

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

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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
(Put parental interests in subject line)
- Direct **emergency cases** to the ICE Parental Interests Coordinator

Dep. Asst. Dir. of ICE Enforcement & Removal Ops.

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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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Supporting Children And Families At Risk

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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
- 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.)

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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 or 202-906-8038.

Q&A

Please submit questions
via the chat box.

