



Undocumented Immigrants as Foster Parents

The health and well-being of foster children is a principal concern of every department of human services. Despite the urgency of finding a home for each child, departments try to be meticulous in screening and assessing each foster parent applicant. We know all too well that the risks to children in foster care can rival those that brought them into care initially and that foster children are generally at increased risk for behavioral problems.¹ Accordingly, efforts are made to certify that every home in which a child is placed is truly in that child's best interest.

If in the process of evaluating a foster home applicant it is discovered that the applicant is an undocumented immigrant (often revealed by an incorrect social security number), should this status alone be a bar to approval? If this discovery is made after approval of the applicant has already been made, should the license be rescinded? A number of foster care certifiers, supervisors, administrators, and attorneys with whom I spoke all said "yes." This is not a matter of bias; it is a matter of stability. If the applicant will potentially face deportation proceedings or may otherwise become entangled with immigration authorities, the placement will likely be disrupted and the child will need yet another placement.

A recent Applied Research Center (ARC) report titled *Shattered Families* (2011) notes that "Immigration policies and laws are based on the assumption that families will, and should, be united, whether or not parents are deported (footnote omitted). Similarly, child welfare policy aims to reunify families whenever possible. In practice, however, when mothers and fathers are detained and deported and their children are relegated to foster care, family separation can last for extended

periods. Too often, these children lose the opportunity to ever see their parents again when a juvenile dependency court terminates parental rights. In fiscal year 2011, the United States deported a record-breaking 397,000 people and detained nearly that many. According to federal data released to ARC ... a growing number and proportion of deportees are parents. In the first six months of 2011, the federal government removed more than 46,000 mothers and fathers of U.S.-citizen children. These deportations shatter families and endanger the children left behind."² The report asserts that nationwide approximately 5,000 children are in foster care because their parents were detained or deported.

Another report jointly issued by the Florence Immigrant and Refugee Rights Project, the Women's Refugee Commission, and the ARC notes that, "When a parent is taken into immigration custody and a child is placed into the state child welfare system a complex series of events is triggered that can lead to permanent family separation and even termination of parental rights."³

There's no disagreement—immigration concerns can lead to family and placement disruption—for children whose parents are deported or detained, as well as for children already in or about to go into foster care.⁴ The public is infuriated when it finds out that a manufacturer knowingly puts a dangerous product on the market, especially when injuries could have been prevented had additional steps been taken to ensure the product's safety. Similarly, we cannot abide known precarious foster care placements.

Various studies have investigated the characteristics associated with placement disruption.⁵ Some theorize that

disruption occurs more frequently as the age of the foster child increases, if the child has a history of severe maltreatment, compromised health, or mental health concerns. Whatever the explanations, it is unethical to knowingly or recklessly place a child into a setting that has an enhanced likelihood of being unnecessarily short-lived. 

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2. <http://arc.org/shatteredfamilies>
3. Maintaining parental rights during immigration enforcement actions and detention (2010), available at http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/download/maintaining_parental_rights.pdf
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