

# Supporting Immigrant Parents in 2025

2025 FALL FAMILY DEFENSE CERTIFICATION TRAINING

BILOXI, MS

SEPTEMBER 17, 2025

# Presenter Information

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AMERICAN BAR ASSOCIATION

Center on Children  
and the Law

# ABA Center on Children and the Law

- Mission: To promote access to justice for children and families
- Staff: 20-person team of attorneys and core staff
- Commission: 20 ABA members advise on policies and programming focused on youth legal needs
- Approach: collaboration and coalition-building at local, state and national levels
- Grant projects across the country focusing on:
  - legal representation
  - legal systems that affect children, parents and families.
- Child Welfare & Immigration Project:
  - Supports courts and agencies working with immigrant children, parents, and kin in the dependency system (or at risk of involvement)
  - Helps child welfare attorneys and immigration attorneys understand their clients' legal needs
  - Shares practice tools & models
  - Strengthens connections between the two legal fields

Visit our website: [www.americanbar.org/child](http://www.americanbar.org/child)



## Important Disclaimer

- This presentation is for educational purposes only and does not constitute legal advice.
- It is based on information currently available.
- Changes in the law are expected, and **anyone who is directly affected should speak with an immigration lawyer** to find out how they are directly impacted and how future changes in the law may affect or benefit them.

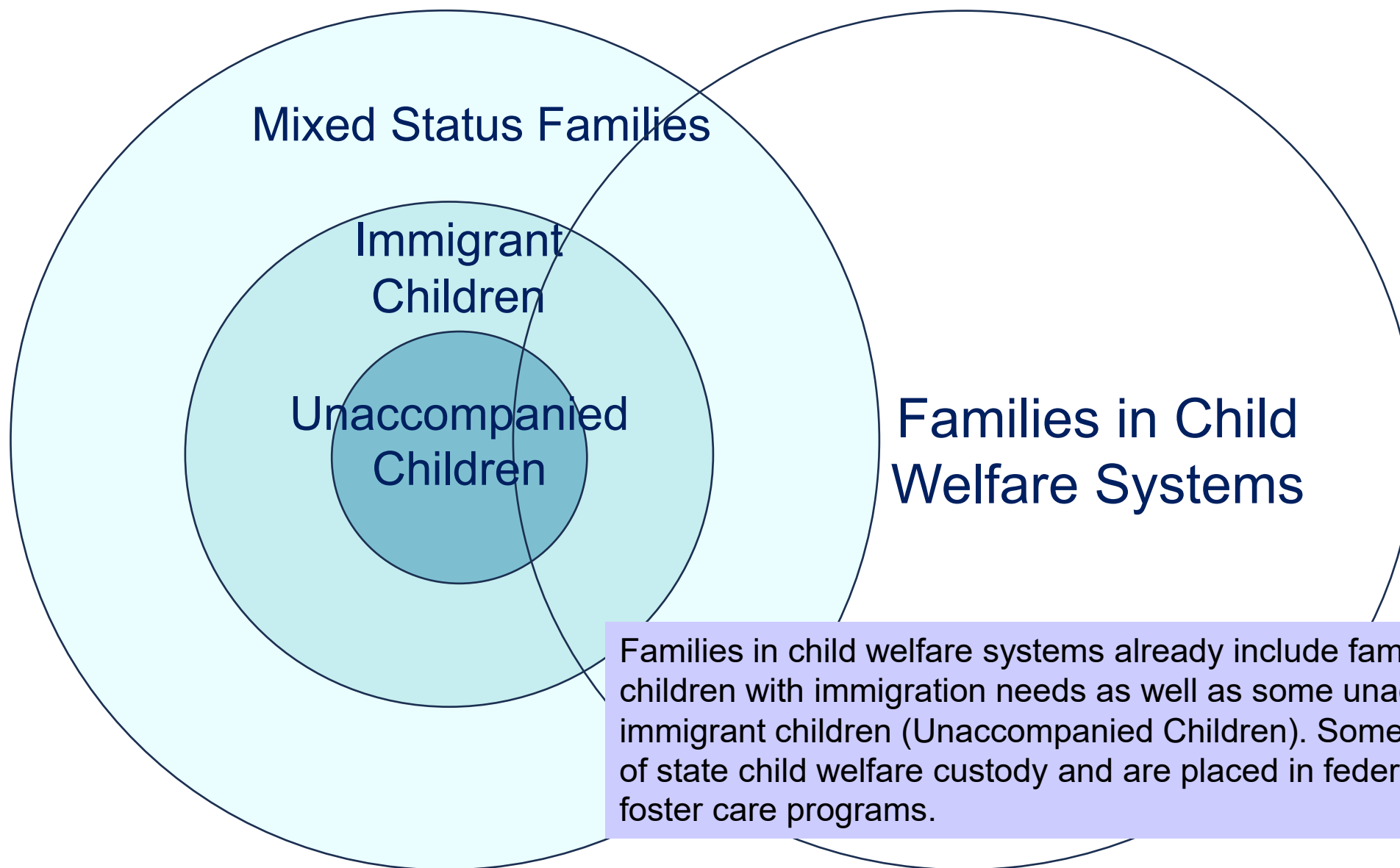
# Learning Objectives

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1. Provide an overview of U.S. immigration systems
2. Explore recent updates to immigration process and their potential impacts to families in child welfare
3. Discuss components of preparedness planning for immigrant parents and empower them to make decisions in case of detention or deportation
4. Consider use of the ICE Detained Parents Directive to facilitate parental participation in the child welfare case, expedite reunification with children, and advocate for release from detention
5. Identify tools for cross-border case and permanency planning
6. Issue-spot humanitarian visa options for immigrants and identify resources for high-quality legal representation

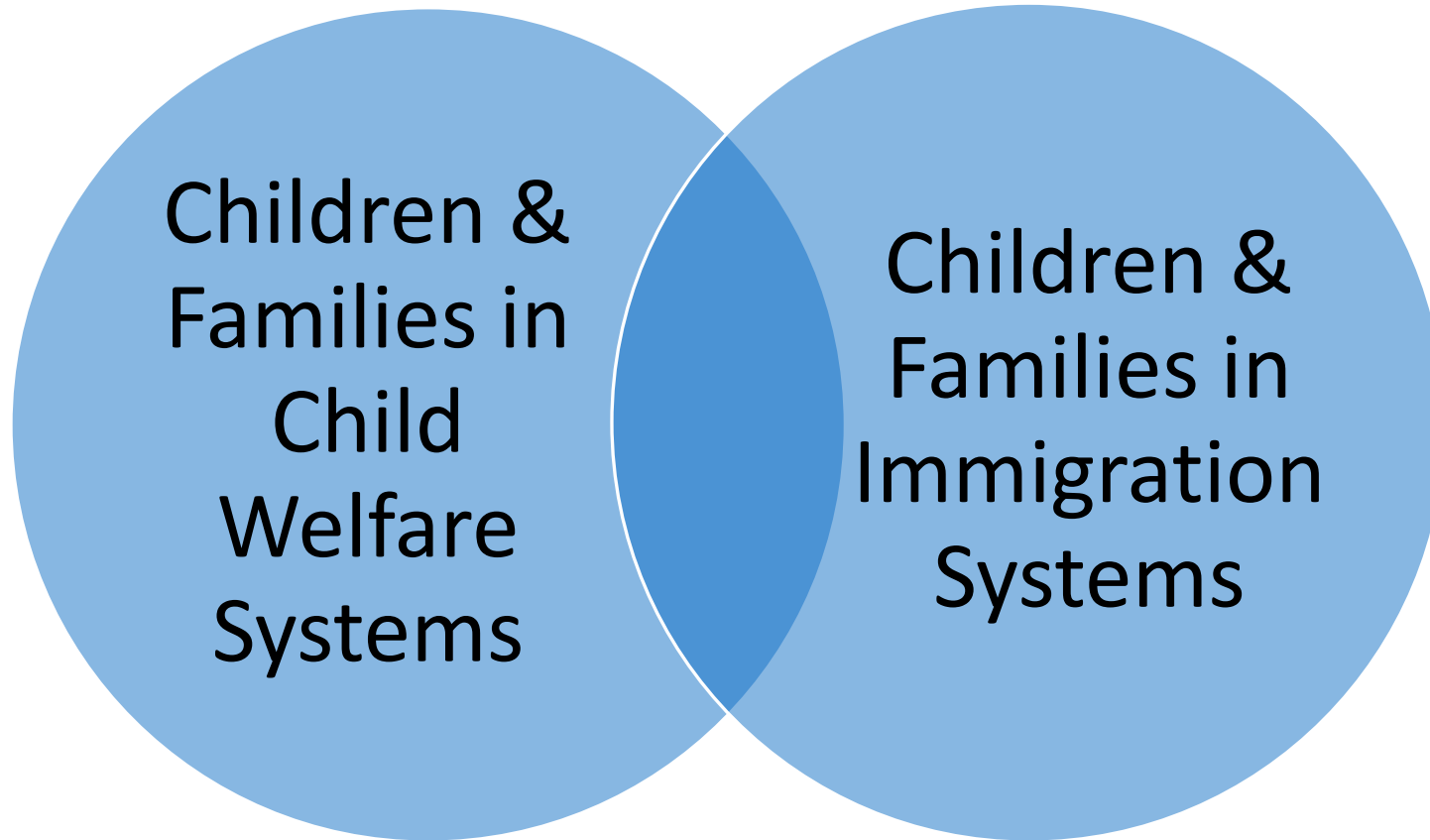
# Overview of U.S. Immigration Systems

# Immigrant Families & Child Welfare



# Children & Families in Child Welfare Systems

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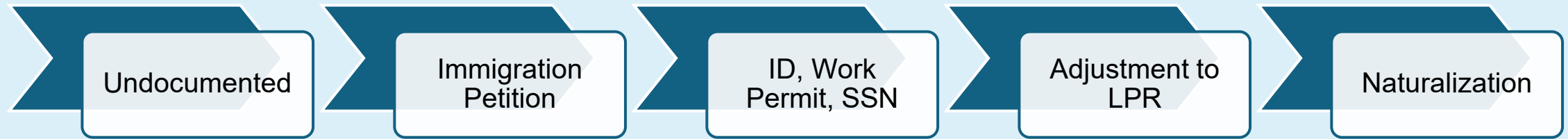
## The Immigration Intersection:

when a non-citizen person's status, **or** an immigration process or policy

- effects family **separation and/or impedes reunification**;
- poses a barrier to **permanency and/or child safety**; or
- reduces **equitable access** to services or outcomes

# Lawful Status Pathways

*includes Humanitarian Visa & Family-Based Petition*



# Temporary Lawful Presence Pathway

*Temporary Protected Status, DACA, Deferred Action*



# Immigration Key Agencies

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## Dep't of Homeland Security

- CBP: Customs & Border Patrol
- ICE: Immigration & Customs Enforcement
- HIS: Homeland Security Investigations
- OPLA: Office of the Principal Legal Advisor
- USCIS: United States Citizenship & Immigrant Services

## Dep't of Justice

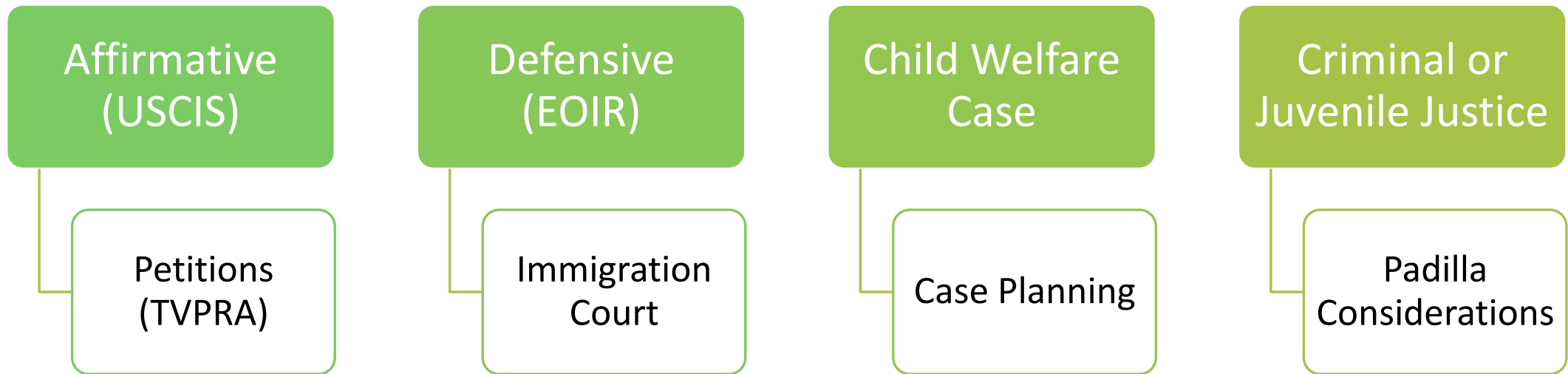
- EOIR: Executive Office of Immigration Review (Imm Court)
- IJ: Immigration Judge

## Dep't of Health and Human Services

- ACF: Administration of Children & Families
- ORR: Office of Refugee Resettlement

# Concurrent Systems for Immigrants in U.S.

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# Addressing Immigration Needs in Child Welfare Cases

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Language access

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Referral to immigration attorney

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Participation of detained parent

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Participation of parent outside U.S.

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Access to services

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Ongoing family finding in U.S. and abroad

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Individualized reasonable efforts

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Consulate participation (if appropriate)

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Immigration system court dates, application, appointments

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Safe repatriation

# Recent Updates to Immigration Process

# Increased Interior Enforcement

Expansion of Expedited Removal to a larger group of people than before which allows for speedy deportation without access to a judge or hearing

Misunderstanding about this program may lead people to “agree” to deportation when they could contest removal.

Can be taken out of ER if state true fear of return

NO “SAFE PLACES” mean that immigration enforcement can happen anywhere

*Vasquez Perdomo v. Noem* temporarily lifts district court bar to immigration “roving patrols” and allows them to move forward amid concerns of racial profiling, where agents justify suspicion based on race, language, location, and type of work.

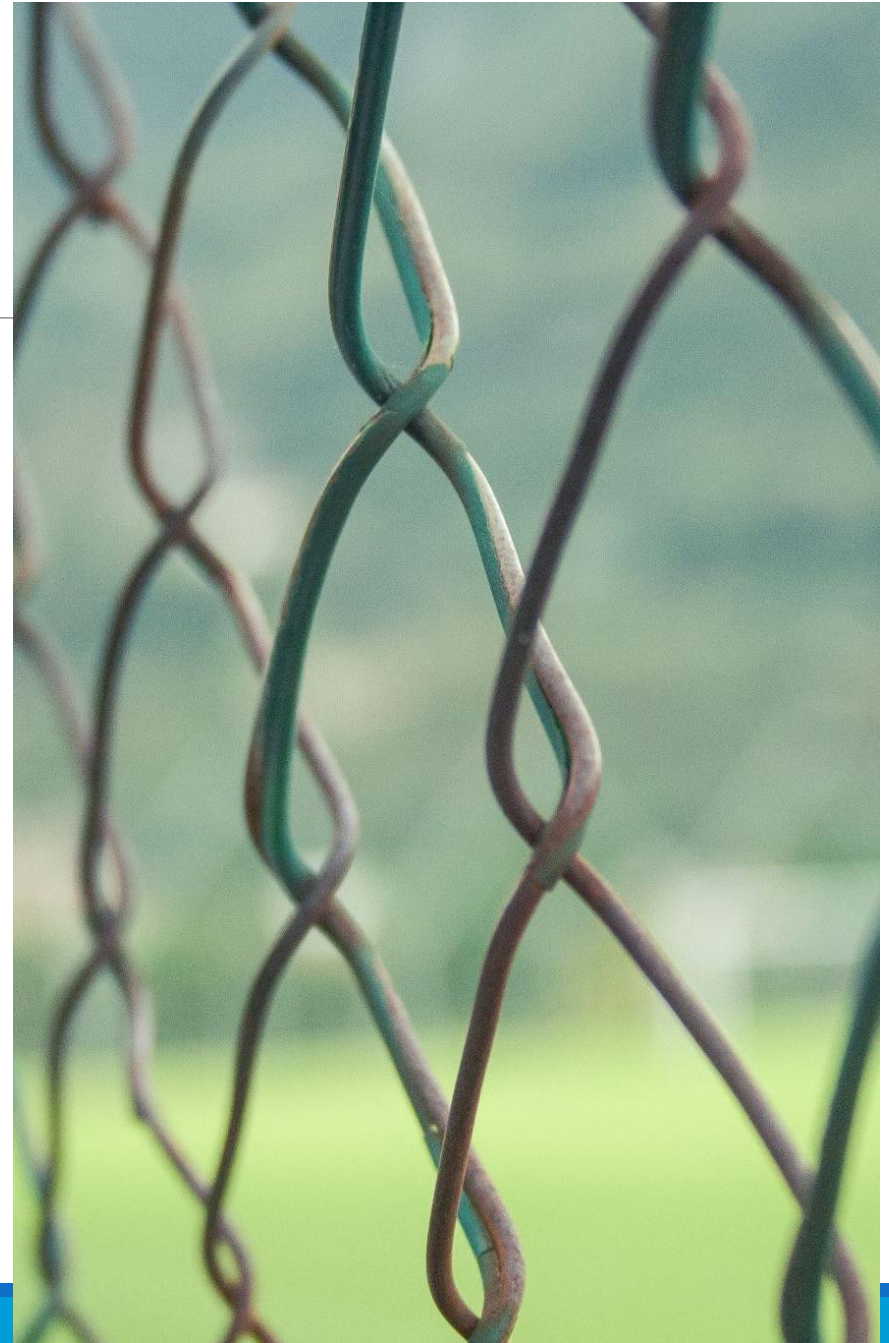
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## BEFORE:

Within 100 miles of the border

Within 14 days of arrival to US

Enforcement priorities left discretion  
with agents and attorneys



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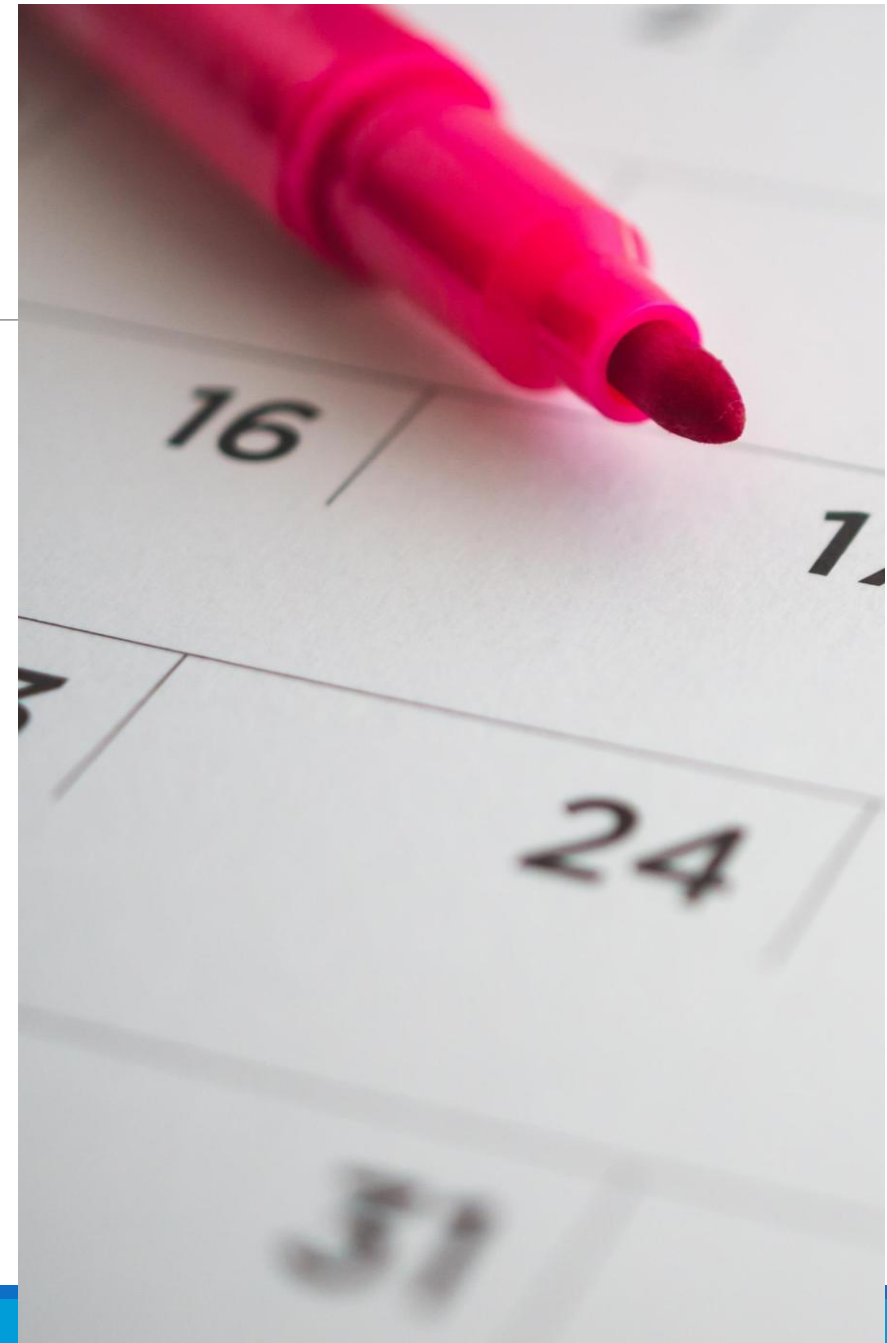
NOW:

Anywhere in the U.S.

If agents believe they entered **within  
past 2 years**

Everyone is a priority

**ALSO, prior removal order can be  
enforced without court**



# Components of Preparedness Planning

# What is the parent attorney's role?

## 4-Step Standard Screening Every Time

### 1. Confidentiality

- Explain your role and duty of confidentiality

### 2. Explain why

- “I ask these questions of every client to see if there may be immigration concerns that will impact your case. Your answers will be kept confidential unless you decide otherwise.”

### 3. Ask only what is needed

- *See suggestions on following slide*

### 4. Gratitude & Next Steps:

- “Thank you for your trust. [Next steps: XXX]”
- \*\*\* *Next steps are case specific, but typically will include a **safety plan and referral** for immigration legal consultation.*

# Ask Only What Is Needed: Sample Scripts & Suggestions

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- If you are not a citizen, this will impact how we need to plan for your safety and future decisions in your case. It may impact your access to services, could delay reunification and make other aspects of your case more difficult. I would like to try to help you address this challenge.
- Where were you born? (If any country other than United States....)
- Do you have any immigration concerns?
- Do you or does anyone in your household lack secure immigration status?
- An immigration lawyer can help you understand your rights and options to remain in the United States with legal status or make an informed decision about departing the United States.
- Would you like me to see about arranging a referral to an immigration lawyer?

# Language Access Considerations

Identify	Identify the parent's best language
Ensure	Ensure the parent receives information in their best language (especially once involved with MDCPS)
Arrange	Arrange interpretation of court proceedings, client meetings, etc.
Translate	Translate documents



## Finding Immigration Attorneys:

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- **Immigration Advocates Network (Non-Profit)**
  - <https://www.immigrationadvocates.org/nonprofit/legaldirectory/>
- **NIWAP List of Directory of Immigrant Serving Orgs:**
  - <https://niwaplibrary.wcl.american.edu/home/directory-programs-serving-immigrant-victims/>
- **AILA Find a Lawyer (Includes Private Practice)**
  - <https://www.ailalawyer.com/>
- **DOJ List of Pro Bono Legal Service Providers:**
  - <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>

# PLAN AHEAD

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**Understand  
legal options**

**No False  
Statements or  
False  
Documents**

**Make advance  
arrangements**

**Have a  
Lawyer**

Basic Rights  
that Apply to  
All Regardless  
of Citizenship  
Status

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4<sup>TH</sup>

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5<sup>TH</sup>

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6<sup>TH</sup>

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# Before ICE Arrest:

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SILENCE IS GOLDEN!



# How to Invoke the Right

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“I ASSERT MY RIGHT TO REMAIN  
SILENT”

# IF ARRESTED BY ICE:

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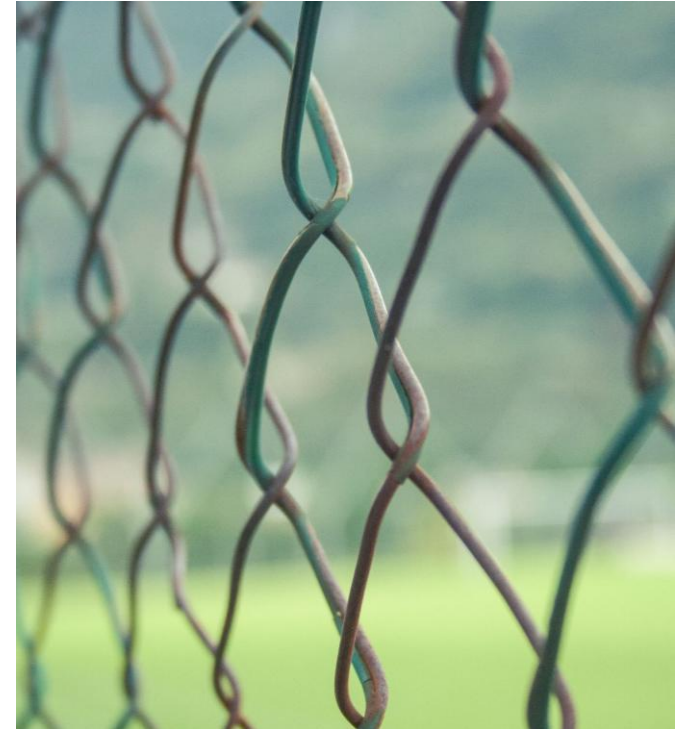
**DO** respond honestly to questions about name, address and DOB

**A PERSON CANNOT BE COMPELLED TO ANSWER QUESTIONS ABOUT IMMIGRATION STATUS OR COUNTRY OF ORIGIN EVEN AFTER ARREST. THEY MAY INVOKE THEIR RIGHT TO SILENCE.**

- Is there a fear of return to the country of origin? If so, state this clearly and repeat.
- If the person a parent? Consider if this is information that you will choose to share.

**DO NOT** resist, run, sign anything, make any non-verbal statements, sign anything, make any decisions without a lawyer

**Locate:** <https://locator.ice.gov/odls/#/search>



# ENCOUNTERING ICE IN PUBLIC SPACES

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DO remain calm.  
DO NOT run.

ASK if you are  
free to go. If yes,  
walk away.

Right to Remain  
Silent

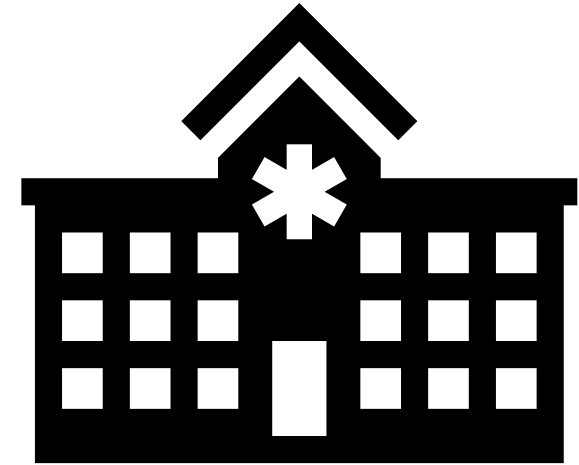
Right to refuse to  
sign anything

May refuse  
consent to search  
of  
person/property

Phone Passcode

Driver's License—  
Must Provide if  
Driving

Recording  
Considerations



# WHAT IF ICE COMES TO THE HOME? A person may choose to:

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- Remain calm.
- **Do not open the door.**
- Slide red card under the door or hold up to a window:
- **State clearly that they are asserting your rights.**
- **Invoke right to remain silent.**
- Ask for documents to be slid under door or held up to a window.
- Take photos of documents.
- Do not give permission to enter your home.
- Do not sign anything,
- Ask to examine any warrant.
- Call an immigration lawyer.

# 2 TYPES OF Warrants

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## **Judicial –signed by a named judge**

Arrest warrant (for a person)

Search warrant (for an address, place or things)


Authorizes entry or search even without consent but limited to the scope of the warrant



## **Administrative warrants—ICE form**

Does not authorize entry or search unless **public place** OR consent

# Immigration Arrest Warrant

 Immigration and Customs Enforcement

**Warrant of Removal/Deportation**  
Pursuant to Section 217

File No. \_\_\_\_\_

To any Officer or Employee of the United States Immigration and Customs Enforcement:


Pursuant to Section 217 of the Immigration and Nationality Act, an authorized officer of the United States Immigration and Customs Enforcement has ordered that

\_\_\_\_\_ (Full Name of Alien)

who entered the United States at or near \_\_\_\_\_ on or about \_\_\_\_\_ a subject to removal/deportation from the United States, based upon a final order by:

an Immigration Judge in exclusion, deportation, or removal proceedings  
 a District Director or a District Director's designated Official  
 the Board of Immigration Appeals  
 a United States District or Magistrate Court Judge

be deported from the United States of America. I, the undersigned Officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of appropriation "Salaries and Expense, Immigration and Naturalization Service, 2007", including the expenses of an attendant, if necessary.

  
(Signature of INS Official)  
Field Office Director/Dallas, TX  
(Title of Authorized Official)


\_\_\_\_\_  
(Date)


Form I-302 (Rev. 4-1-97)

To be completed by Service Officer executing the warrant:

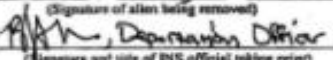
Name of alien being removed: \_\_\_\_\_

Port, date, and manner of removal: \_\_\_\_\_

  
Photograph of alien removed

  
Right index fingerprint of alien removed

\_\_\_\_\_  
(Signature of alien being removed)

  
(Signature and title of INS official taking print)

Departure witnessed by: \_\_\_\_\_  
(Signature and title of INS official)

If actual departure is not witnessed, fully identify source or means of verification of departure:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If self-removal (self deportation), pursuant to 8 CFR 241.7, check here:

Departure Verified by: \_\_\_\_\_  
(Signature and title of INS official)

Return executed warrant to: DHS/ICE, Attn./D&R, 8101 N. Stemmons Freeway, Dallas, TX 75247

United States District Court  
SOUTHERN DISTRICT OF FLORIDA

SEARCH WARRANT

CASE NUMBER:

TO: \_\_\_\_\_ and City Authorized Office of the United States

Affidavit(s) having been made before me by \_\_\_\_\_ who has read  
believe that  on the person of or  on the premises known as \_\_\_\_\_  
THE RESIDENCE OF: \_\_\_\_\_ MIAMI, MIAMI-DADE COUNTY,  
FLORIDA

in the \_\_\_\_\_ SOUTHERN District of \_\_\_\_\_ FLORIDA there  
concealed a certain person or property, namely \_\_\_\_\_

I am satisfied that the affidavit(s) and any recent testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before \_\_\_\_\_  
(not to exceed 10 days) the person or place named \_\_\_\_\_ the person or property specified, serving this warrant at any time in the day or night as I find reasonable has been established) and if the person or property be found there to seize same, leaving a copy of this warrant receipt for the person or property taken, and prepare a written inventory of the person or property seized and to return the warrant to \_\_\_\_\_ as required

U.S. Magistrate Judge \_\_\_\_\_  
Miami, Florida

# Search Warrant

- It is unusual for an immigration agent to have this type of warrant.
- If an immigration agent presents this order, he has to either: (1) arrest, or (2) search, depending on the specifics in the warrant.
  - If an arrest warrant, a person may present themselves outside the home to prevent agent entry.

# PLAN AHEAD: Common Ways to Sort Documents

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Parent's  
Identity  
Documents

Child(ren) &  
Child Care

Health/Medical

Finances

Assets

Contacts

- Attorney(s)
- Trusted Persons

# Putting the Plan in Action

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Who do children need to call and in what order?

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Do the alternative caregivers or trusted family and friends know the plan?

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Do they know how to locate the important documents?

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Do children and trusted adults know how to access emergency funds, food, or shelter?

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Backup plan for deportation

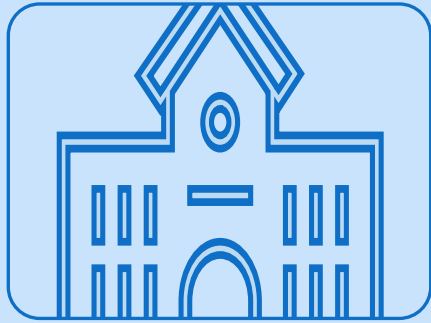
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KEEP TALKING

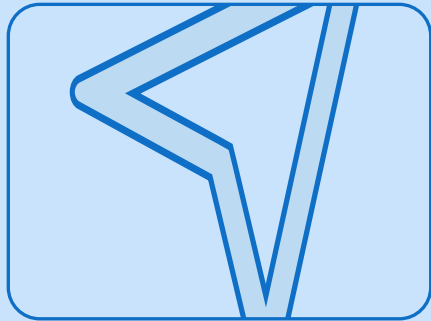
# ICE Detention & Detained Parents Directive

# Detained Parents: Key Resources

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**Educate:** <https://www.ice.gov/detain/parental-interest>;  
<https://cimmcw.org/wp-content/uploads/ICE-Detained-Parents-Directive-Practice-Advisory-Final-Sept-2025.pdf>



**Locate:** <https://locator.ice.gov/odls/#/search>

# Detention Planning

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**Notify:** If child has been removed, notify the Parental Interests unit by email of the case

- Email: [parental.interests@ice.dhs.gov](mailto:parental.interests@ice.dhs.gov)
- Online contact form: <https://www.ice.gov/webform/ero-contact-form>
- Outreach email of the local ICE office: <https://www.ice.gov/contact/field-offices>

**Plan** for parent's participation in court cases and family and legal visitation

- Immigration court case status information is available here: **EOIR (Immigration Court) Hotline:** 1-800-898-7180; <https://acis.eoir.justice.gov/en/>

# Rights of People in ICE Custody

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The right to see an immigration judge (in most cases)



The right to an immigration attorney (at own expense)



The right to an interpreter for hearings



If the person is a parent or legal guardian, the ICE Detained Parents Directive may be implicated

# What is the parent attorney's role?

Locate parent

Call detention center to find out details on attorney access and visitation. In many cases, simple messages can be passed to detainees

Communicate with detained client and identify their goals

Consider communicating with ICE Parental Interest Unit (national) and ICE Field POC (local)

Identify client's specific ICE deportation officer

# Parent attorney's role, cont.

Advocate for participation in case services and hearings

Advocate for the goal to remain reunification, if that is what your client wants. Ask client if deported, whether they would want their children to remain in United States or remain with them abroad.

Ensure that the agency provides reasonable efforts to achieve the permanency goal your client wants.

- Travel documents
- Voluntary departure or parole vs. removal from detention center

Document, document, document!!!

# Laken Riley Act

- Mandatory detention for minor offenses, including shoplifting, with no eligibility for release on bond or parole
- Includes those “charged” or “arrested for” or “admits essential elements of” the crimes
- Does not specifically exempt children, SO children can be treated same as adults, prosecuted, detained indefinitely
- Amends 236(c)(1) of the INA (“mandatory detention”), adding a fifth category

# MANDATORY DETENTION BASICS

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*Inadmissible* under INA § 212(a)(2) CMT, controlled substance, or other serious crimes (listed), or 5+ years

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*Deportable* under INA § 237(a)(2), includes aggravated felony, CMT, controlled substance, and firearm offenses

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*Deportable* under INA § 237(a)(2)(A)(i) CMT within 5 years of admission, more than 1 year sentence

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Inadmissible for deportable for engaging in terrorist activity, representative, member or associated with an organization, or espousing or inciting such activity

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# ADDITIONAL MANDATORY DETENTION CATEGORY (LAKEN RILEY)

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*Inadmissible* for one of the following reasons:

- Being present without being admitted or paroled (INA § 212(a)(6)(A));
- Fraud, misrepresentation, or falsely claiming U.S. citizenship (INA § 212(a)(6)(C)); or
- Lack of proper documentation at time of admission (INA § 212(a)(7)(A)).

**AND** charged, arrested, convicted, or admits (essential elements of):

- Burglary
- Theft
- Larceny
- Shoplifting
- Assault of a law enforcement officer, or
- Any crime resulting in death or serious bodily injury to another

# Cross-Border Case & Permanency Planning

# Guiding Legal Principles from State Courts

- All parents have the same constitutional interests in the care, custody, and control of their children regardless of immigration status.
  - Rights not altered by detention or deportation
  - Courts must find parental unfitness, not just unavailability, before TPR
- All parents have the right to substantive and procedural due process protections in child welfare legal proceedings.
  - Includes opportunity to hear and understand testimony, respond to allegations, and communicate with counsel
  - Courts and agencies can apply exceptions to procedural rules (e.g. ASFA timelines) if detention or deportation creates delays that affect reunification goal

The Impact of a Parent's Immigration Status on Child Welfare Cases: Guiding Principles from State Court Case Law

ABA  
AMERICAN BAR ASSOCIATION  
Center on Children and the Law  
July 2025

We are grateful to Casey Family Programs for supporting the creation of this resource.

This resource offers an overview of five principles that have emerged from state child welfare court decisions where a parent's immigration status is part of the case facts. Judges, attorneys, and child welfare agency staff can use these governing principles to guide their decision-making, advocacy, and efforts when a parent has been detained or deported, is at risk of detention or removal, or resides outside the United States.

### Summary of Common Scenarios

Parental detention or deportation generally affects child welfare proceedings in the following scenarios.

- A child welfare proceeding was initiated based on allegations of maltreatment, and a parent is subsequently detained or deported during the pendency of the case;
- Maltreatment allegations have been filed against one parent, and the other parent against whom there are no maltreatment allegations has been detained or deported, or resides outside the United States;
- The threat of a parent's detention or deportation influences case direction and progress; or
- The parent's detention or deportation leads directly to foster care placement, after the child is suddenly left without a caregiver.

### Five Guiding Principles

1. All parents have the same constitutional interests in the care, custody, and control of their children regardless of immigration status.
  - Those constitutional interests are not altered by detention or deportation.
  - Courts must find parental unfitness, not merely parental unavailability, before determining that permanently severing ties with a parent through termination of parental rights would serve a child's best interests.

[https://www.americanbar.org/content/dam/aba/administrative/child\\_law/immigration-cw-caselaw-guide-8-27-25.pdf](https://www.americanbar.org/content/dam/aba/administrative/child_law/immigration-cw-caselaw-guide-8-27-25.pdf)

# Legal Principles, cont.

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- Neither detention nor deportation constitute abandonment.
  - Courts must look at the parent-child relationship and contact with the child welfare agency to evaluate all circumstances
- Agencies must make reasonable efforts in cases involving detained or deported parents.
  - RE need to match the requirements of a reunification plan so that the plan is feasible for the parent to complete
  - RE efforts require more than telling the parent the contents of a case plan and may necessitate investigation into international resources available in another country
- Courts and agencies may not use the standard of living in another country as a basis for determining a child's best interests in TPR analysis.
  - Cannot order TPR because a child might enjoy a more comfortable life in the U.S.
  - When a parent lives abroad, the agency has a responsibility to investigate reunification with that parent in his or her home country
  - If safety concerns exist for the child in another country, those can be considered as part of the best interests analysis *after* a finding of parental unfitness on behalf of the parent

# How can a parent stay in touch when outside U.S.?

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WhatsApp

Viber

Telegram

Signal

Messenger

Other  
Platforms

# Resources to Assist Families Internationally

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- **Mexican Consulate 24/7 Helpline: (520) 623-7874**
- **Justice in Motion** (Transnational Legal Support):  
<https://www.justiceinmotion.org/legal-action> - For lawyers in U.S. to collaborate with Mexican and Central American lawyers:  
[legalaction@justiceinmotion.org](mailto:legalaction@justiceinmotion.org)
- **International Social Services:** [question@iss-usa.org](mailto:question@iss-usa.org)
- **KIND Repatriation Program for Mexican and Central American children:**  
<https://supportkind.org/what-we-do/international/central-america-mexico/return-reintegration-program/>

# What is the parent attorney's role?

Maintain communication with client

Ensure client can participate in case planning and in court proceedings virtually or by phone

Ensure the agency is making reasonable efforts to achieve reunification or other permanency goal, per client's wishes

Advocate based on legal principles as specific to your case

# Issue-Spot Humanitarian Visa Options

# What is the parent attorney's role?

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Use 4-Step Standard Screening

Be aware of immigration legal remedies

Refer client to immigration attorney

# Immigration Legal Remedies (Non-Exhaustive List)

Asylum: persecution based on protected characteristic, fear of return (1 year of entry)

T Visa: forced sex or forced labor

U Visa: crime victim, helps LE

Continued Presence: working with LE while T in progress

TPS: specific list of countries, temporary protection

OTIP: fed certification, trafficking wherever it occurred

VAWA: DV where alleged perpetrator was LPR or USC, legal spouse, (step) parent

Parole: temporary permission

NLPR Cancellation: 10yrs, hardship to USC child/parent, GMC

Family-Based: qualifying relationship

Elements a  
Good  
Immigration  
Attorney Would  
Look For (Non-  
Exhaustive List)

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Qualifying relationship for family-based immigration petition

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Arguments for hardship and good moral character for NLPR  
Cancellation

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Circumstances that could constitute labor or sex trafficking  
(past or present) to qualify for OTIP cert or humanitarian visa

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Survivor of DV or other crimes

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Any fear of return to the home country for purposes of  
asylum or withholding of removal

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FOIA request with DHS, DOJ, etc. to learn more about prior  
removal order and any other immigration history

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Advice to help family navigate rights and legal options and  
achieve goals



## Finding Immigration Attorneys:

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- **Immigration Advocates Network (Non-Profit)**
  - <https://www.immigrationadvocates.org/nonprofit/legaldirectory/>
- **NIWAP List of Directory of Immigrant Serving Orgs:**
  - <https://niwaplibrary.wcl.american.edu/home/directory-programs-serving-immigrant-victims/>
- **AILA Find a Lawyer (Includes Private Practice)**
  - <https://www.ailalawyer.com/>
- **DOJ List of Pro Bono Legal Service Providers:**
  - <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>



# WHERE DO WE GO FROM HERE?

How are your clients going to be better served by our time together today?

What will you do with the information?

# Join the CICW Legal Network



## THE CICW LEGAL NETWORK

The CICW Legal Network connects legal practitioners, judicial decision makers, and court administrators interested in meaningfully addressing the legal needs of immigrant children, parents, and families involved in state child welfare systems. Beginning in 2024, the group will meet virtually on a regular basis to discuss questions and challenges and share solutions and best practices on legal issues including high quality representation of immigrant clients, screening clients for immigration needs in a trauma-centered way, addressing the challenges to permanency particular to immigrant clients, and more.

This network does not provide referrals to immigration or child welfare lawyers and is not a setting for discussion of individual cases. To search for an attorney, visit the [American Immigration Lawyer Association](#), [Immigration Advocates Network](#), or the websites of your state and local bar associations.

If you are interested in learning more and/or joining this network, please contact us below.



<https://cimmcw.org/cicw-professional-networks/>



# OSPD 2025 Fall Family Defender Certification Training

## Session One: Supporting Immigrant Parents in 2025

Wednesday, September 17,  
2025

1:00 p.m. – 3:00 p.m.

Rachel Konrad & Cristina  
Cooper

