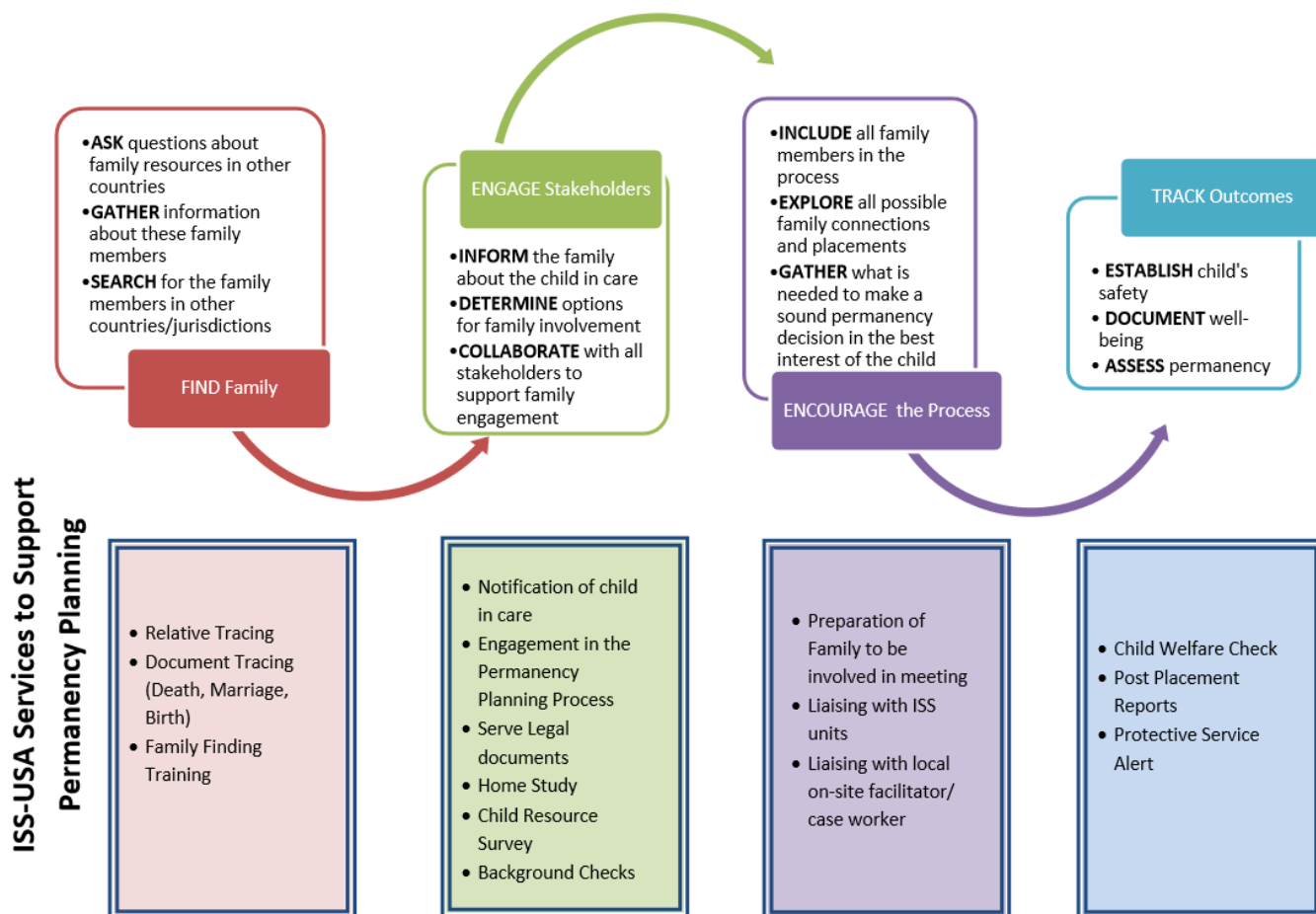
Family Finding and Engagement

Whether engaging in permanency planning for children in the domestic child welfare system or children released to ORR care after apprehension on the border, it's important to start family finding and engagement efforts as soon as possible. The 2008 Fostering Connections to Success Act requires that Departments of Social Service have 30 days from the time a child enters into their care to look for and notify family members of that child that she is in care, inform them of their right to participate in the permanency planning process, and provide them with information about what will happen if they chose not to participate. There is no geographical limitation as to where this family finding must take place. Therefore, even if the family you are looking for is in a foreign country you

are required by Federal Law to begin the family finding process within the 30 day period. Please see the ISS-USA Family Finding and Engagement Flowchart below.



The FEET Model for Achieving Permanency

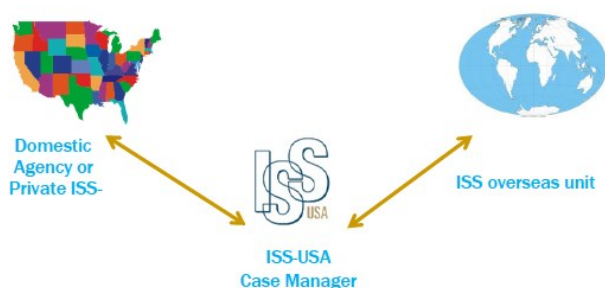


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Resources

International Social Service-USA (www.iss-usa.org)

International Social Service, USA partners with public and private child welfare entities in the U.S. and around the world to provide services to children and families separated by borders, regardless of circumstance. ISS-USA services include searches for documents and individuals, home studies on relatives of a child in care, child resource surveys to assess child-specific risks and resources of a community to which a child may return, development of return and reintegration plans, and post placement follow up after a child is placed. A full list of services can be found here: (www.iss-usa.org)



Embassies and Consulates

Embassies and Consulates are important allies and stakeholders in this work. Embassies are supposed to be notified when a deportation order is issued to one of their citizens. Similarly, state child protection agencies are required to complete a Consular Notification when a child taken into protective custody is a foreign national or has citizenship in another country. While we know these notifications don't always happen in a timely way, or sometimes at all, coordination with embassies and consulates reinforces cross-border communication and coordination.

There are many children eligible for dual citizenship based on parental birth who were never registered in their parent's country of origin in order to legally obtain citizenship in that country. In the case of children born to immigrant parents, working with consular offices to obtain citizenship documentation for another country can facilitate the child's access to family and resources in the other country and support reunification planning.

Liaising with embassies and consulates can facilitate flow of information and connection to governmental protection agencies and programs, however cross-border coordination must extend to community-based

planning that makes long-term reintegration efforts effective.

Seneca Center for Family Finding: <http://www.familyfinding.org/resourcesandpublications.html>

Conclusion

As immigration policies continue to shift, and particularly as they cause international family separation, it is important to be flexible, proactive and creative to develop necessary social service protections for children and families crossing borders.

Referrals & Assistance

To refer a case, or get expert technical assistance on working with children separated from their parents across and international or state border please e mail: question@iss-usa.org

Publications:

Children on the Move: From protection towards a quality sustainable solution: A practical guide

http://www.iss-ssi.org/images/Childrenonthemove_Guide.pdf

Delap, E., & Wedge, J. (2016). *Guidelines on children's reintegration*. Inter-agency Group on Children's Reintegration. http://www.familyforeverychild.org/wp-content/uploads/2016/08/RG_Digital_DC.pdf

Rietig, V., & Dominguez-Villegas, R. (December 2015). Washington, DC: Migration Policy Institute. <http://www.migrationpolicy.org/research/stopping-revolving-door-reception-and-reintegration-services-central-american-deportees>

Inter American Commission on Human Rights. (2014, August). Rights And Guarantees Of Children in the Context Of Migration and/or In Need of International Protection: Advisory Opinion Oc-21/14. http://www.corteidh.or.cr/docs/opiniones/seriea_21_eng.pdf

Guidelines for Alternative Care of Children

https://www.unicef.org/protection/alternative_care_Guidelines-English.pdf

Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children https://www.unicef.org/protection/files/Moving_Forward_Implementing_the_Guidelines_English.pdf