

Supporting Immigrant Parents in 2025

2025 FALL FAMILY DEFENSE CERTIFICATION TRAINING

BILOXI, MS

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Casey Family Programs is the nation's largest operating foundation focused on safely reducing the need for foster care and building Communities of Hope for children and families across America.



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



Important Disclaimer

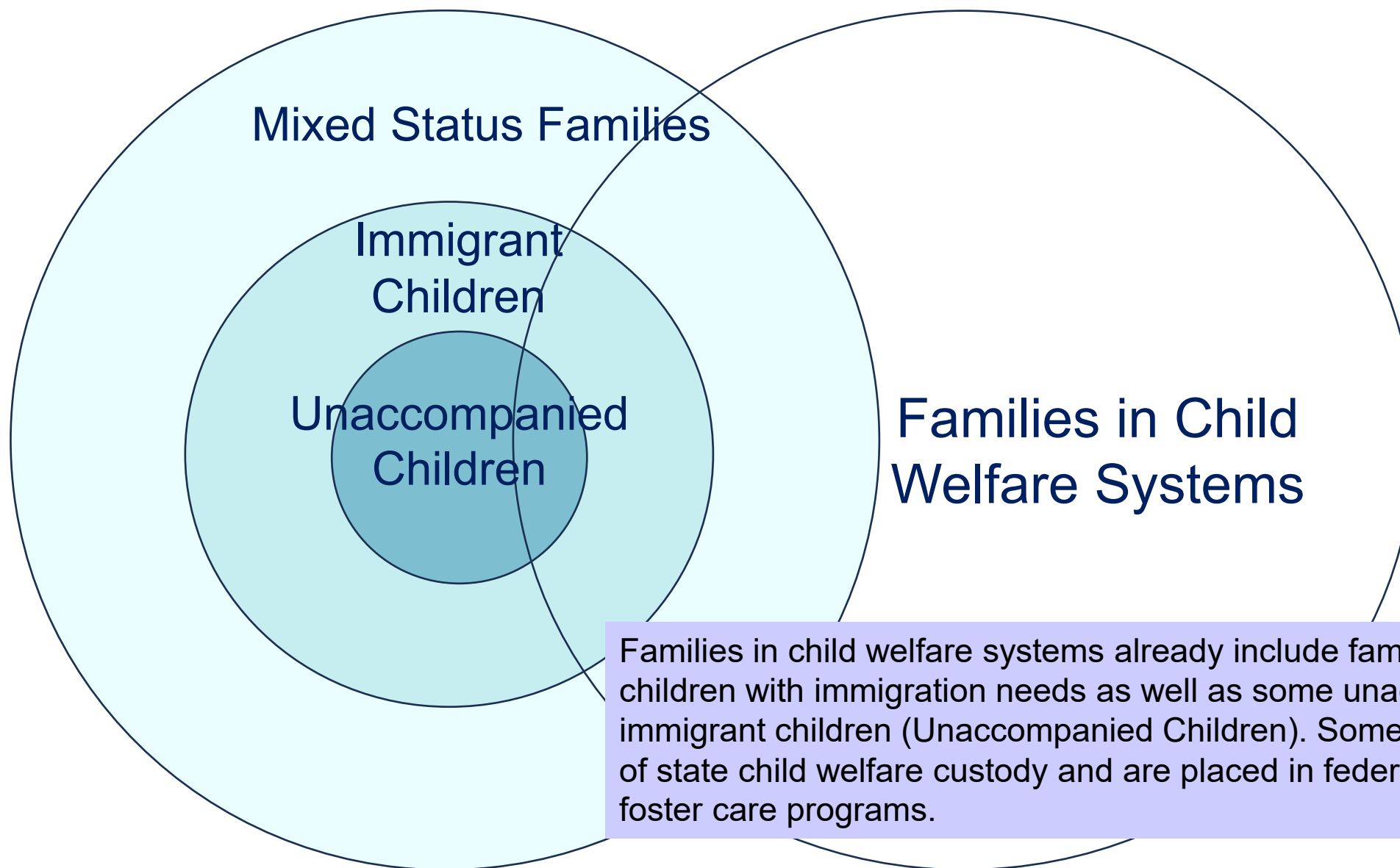
- This presentation is for educational purposes only and does not constitute legal advice.
- It is based on information currently available.
- Changes in the law are expected, and **anyone who is directly affected should speak with an immigration lawyer** to find out how they are directly impacted and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

Learning Objectives

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

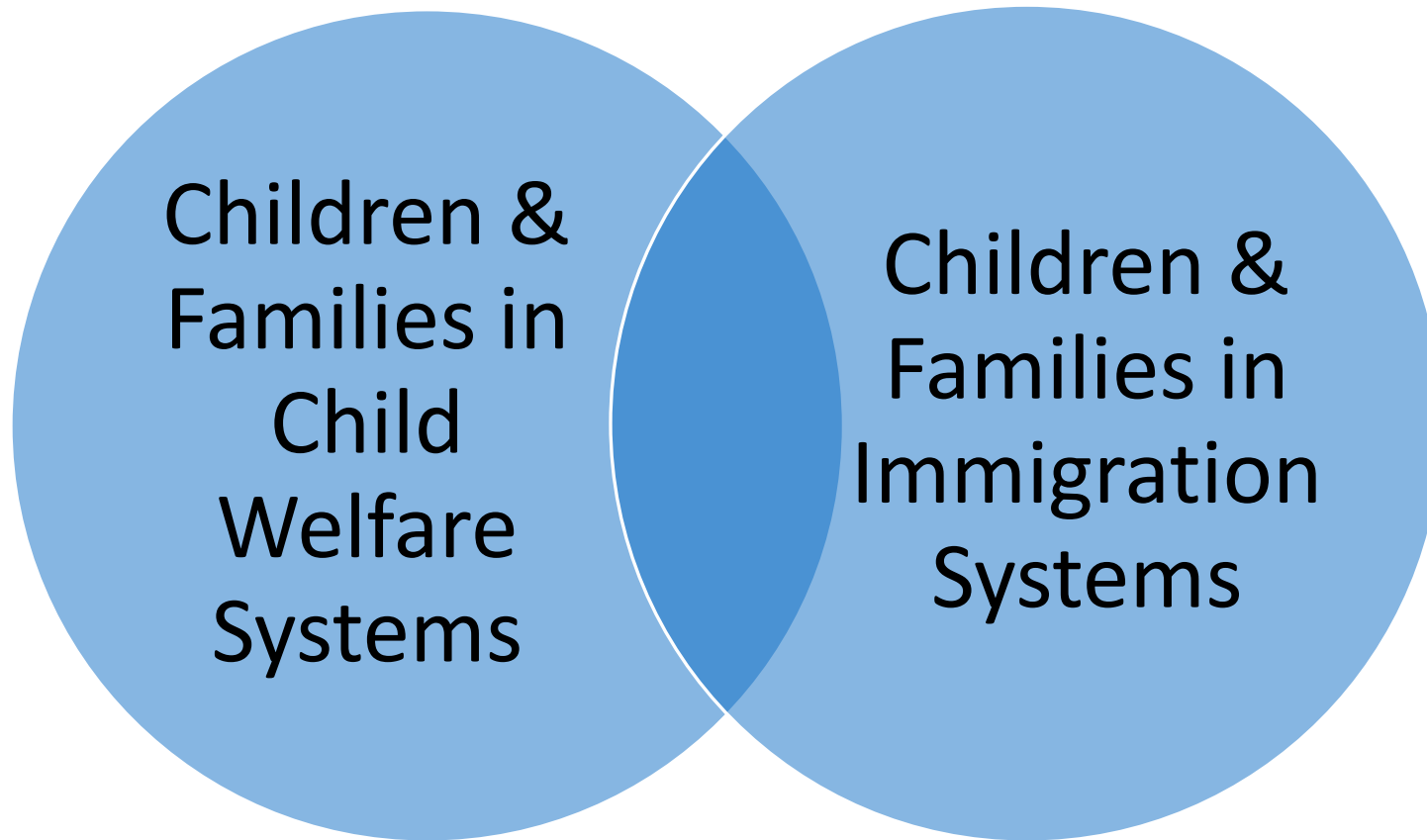
Overview of U.S. Immigration Systems

Immigrant Families & Child Welfare



Families in child welfare systems already include families and children with immigration needs as well as some unaccompanied immigrant children (Unaccompanied Children). Some are outside of state child welfare custody and are placed in federal long-term foster care programs.

Children & Families in Child Welfare Systems



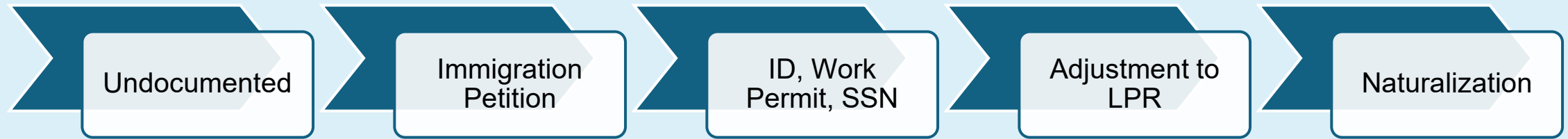
The Immigration Intersection:

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

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

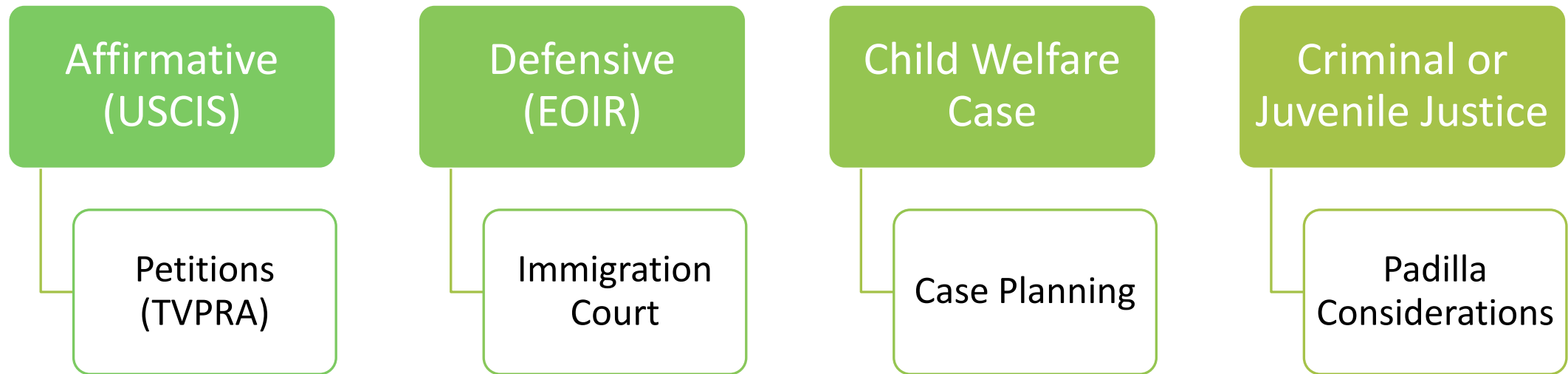
Dep't of Justice

- 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.



Addressing Immigration Needs in Child Welfare Cases

Language access

Referral to immigration attorney

Participation of detained parent

Participation of parent outside U.S.

Access to services

Ongoing family finding in U.S. and abroad

Individualized reasonable efforts

Consulate participation (if appropriate)

Immigration system court dates, application, appointments

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

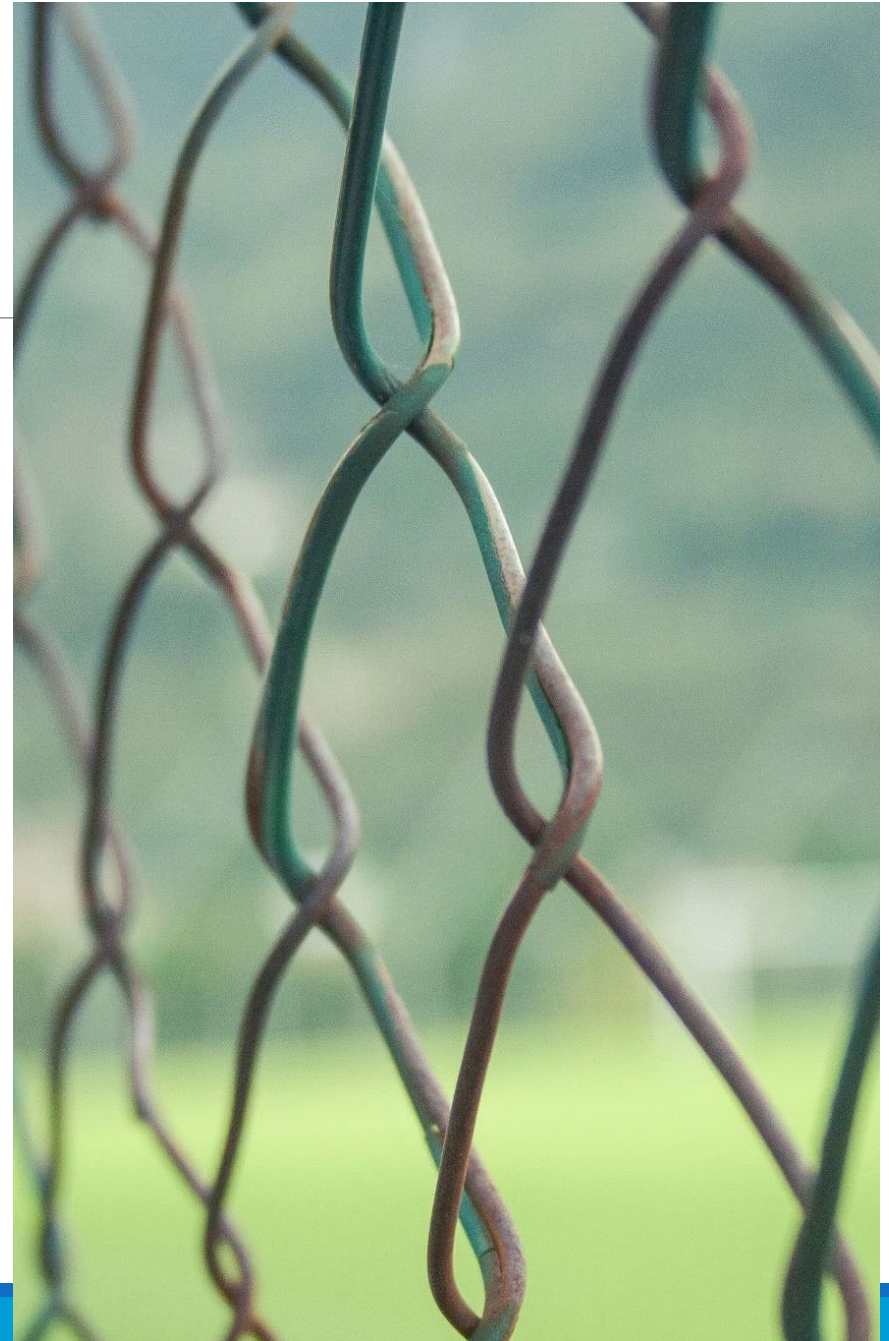
Vasquez Perdomo v. Noem temporarily lifts district court bar to immigration “roving patrols” and allows them to move forward amid concerns of racial profiling, where agents justify suspicion based on race, language, location, and type of work.

BEFORE:

Within 100 miles of the border

Within 14 days of arrival to US

Enforcement priorities left discretion
with agents and attorneys



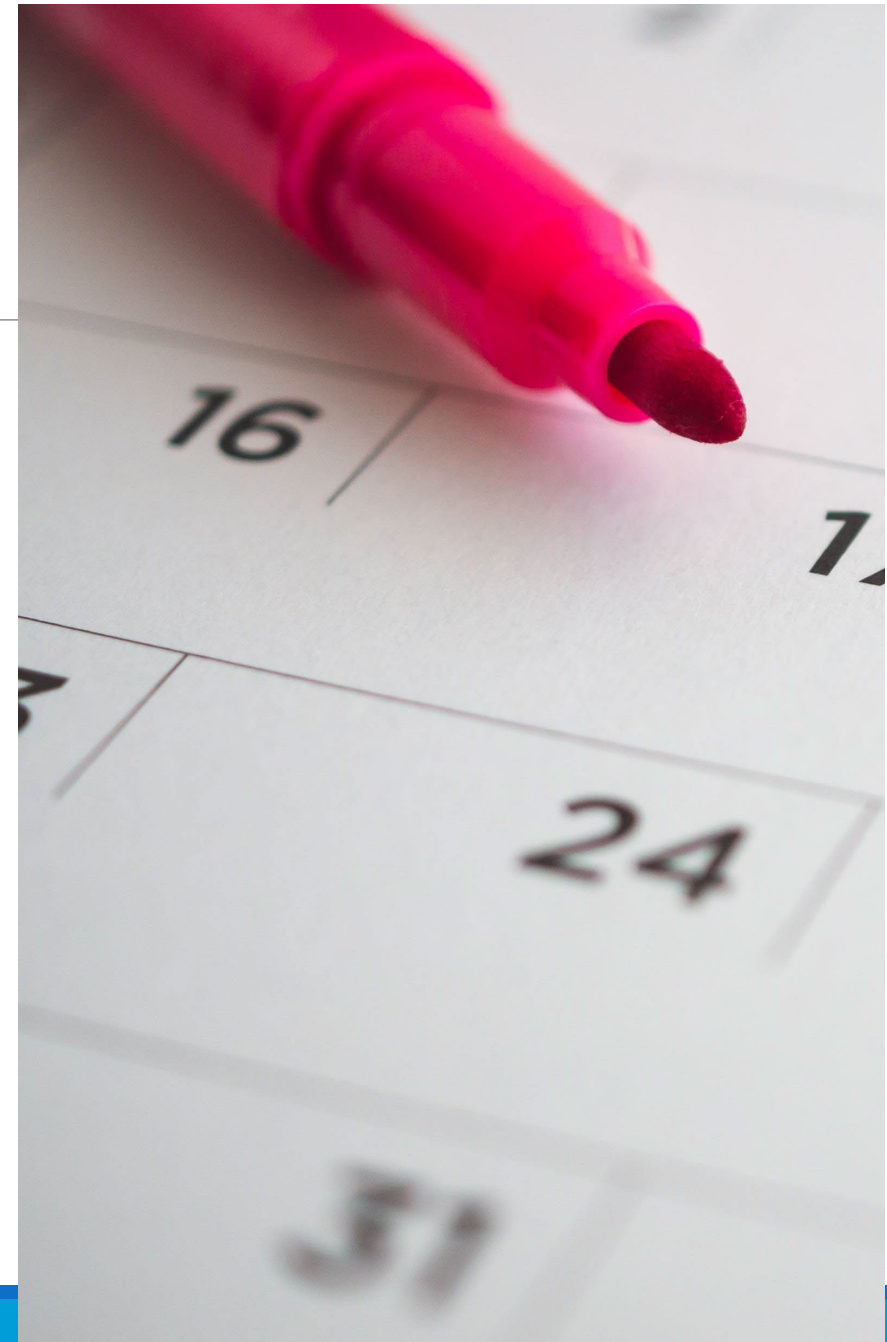
NOW:

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

- 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:

- 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

**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

4TH

5TH

6TH

14TH



Before ICE Arrest:

SILENCE IS GOLDEN!



How to Invoke the Right

"I ASSERT MY RIGHT TO REMAIN
SILENT"

IF ARRESTED BY ICE:

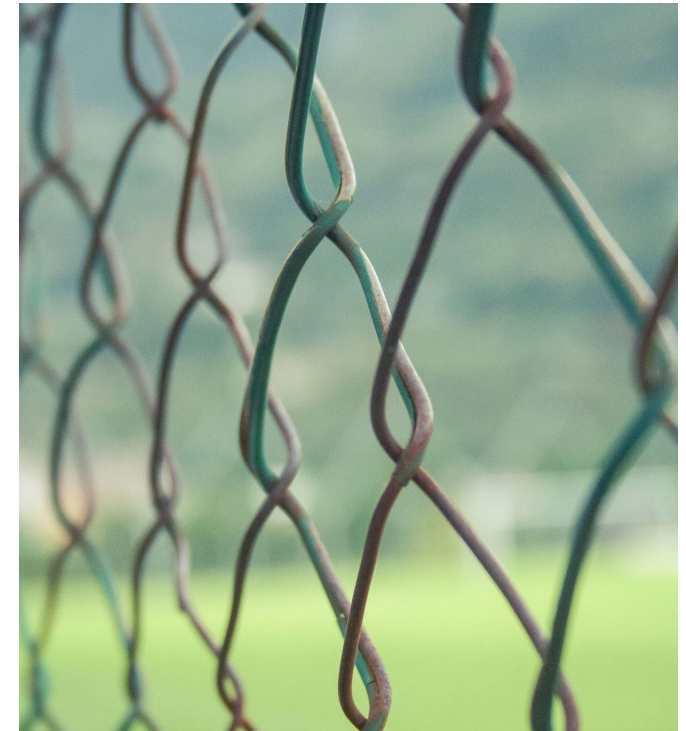
DO respond honestly to questions about name, address and DOB

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

DO remain calm.
DO NOT run.

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

Right to Remain
Silent

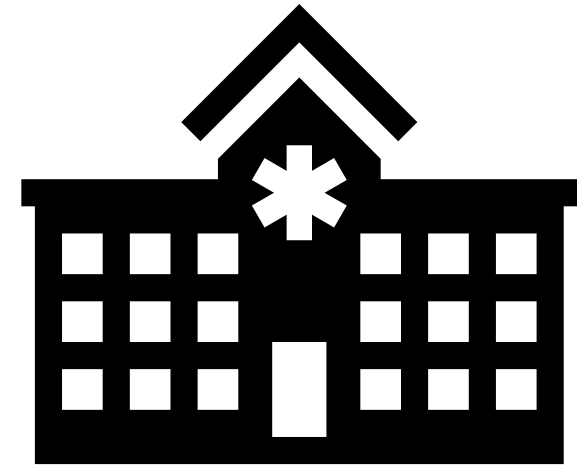
Right to refuse to
sign anything

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:

- 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



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 _____ is 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 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-205 (Rev. 4-1-97)

To be completed by Service Unit 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

In the Southern District of Florida
SEARCH WARRANT
CASE NUMBER: _____

TO: _____ and any Authorized Officer of the United States

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

In the _____ District of _____ FLORIDA, there is
concealed a certain person or property, namely _____

I am satisfied that the affidavit(s) and any record testimony establish probable cause to believe that the person or
as described is now concealed on the person or premises above-described and establish grounds for the issuance
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
making the search (hereinafter ~~the search~~) (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
return the warrant to: U.S. MARSHAL JAMES L. HUGHES as required

31403005208
U.S. MARSHAL JAMES L. HUGHES
Miami, Florida
[Signature]

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

Parent's
Identity
Documents

Child(ren) &
Child Care

Health/Medical

Finances

Assets

Contacts

- Attorney(s)
- Trusted Persons

Putting the Plan in Action

Who do children need to call and in what order?

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

Do they know how to locate the important documents?

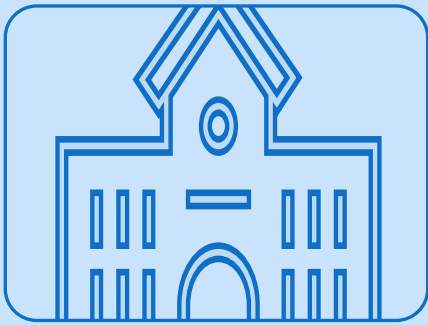
Do children and trusted adults know how to access emergency funds, food, or shelter?

Backup plan for deportation

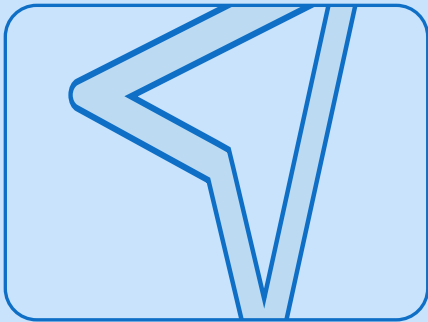
KEEP TALKING

ICE Detention & Detained Parents Directive

Detained Parents: Key Resources



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

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

- Email: 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



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

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

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

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

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

ADDITIONAL MANDATORY DETENTION CATEGORY (LAKEN RILEY)

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

Legal Principles, cont.



- 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.?

WhatsApp

Viber

Telegram

Signal

Messenger

Other
Platforms

Resources to Assist Families Internationally

- **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
- **International Social Services:** 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?

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)

Qualifying relationship for family-based immigration petition

Arguments for hardship and good moral character for NLPR Cancellation

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

Survivor of DV or other crimes

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

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

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



Finding Immigration Attorneys:

- 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

