

Immigrant Children and Child Welfare Practice in Oregon

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Child Welfare Mission/Values:

- **Mission:** The mission of Children, Adults, and Families is to improve family capacity to be self-sustaining while creating a safe and permanent living environment for children.
- **Values:** *Every* child in Oregon has the right to grow up in a safe, permanent and nurturing family home. Oregon's child welfare practice focuses on each child's individualized needs for safety, permanency and well-being.

The following are *some* of the core values which are the foundation for policies, procedures and practices:

- Child safety is the fundamental right of every child in our state and the paramount concern of the child welfare system.
- Identifying and understanding children's individual needs are the first steps toward meeting those needs.

Core Values continued

- Identifying and reinforcing parental strengths and capacities to keep their children safe are the first steps in mobilizing them to meet children's needs.
- Children's needs for safety and permanency are urgent, requiring that the child welfare system activate and complete with corresponding urgency child-specific plans to meet those needs.

POPULATION BEING SERVED

- US Citizens;
- Legal Permanent Residents (LPRs) - legal permanent residents are permitted to live and work in the US but have not yet become citizens;
- Naturalized citizens - immigrants who have applied for and obtained citizenship;
- Legal non immigrants - temporary visitors such as students and temporary workers;
- Undocumented immigrants or undocumented aliens – these individuals **have entered the U.S.A. without inspection or authorization, overstayed their entry visas or had visas cancelled by the government. These are the children we are focusing our conversation on today.**

REQUIRED DHS WORK WITH FOREIGN CHILDREN

- Consular Notification as per the Vienna Convention on Consular Relations (1963) Articles 36 and 37; ORS 109.119; 419B;
- Reunification efforts and culturally appropriate services are provided;

REQUIRED..continued

- Concurrent planning and Relative Search is conducted; appropriate Consular communication is maintained for possible assistance in studying relatives from country of birth; possible placement and/or supervision requirements under the Hague Inter-country adoption requirements.

Special Immigrant Juvenile Status (SIJS)

- Statutory Authority – the federal law that governs SIJS is found at 8USC 1101(a)(27)(J) and the federal SIJS regulations are found at 8 CFR 204.11.
- Expanded Definition for Special Immigrant Juvenile – under Section 235(d)(1) of the TVPRA a special Immigrant Juvenile is now defined as: an immigrant who is present in the USA :

SIJS continued

- Who has been declared dependent on a juvenile court located in the US or whom such a court has legally committed to or placed under the custody of, an agency or department of a *State*, or an *individual or entity appointed by a State or juvenile court located in the United States*, and whose reunification with 1 or both of the *immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law*; and

SIJS continued

- for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to their or their parent's previous country of nationality or country of last habitual residence.

SIJS continued

- This Status is based on issues of deprivation, maltreatment or abandonment rather than a desire to secure legal immigration for the minor/youth.

EXERCISE

- Which of the following youths, both undocumented immigrants, would be a candidate for SIJS?
- CASE : # 1 Minh Kao Lee, 12 was removed because of acute physical and emotional abuse. After six months in care his case plan was changed to a non-reunification plan with a permanency plan option of long term foster care in the Oregon. His grandparents overseas have refused to acknowledge their mixed race grandchild. Response ??

EXERCISE continued

- CASE # 2
- Mauricio Jimenez - 6 was placed in foster care due to chronic neglect. The permanency plan is reunification. His parents have been making only marginal improvements in the case plan.
- RESPONSE ?

Other trends

- U-Visa cases
- Unaccompanied Minors

THANK YOU

