



## **Supporting Immigrant Children & Youth in Foster Care**

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**Amended February 2023<sup>1</sup>**

Recent years have seen an increase in attention to children who enter the United States as immigrants. While the focus has largely been on those who enter via the southern border, the experiences of youth who are in both the immigration and foster care systems remain under-examined. The Council decided to elevate this topic due to direct experience by current members of navigating both systems simultaneously. We looked at the experiences of all youth who have navigated both systems, regardless of whether they are “unaccompanied immigrant youth”, or they arrive here with family and enter the U.S. foster care system at a later date.

To develop this priority statement, the Council engaged in discussions with members and key stakeholders who are supporting children with these experiences. The Council reviewed available research, which was lacking, and developed a survey to understand the experiences of young people across the nation. The survey (available in English and Spanish) received responses from 66 young people over the age of 18 (47% were age 18-23, 23% were age 24-26, 11% were age 27-30, and 17% were age 31+) who experienced both immigration and foster care. Although the number of responses does limit our insights into this issue, there are other areas in which we can conduct more research in order to better serve this population.

The Council recognizes that there are unique laws in the United States that impact children and young people who have immigrated to the country, including those who enter foster care. The Council firmly believes that improvements can be made to address the unique needs of children and youth who experience both foster care and immigration.

We propose three priorities to improve support for immigrant children and youth who experience foster care which are explained in detail on the following pages.

- 1. We shouldn't exit foster care without legal status.**
- 2. We need caseworkers who are equipped to support us in our immigration case.**
- 3. We need support in understanding, accessing, and exercising our basic human rights.**

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### **Priority 1: We shouldn't exit foster care without legal status.**

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<sup>1</sup>Priority 2 was amended by Council members to clarify the need for legal assistance in addition to caseworker support. Amendment agreed upon by members in February 2023, after Council members shared and discussed the priority with federal leaders and staff from ACYF, ACF and Children's Bureau.

Immigrant youth in foster care face unique challenges that can have devastating long-term consequences if they are not addressed. Although immigrant youth make up a small population of the child welfare system, our poll shows that 66% of immigrant youth in care “aged out” of the system while only 6% were reunited with family members and 7% were adopted. In addition, only 15% of immigrant youth spoke with someone regarding their immigration status when they first entered care. This data highlights two things:

- 1) Most immigrant youth in care exit the foster care system at age 18 to 21 as young adults
- 2) Most immigrant youth are aging out of foster care without having their legal status addressed in a timely manner

Citizenship and legal status provide many immigrant youth with access to health care, higher education grants, and employment. Those without legal status are unable to advocate for themselves for fear of being removed from the country. They also lack access to resources that aid in a successful transition from foster care. Obtaining legal status and/or citizenship is the difference between being able to pay for college or not. It’s the difference between eligibility for gainful employment, or not. It’s the difference between being able to advocate for your rights, or fearing removal from the country in retaliation. Not having legal status or citizenship disrupts a young person’s entire life and robs them of opportunities for normalcy. Sadly, having legal status is a key way to ensure that we are able to navigate life in and out of the foster care system.

*“Entering foster care was hard as an undocumented youth because there was no money available for me. I had to be a U.S citizen to access anything.”*  
*- Former Foster Youth from North Carolina*

U.S. immigration law is complex; however, this is one of the main ways child welfare professionals can be proactive and help set children up for success when they exit foster care. It is critical for child welfare agencies and stakeholders<sup>2</sup> to identify immigrant youth in care, immediately assess their legal status, and begin working on obtaining legal residency. It often takes years and even decades for immigrants to obtain residency and citizenship; it takes even more time for immigrant youth to navigate the system as children. The Council’s poll reflects that many young people aren’t asked about their legal status upon entering care; only 15% talked with someone about their immigration status when they first entered care.

Currently, the majority of immigrant youth in care will age out as young adults. This cannot continue; immigrant youth must be connected to their families or secure other permanency. To address the current situation, it is critical that immigrant youth begin the immigration process as soon as possible. Many states have incorporated independent living plans to facilitate the transition out of the foster care system and into adulthood; these plans often include employment and education development. To participate, immigrant youth need access to work visas, educational grants, and state healthcare. Child welfare agencies should support immigrant youth during the immigration process through any needed transportation or fees associated with the immigration process. All child welfare agencies should be able to identify and reach out to lawyers who can help facilitate our immigration process.

The Council’s poll, research, and lived experiences have shown that many child welfare professionals do not know or may overlook how legal status affects the lives of youth in foster care and beyond. Becoming a legal permanent resident or U.S. citizen would greatly improve the lives of immigrant youth in care.

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<sup>2</sup> The Council understands stakeholders to include those in policy/administrative levels across the spectrum to those in direct practice/support to young people from caseworkers, attorneys, CASAs, GALs, peer support and independent living service providers, supportive adults, university liaisons, community mentors and others.

## **Priority 2: We need caseworkers who are equipped to support us in our immigration case.**

Caseworkers are not necessarily well versed in the intricacies that come with immigration cases. Many young people may not even be aware of their legal status while in foster care: 46% of youth who responded to the Council's poll were aware of their status while in foster care. Youth who are left to navigate the immigration and foster care system without informed support from a caseworker and legal representation often fall through the cracks and exit foster care without critical resources. There are several ways this can be addressed.

When youth first enter foster care, they are often overwhelmed with the array of new experiences, people, and routines. As you can imagine, being separated from family, school and friends is difficult enough. Caseworker support can extend beyond helping youth navigate their immigration case. In our poll and discussions with other young people, there was a consensus on the lack of support in connecting with their family upon entry and while in foster care. From the young people who responded to our poll, 39% reported they were not given a chance to call their family when first entering care. One young adult outlined the long-term impact of not having support from their caseworker or other adults to maintain or build those family connections while in care:

*“None of my caseworkers or foster parents expressed concern for my relationships with extended family members who lived abroad. I was only able to maintain them loosely while in foster care (no one encouraged me to do so, and several people discouraged me from it) and had to wait until adulthood to develop them.”*

*- Former Foster Youth from California*

Based on our own experiences and our conversations with peers, it is clear that caseworkers need to be connected to an immigration attorney and other specialist professionals in order to effectively support youth who experience both immigration and child welfare. It is necessary for every youth in foster care to receive legal representation. For immigrant youth in foster care, it is essential for states to obtain and/or refer to immigration legal assistance including immigration attorneys who will regularly work with the youth's case worker to ensure the youth is receiving cross-system legal assistance<sup>3</sup>.

Council members have seen effective strategies work in Philadelphia where agencies and organizations have specific divisions of caseworkers focused only on immigrant foster youth who also have lower caseloads to accommodate the additional support provided to help youth navigate immigration. Recognizing a separate division may not be possible in all settings, the Council believes it is important that at least some agency individuals receive training and know how to access specific resources for immigrant foster youth.

*“The social workers helped me schedule all of my immigration appointments and interviews. They also helped me when I aged out of foster care to obtain my citizenship and even to help me replace my green card when I lost it.”*

*- Former Foster Youth from California*

Training must be improved to increase caseworker awareness of and ability to provide unique support to young people who experience foster care and immigration. The training should include cultural

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<sup>3</sup> Language clarifying the need for legal assistance in addition to caseworker support was added by members in February 2023, after Council members shared and discussed the priority with federal leaders and staff from ACYF, ACF and Children's Bureau.

competence components so caseworkers can effectively connect with young people from different cultures and languages and support young people in connecting to their culture and community. This need is demonstrated by 48% of our poll respondents who reported that they did not have a connection to their culture. Training should also include awareness of resources for translation for young people; 20% of youth who participated in the poll reported language being a barrier to access information or communicate with others while in foster care. Youth and young adults who experienced foster care as immigrant youth must be meaningful partners in the planning, development and delivery of those training materials.

Finally, our poll results demonstrate that a significant number of youth did not feel comfortable or safe revealing their immigration status to their caseworker; only 28% agreed that they felt safe discussing. The training outlined above should include resources to support caseworkers strengthening their skills to put youth at ease sharing their status. Caseworkers must be able to clearly communicate with youth regarding confidentiality standards and about what information they have to document in their case file. Youth should also have access to multilingual and multicultural staff who can provide additional support as well as resources for other services.

For this priority, the Council chose to focus specifically on caseworkers due to poll responses. The Council does believe the training components outlined for caseworkers will also be beneficial for other stakeholders who interact with young people, such as attorneys, foster parents, and teachers.

### **Priority 3: We need support in understanding, accessing and exercising our basic human rights.**

Immigrant foster youth face additional barriers to securing permanency, normalcy and well-being; that is clear from our own experiences and discussions with other youth. For example, our poll revealed that although 17% of respondents wanted to be reunified with their families, only 5% had been reunited. These stark differences between what youth wanted and what happened continued across all permanency outcomes.

As a first method to address this, we recommend stakeholders consider how to prevent immigrant youth and families from unnecessary entry into foster care. In our poll, we heard from several young people who entered foster care due to their parents being deported. The Council encourages stakeholders to consider opportunities where temporary status may be provided to a parent rather than deportation, preventing a young person from experiencing the trauma of entering foster care needlessly. Foster youth must be supported in understanding and engaging in the decision-making process for their permanency - whether that's reunification, guardianship, or adoption. Foster youth must be supported in developing social capital<sup>4</sup> and supportive networks that extend beyond legal permanency.

*"I was born here so kept here, but my mother was deported."*

- *Former Foster Youth on their entry into foster care*

Adequate protections must be in place to ensure that youth in the foster care system maintain connections with their families, are able to practice their religion, stay connected to their culture, understand their immigration status and have a path to legal residency or citizenship. Poll results showed that 39% of youth in foster care were not allowed to contact their families after being separated from them. Additionally, 48% did not feel connected to their community or culture while in care.

Although about 36% of youth who completed our poll had access to health care and were told about mental health services, 25% weren't told about mental health services. We must ensure immigrant

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<sup>4</sup> [Improving Social Capital for Youth in Foster Care \(2017\)](#)

foster youth understand what is available and have access to both physical and mental health care resources (see our mental health priority<sup>5</sup> for how to engage us well).

*“I graduated high school when I was 15, but I had to wait until I had immigration status when I was 20 to be able to go to college. An order from the court was needed so DHS could cover the basic dental care I required.*

- Franz Utomo, Former Foster Youth from Pennsylvania

Federal funding under the John H. Chafee Foster Care for Successful Transition to Adulthood Program, which all states utilize to support transition-age youth, is not accessible to immigrant youth in the child welfare system. The funds are often used to help young people transition to adulthood through obtaining driver’s licenses, training for employment and other resources necessary to secure a successful future. Access to these services is denied to immigrant youth because they do not have legal status. Immigrant foster youth reported struggling more than other young people in accessing vital documents such as ID’s and birth certificates which created larger problems in securing employment, education and other assistance. Under the current federal structure, legal status must be granted before more equitable treatment can be provided while in care.

As the Council has discussed previously in its priorities<sup>6</sup>, educating youth on their rights (including through providing additional training for caseworkers) can reduce vulnerabilities that foster youth experience to predators. Federal requirements from P.L. 113-183 requires that youth age 14+ to receive a list of their rights<sup>7</sup>; these rights vary among states and jurisdictions<sup>8</sup>. The Council believes that these rights should apply to every foster youth, regardless of immigration status. Providing those rights in a young person’s primary language would be a good first step in ensuring immigrant foster youth can understand and exercise their rights.

*“I was 2 months in the country when I got in foster care. No one tried to tell me where I was going. They didn’t explain to me anything, I didn’t talk to my parents until 2 months after being in foster care. And I wasn’t provided creole speaker to help me.”*  
- Foster Youth from Florida

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**About the Council:** The National Foster Care Youth & Alumni Policy Council convenes to provide federal stakeholders with relevant and timely information as policies and procedures are created that will affect children and families throughout the country. The Council represents a collective viewpoint of youth and alumni who have experienced the child welfare system first-hand.

The Council consists of members geographically distributed across the country, reflecting a broad range of diversity encompassing, but not limited to, ethnicity, location of residence, religion and gender, and child

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<sup>5</sup> [Improving Youth Engagement & Access to Mental Health \(2013\)](#)

<sup>6</sup> [Vulnerability to Trafficking & Predators \(2012\), Implementing Public Law \(2014\)](#)

<sup>7</sup> [Child Welfare and Child Support: The Preventing Sex Trafficking and Strengthening Families Act \(P.L. 113-183\) \(R43757\)](#)

<sup>8</sup> [Rights of Foster Youth in Foster Care, Child Welfare Information Gateway](#)

welfare experiences. The priorities in this document have been developed by Council members through a process that includes polling of hundreds of peers currently and formerly in the foster care system, reflection on their own lived experiences, and consultation with the constituent organizations they are supported by (such as Youth Boards, FosterClub, and Foster Care Alumni of America Chapters). For more information, or to view other Council priorities, visit [NationalPolicyCouncil.org](https://NationalPolicyCouncil.org).