



Legal Issues for Children and Families During Uncertain Times

Abigail Trillin, Executive Director

Legal Services for Children

Immigration Status 101

- Citizens
- Different Statuses for Non-Citizens:
 - Lawful Permanent Resident (LPR, “green card” holder)
 - Asylees, Refugees
 - Temporary Protected Status (TPS)
 - Nonimmigrants:
 - Visa holder (tourist, business, student, etc)
 - Others granted temporary status (U visa, T visa, SIJS, etc)
 - Deferred Action (e.g. DACA)
 - Undocumented

Immigrant Children

National Statistics:

- 25% of children in U.S. come from an immigrant family (have at least one foreign born parent)
- 90% of children under 18 living in immigrant families are U.S. citizens
- Many children live in “mixed status” families where different family members have different immigration statuses

* Annie E Casey Foundation, Kids Count Data Center, 2015.

Immigrant Children

California Statistics:

- 48% of all children in California have at least one immigrant parent (2/3 from Latin America, 1/4 from Asia)
- 5% of children in California are immigrants
- 7% of children in San Francisco are immigrants
- More likely to live in two parent households
- Almost twice as likely to be poor
 - <http://www.aecf.org/m/resourcedoc/AECF-ChildreninImmigrantFamiliesStatebyState-2009.pdf#page=19>
 - www.kidscount.org, child population by nativity

Immigrant Children

- Many immigrant children come to the U.S. with family or to join family
- May have entered at a very young age
- May be very acculturated in U.S.

Executive orders/memos

– President Obama

- Prioritized removal of recent arrivals (including families and children) and persons with criminal convictions
- Extended the categorical use of prosecutorial discretion for certain groups (e.g. non-criminal offenders, DACA, undocumented parents-DAPA).

Executive orders/memos

– President Trump

- Eliminates priorities for full enforcement under immigration law (current carve-out for DACA recipients)
- Discourages categorical use of prosecutorial discretion
- Encourages the greater use of summary removal procedures
- Calls for expanded use of detention, especially at the border
- Calls for examination of UAC designation, and use of alien smuggling grounds of removal for parents
- Orders the building of a wall on southern border with Mexico
- Calls for hiring over 15,500 immigration officers and judges
- Limits entry to citizens of certain countries and refugees
- Encourages use of state/local law enforcement to enforce immigration law
- Withdrawal of federal funding from jurisdictions that do not cooperate

Community Fears

- Raids
- Campaign Promises
- Emboldened ICE officers

New Service Needs

- Legal defense to deportation
- Information-Know Your Rights
- Family Planning Advice
- Advice for Providers

Remaining Directives

- Sensitive Location Memo
- ICE Parental Interest Directive (placement, vistration)

SB 1064 - The Reuniting Immigrant Families Act

- SB 1064 – law passed in 2012 to help ensure that undocumented immigrant parents and relatives are treated as equitably as possible in child custody and dependency cases in California
 - Requires reasonable efforts be made to reunify a family even if parents are detained or deported
 - Provides for extended reunification for immigration-related reasons
 - Confirms that relatives should be given preferential placement even if they are undocumented
 - Requires CDSS to provide guidance to child welfare agencies on assisting children eligible to apply for Special Immigrant Juvenile Status (SIJS), T and U-visas, and VAWA self-petitions.

What does a sanctuary city do to protect its immigrants?

Local police won't detain noncitizens on the federal government's behalf.

No cooperation from city employees with ICE.

Does not limit ICE's ability to conduct raids or other enforcement activity.

Positive initial court decision Sanctuary case

Sanctuary State?

- California Values Act - Proposed Senate Bill 54
 - Introduced by Senator De Leon December 5, 2016

Practice Pointers

- If working with an immigrant child or family, make sure that you explain that you are **not** ICE and will not be sharing info you share with them with ICE
- If client is undocumented, seek appropriate referral for screening and representation.
- Limit disclosure of information regarding undocumented children or family members

Other ways to help your clients

- Encourage safety planning for children and families in case of enforcement actions
 - E.G. ILRC's Family Preparedness Plan
 - <https://www.ilrc.org/family-preparedness-plan> (English, Spanish)
- Share KYR materials and referrals for immigration consultations
 - <https://www.ilrc.org/know-your-rights-and-what-immigrant-families-should-do-now> (English, Spanish, Chinese)
 - www.sfilen.org/publication/ (English, Spanish, Tagalog, Chinese, Arabic)

Additional resources

- ILRC Help for Immigrant Families Post Election: Guidance for Schools
 - https://www.ilrc.org/sites/default/files/resources/schools_post-election-v4.pdf
- ILRC Post Election Talking Points
 - https://www.ilrc.org/sites/default/files/resources/post-election_talking_points.pdf
- National Immigration Law Center: Know your Rights
 - <https://www.nilc.org/get-involved/community-education-resources/know-your-rights/>
- Appleseed Protecting Assets and Child Custody in the Face of Deportation
 - <http://www.appleseednetwork.org/wp-content/uploads/2012/05/Protecting-Assets-And-child-Custody-In-The-Face-Of-Deportation-A-Guide-for-Practitioners-Assisting-Immigrant-Families-2012.pdf>

Immigration Referrals

- Legal Services for Children: www.lsc-sf.org (focus on San Francisco and Oakland children and youth, especially those not living with a parent)
- Bar Association of San Francisco, www.sfbar.org/immigration (for legal news and updates)
- BASF LRIS (415) 989-1616 (private attorneys and nonprofits providing removal representation)
- If looking for referrals outside of SF, can look on <https://www.immigrationadvocates.org/nonprofit/legaldirectory/>
- Rapid response hotline to report ICE enforcement actions (raids) in SF ONLY: (415) 200-1548