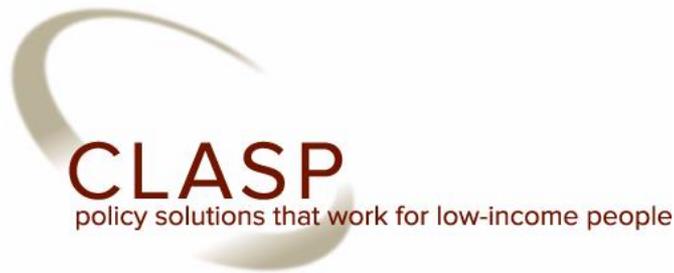


# Supporting Young Children in Immigrant Families: What Early Childhood Stakeholders Need to Know

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# Overview

- Who are the children impacted by immigration enforcement policies, and how do these policies harm a child's development?
- What are current early childhood policies and eligibility rules related to children in immigrant families?
- How do the new executive orders change immigration enforcement policy?
- How can early childhood stakeholders better support children and families at risk?
- Questions?

# Young Children in Immigrant Families

- Children of immigrants represent **one quarter of all children in the U.S.**, and comprise the fastest growing segment of the young children population (0-5)

# Children Impacted by Immigration Enforcement

- **Children in mixed status families:** Children living with at least one undocumented parent.
  - **More than 5 million children in the U.S. live in a mixed-status family, and 4.1 million are U.S. citizens.**

# Children Impacted by Immigration Enforcement

- **Undocumented children:** Children living in the U.S. without legal authorization.
  - There are less than 1 million undocumented children (0-17) estimated to be living in the U.S.

# Children Impacted by Immigration Enforcement

- **Unaccompanied children:** Children who have no lawful immigration status in the U.S.; have not attained 18 years of age, and with respect to whom: 1.) have no parent or legal guardian in the U.S.; or 2.) have no parent or legal guardian in the U.S. is available to provide care or physical custody.
  - More than 68,000 children entered the U.S. in 2014, with numbers dropping in 2015, and increasing again in 2016

# How Immigration Enforcement Harms Children's Development

- Family separation
- Harms children's mental and physical health
- Undermines family economic security
- Climate of fear further restricts children's access to education, public benefits, and other services



# Young Children of Immigrants and ECE

Hannah Matthews, Director, Child Care and Early Education, CLASP

# The Immigration Context and Early Childhood

- Low-income immigrant families face many of the same barriers accessing child care and early education as all low-income families.
  - And immigrant families face additional barriers related to language, culture and immigration status.



# Immigrant Restrictions in ECE

- Immigrant eligibility differs by funding stream and setting.
  - Federal government sets eligibility for federal programs.
  - Privacy protections on individual information are in place across programs, but specifics vary.

# Federal Civil Rights Protections

- All children in US are entitled to equal access to a basic public elementary and secondary education regardless of their citizenship or immigration status.
- Schools must provide equal access to public education.
  - Prohibited from discrimination, including on basis of national origin
  - Cannot deny enrollment on the basis of citizenship or immigration status of child or parent/guardian(s).
  - Cannot deny enrollment for lack of birth certificate or foreign birth certificate.



*SCOTUS, Plyler v Doe, 1982; Civil Rights Act of 1964; Privacy Act of 1974*

# Child Care Assistance

- The Child Care and Development Block Grant (CCDBG) and Temporary Assistance for Needy Families (TANF) are the two primary sources of federal child care assistance for low-income families.
- CCDBG and TANF-funded child care have different rules for immigrant eligibility as established in 1996.

# TANF-Funded Child Care

- Generally TANF funds are not available to immigrants in their first five years in US.
  - States may use state funds to provide TANF services to immigrants.
- After five years, “qualified” immigrants may be eligible to receive TANF-funded child care.
  - Qualified immigrants include lawful permanent residents, refugees, and additional categories of migrants and asylum seekers.
  - TANF-funded child care typically serves the needs of the parent, who is the subject of eligibility.
- TANF transfers to CCDBG follow CCDBG eligibility rules.

# CCDBG Funded Child Care

- CCDBG is a “federal public benefit”
  - Most applicants are subject to verification of immigration and citizenship status—with eligibility limited to “qualified immigrants”.
  - CCDBG regulations make clear *only* child’s citizenship or immigration status is relevant for eligibility determination.
  - SSNs may not be requested as a condition of eligibility/enrollment.

# Exceptions to CCDBG Immigrant Restrictions

- Restrictions *do not* apply:
  - CCDBG-funded services that are subject to federal Head Start Program Performance Standards and supported by combined Head Start and CCDBG funding.
  - CCDBG-funded services in settings that are subject to public educational standards.
  - Nonprofit charitable organizations may be exempt from verifying citizenship or immigration status of applicants for child care assistance.

# Other Early Learning Programs without Restrictions

- Eligibility is not restricted based on citizenship or immigration status of child or parent;
  - Head Start
  - Child and Adult Care Food Program (CACFP)
  - MIECHV
  - Preschool Development Grants

# New Executive Orders on Immigration Enforcement

Emily Butera, Senior Program Officer,  
Women's Refugee Commission

**Emily Butera**

**Women's Refugee Commission**

**Impacts of Trump Immigration  
Enforcement Executive Orders on  
Children and Families**



# Overview of Presentation

- Immigration Enforcement and Detention 101
- Existing DHS policies and procedures affecting family unity
- Expected impact of new Executive Orders on children and families
- Interventions and Resources



# Key Federal Agencies

- U.S. Customs and Border Protection (CBP)
- U.S. Immigration and Customs Enforcement (ICE)
- U.S. Citizenship and Immigration Services (USCIS)
- HHS Office of Refugee Resettlement (ORR)



# DHS Ramping Up Enforcement

- Immigration enforcement increasing nationwide
- Fear is large part of the strategy
- Ripple effect on children and communities
  - Children/parents afraid to go to schools
  - Families afraid to access benefits/services
  - Victims afraid to report crimes



# What Does Interior Enforcement Look Like?

- Fugitive operations (home raids; operations near schools)
- Worksite raids
- CBP traffic stops
- Cooperation with local and state law enforcement (287(g) and Secure Communities)



# What Happens When A Person is Apprehended by ICE?

- Sent to immigration detention (facilities nationwide)
- No opportunity to make childcare arrangements
- Those with prior deportations can be deported rapidly without judicial review
- Asylum-seekers can be detained for months or years



# Existing ICE Family Unity Policies and Procedures

- Prosecutorial Discretion (narrowed but exists)
- ICE Sensitive Locations Memo
  - ✓ Stipulated locations include pre-schools, primary schools, childcare and early education programs
- Transfer Memo
  - ✓ Limits ICE transfers away from attorneys and family



# ICE Parental Interests Directive

- Facilitates parents' ability to maintain relationship with children, esp. those in child welfare custody
- Can help parents:
  - ✓ Remain near children
  - ✓ Participate in reunification plans and court
  - ✓ Reunite at conclusion of case
- Certain provisions (discretion and parole) may be rescinded



# Border and Interior Executive Orders

(Signed 1/25/17)

- ✓ *“Border Security & Immigration Enforcement Improvements”*
- ✓ *“Enhancing Public Safety in the Interior of the United States”*
- Status of implementation difficult to ascertain but are in effect
- No EO on public benefits at this time



# Effects of Executive Orders

- Massive increase in enforcement, detention, and deportation
- Anyone w/o status is vulnerable to apprehension
- Certain categories prioritized including those who abuse public benefits
- Increased involvement of police in immigration enforcement (chilling effect on victims of crime)



# Effects of Executive Orders

- Rapid deportation (esp. of those deported previously) or prolonged detention
- Eliminates privacy rights for non-USCs/LPRs; Families may be apprehended after reunification
- Prosecution of parents who use smugglers to bring children
- Increased fines and penalties for unlawfully present individuals and those who assist them



# What Can You Do To Help?

- If a **US Citizen child** is affected by a parent's detention:
  - ✓ ICE Detention Reporting & Info Line: **1-888-351-4024**
  - ✓ ICE Parental Interests Email: [ero.info@ice.dhs.gov](mailto:ero.info@ice.dhs.gov)  
(Put parental interests in subject line)
- Direct **emergency cases** to the ICE Parental Interests Coordinator
  - Dep. Asst. Dir. of ICE Enforcement & Removal Ops.**
  - Andrew Lorenzen-Strait**
  - Andrew.R.Lorenzen.Strait@ice.dhs.gov**



# Important Consideration

If a child or the person caring for them is  
undocumented,  
do not contact ICE.

Doing so may put the child or their caregiver  
at risk

Refer family to an immigration attorney:  
<http://www.ailalawyer.org/>



# Resources for Educators, Advocates and Allies

- WRC's Make A Plan: Migrant Parents' Guide to Preventing Family Separation
- WRC Parental Rights Toolkit: Detained or Deported: What About My Children?
- Add'l resources for attorneys, social workers, educators, and parents in development



# For more information:

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**WOMEN'S  
REFUGEE  
COMMISSION**

[womensrefugeecommission.org](http://womensrefugeecommission.org)



# Supporting Children And Families At Risk

Elisa Ortiz, Director of Network  
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- Appleseed is a network of 17 public interest justice centers across the United States and Mexico, connected by a national hub office in Washington, DC.
- Appleseed works on a number of issues, including immigration, especially in terms of court reform and encouraging pro bono legal representation of immigrants



- In 2012 we released a manual titled “Protecting Assets and Child Custody in the Face of Deportation”
- We are currently in the process of updating the manual – updated chapters are posted to our website as they are completed (17 so far)
- Sections in the manual include child custody and related children's issues, personal finance, personal property, remittances, wages and benefits, business, and tax implications



- Child custody - This chapter provides guidance in understanding child custody and guardianship, planning custody arrangements before detention or deportation, and protecting parental rights during detention
- Key considerations:
  - State of residence
  - Relationship and immigration status of parents
  - Legal vs. physical custody
  - Custodial rights and their impact on parental rights in the future
  - What happens if a child ends up in the child welfare system



## Safety planning basics

- Designate a caregiver (US citizen or with legal status)
- Inform child care providers and others about the caregiver in case a parent does not arrive to pick up their child
- Collect important documents (birth certificates, medical and school records, passports for the child, etc.)
- Set up a guardianship/power of attorney if possible (consult a lawyer)
- Discuss the plan with children, family and other essential people



- Assets and benefits of minor children
  - This chapter covers the effect of deportation (of a parent) on a child's assets and general considerations for protecting assets including personal property, bank accounts, credit cards, education savings plans, etc.
- Key takeaways
  - Minors usually can't own property – property is typically owned by parent
  - If parent is at risk for deportation, he/she should consider transferring custodianship or trusteeship to another adult



- Enhancing Safety in Public Schools
  - Research what your local school district’s policy is (or is not) – vast majority of school districts have policies to protect students
  - Legal protections
    - Federal Education Rights and Privacy Act (FERPA) limits records/info that can be disclosed to law enforcement
    - National School Lunch Act (NSLA) restricts who may access records of students who qualify for free or reduced-price meals
    - Privacy Act of 1974 – can’t deny a right or benefit to any person based on refusal to provide an SSN



- Coming soon: chapter on the psychological impacts of deportation on children; state by state forms and guidance on child custody and power of attorney legal documentation
- For more info and to review the manual visit [www.appleseednetwork.org/deportationmanual](http://www.appleseednetwork.org/deportationmanual)
- To sign up for email updates when new chapters are released, visit <http://bit.ly/deportmanual>



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# Supporting Children And Families At Risk (cont.)

Wendy Cervantes, Senior Policy Analyst,  
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# How Early Childhood Stakeholders Can Support Students and Families

- **Re-assure students and parents** that programs are safe from intrusion by ICE, and ensure all personnel are familiar with the sensitive locations policy and other relevant internal policies
- **Promote welcoming learning environments**
- **Review existing policies** to ensure they are in compliance with federal policies and consider additional policies that will prevent the inappropriate record and release of immigration status
- **Connect parents to information** (Know Your Rights, safety planning, etc.) as well as resources in the community (legal services, mental health, etc.)
- **Utilize community-based partnerships** to hold on-site Know Your Rights and other informational workshops

# Resources

## **CLASP:**

[Immigrant Eligibility for Federal Child Care and Early Education Programs](#)

[How Trump's Immigration Enforcement Orders Harm Children's Development](#)

## **Women's Refugee Commission:**

[Resources for families facing deportation](#)

## **Appleseed:**

[Protecting Assets and Child Custody in the Face of Deportation](#)

# Additional Resources

- [Department of Education Sensitive Location Policy Fact Sheet](#)
- [ICE Transfer Policy](#)
- [ICE Parental Interest Directive](#)
- [Department of Education Resource Guide: Building a Bright Future for All](#)
- [United We Dream Know Your Rights Fact Sheets](#)
- [AFT “Protecting Our Students” Resources](#)

# CLASP Data Collection Project

- CLASP is documenting how young children and families are being affected by increased immigration enforcement and other immigration policy proposals
- We plan to speak with individuals and organizations across the country, including:
  - Direct service providers in early childhood education, social services, and legal services
  - Immigrant- and refugee-serving organizations
  - Immigrant families
- If you have a story to share, please contact Wendy Cervantes and Rebecca Ullrich at [immigrationproject@clasp.org](mailto:immigrationproject@clasp.org) or 202-906-8038.

# Q&A

Please submit questions  
via the chat box.

