

# Fairness & Equity Symposium



2005



# Undocumented Immigrant Children in the Child Welfare System

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# Workshop Overview

- ❖ Fairness & Equity
- ❖ Population Statistics
- ❖ Immigrant Children in the Child Welfare System
- ❖ Strategies
- ❖ Outcomes

# Fairness & Equity

Social Equity implies fair access to

- Livelihood and resources
- Self-determination in meeting fundamental needs

# Fairness & Equity

Social equity is the cornerstone of  
Social Capital

- Education
- Authority
- Religion
- Community
- Diversity
- Legal systems

# Fairness & Equity

Achievement may result in a reduction of spending on:

- Prisons
- Security enforcement
- Welfare
- Social services

# Fairness & Equity

## At Structural and Institutional Levels

- Foundations of abuse/neglect
- Disparities
- Policy
- Practice

# Immigration Statistics

- 31 million immigrants in the U.S. (12% of the total population)
- More than half from Latin America
  - 46.7% Mexico
  - 26.4% Asia
  - 15.8% Europe
  - 2.8% Africa
  - 2.7% North America

# Immigration Statistics

More than 2/3 of the Immigrant population live in one of the following:

- California
- Texas
- New York
- Florida
- Illinois
- New Jersey

# Undocumented Immigrants

Current estimates range from 7 million to 10 million

Approximately 1.6 million are undocumented immigrant children under 18

Another 3 million are U.S. citizens who are children of undocumented parents

# Undocumented Immigrants

## 2005 California Demographic Report

- 1980-3.6 million
- 2005-9.8 million
- 2030-14.1 million
  - 1.6 million children under 18 in U.S.
  - 150,000+ in California

# Working with Undocumented Individuals: Rights

## Article 36-Vienna Convention on Consular Relations

- Consular notification
- Access
- Intervention/representation

# Working with Undocumented Individuals: Options

I. Repatriation

II. International Placement

III. Adjustment of Immigration Status  
(SIJS)

# Special Immigrant Juvenile Status (SIJS)

Immigration Act of 1990, Section 101 includes the “best interest of the child” in its eligibility criteria and requires the:

- child is under twenty-one (21) years of age
- unmarried
- Juvenile Court makes the following findings:
  - child continue to be a dependent of the Juvenile Court
  - child is eligible for permanent placement due to abuse, neglect or abandonment and,
- affirmation that it is not in the child’s best interest to be returned to the country of nationality or country of last habitual residence

# Strategies

- Administrative buy-in and commitment
- Protocol to ensure compliance and best practice
- Training/Education
- Memorandum of Understandings (MOU's)
- Data collection

# Facts & Figures

\*Riverside County\*

## Referrals to Consulates

January 2004 – December 2004

***168 children***

January 2005 – June 2005

***167 children***

# Facts & Figures

*\*Riverside County\**

## Current/on-going cases with Consulate

Includes: Home studies, background checks, birth certificate requests and visits

***31 cases***

## Repatriations (Transports)

January 2005 –September 2005

***16 children***

January 2004 – December 2004

***17 children***

# Facts & Figures

\*Riverside County\*

## Immigration (SIJS) Cases

- Current immigration cases  
***41 children***
- Completed/Terminated cases  
***99 children***
- PRUCOL (Potential change of status application)  
***44 children***

# Outcomes

- No mechanism for statistics
- No baseline data
- No data on specific needs
- Increased barriers

# Recommendations

- Future research and action:
  - Preventative measures
  - Management policies
- To address current policy
  - Focus on culturally appropriate family reunification efforts
  - Specially trained counsel
  - Prompt INS response
  - Nationwide data collection
  - Financial resources
  - Sensitivity to demographic transitions