



Report Date: December 2009

Immigration Related Barriers and Youth in San Francisco

**Issues and Challenges Specific to
Child Welfare Systems**

ADDRESS 221 Main Street, Suite 300, San Francisco, CA 94105 • **PHONE** 415.808.4435 • **WEB** www.heysf.org

The Intersection of Immigration and Child Welfare ...

has not been well researched. In San Francisco, immigrant youth have been in the spotlight as the city considers various implications of the sanctuary-city policy. In the summer of 2009, HEY began exploratory research on San Francisco-specific issues related to the intersection of immigration and child welfare in order to develop a deeper understanding of the particular issues non-native youth face. With a better comprehension of the multiple barriers and concerns, HEY can support the child welfare system to best protect vulnerable young people in San Francisco in a just and competent way.

How Does HEY Define "Immigrant Youth"?

The definitions of migrants and immigrants are complex, politically charged and described differently, often according to personal knowledge and values. Youth can be defined in multiple frames as well. In this paper, HEY reviews a broad population of young people who are affected by cultural and migration issues. While the term "youth" applies to children and young adults, HEY specifically advocates for the needs of older, transitional-aged youth (ages 16-24).

An Immigrant is...

In this paper, we often use the broad term "immigrant youth." This catchall term may refer to youth who immigrated legally or illegally, are documented or undocumented, have documentation but live with undocumented family members, are unaccompanied and may or may not have documents, as well as those who may be here legally but are monolingual or experiencing other cultural barriers.

A Youth is...

The term "youth" also has various implications in this paper. Currently, in San Francisco, the majority of youth who are in foster care are age 18 or under. While some new legislation is currently being examined by California that will allow youth to remain in foster care until age 21, most youth age out of foster care before their 19th birthday. However, certain immigration policy treats youth differently if they are a minor, versus if they have reached age of majority. Another issue is that many agencies who call themselves "youth serving" or who serve "transitional-age youth" often define youth as young adults with age caps varying from 21 to 24, and even up to 29.

Why is this Important?

Youth who are involved in child welfare and face cultural, language and documentation challenges are an extremely vulnerable population. They are also caught in a political maelstrom that reduces their eligibility for services and creates fear and stress for themselves and their families. By definition, child welfare agencies focus on protecting children, but are also pressured to comply with federal and state policies that may be in direct conflict with that mission. As this paper will attempt to outline, these youth must confront multiple barriers as they try to access services, live a safe and supported childhood, as well as manage cultural stereotypes and a threatening political environment.

Case Scenarios

In order to illustrate the variety of issues related to youth who are affected by immigration and other cultural barriers, HEY has constructed three case scenarios. They were developed based on conversations with advocates, case managers and youth. Each is a conglomeration of real life stories from Bay Area youth, and reveals the breadth of issues they can face in navigating their day-to-day lives. Each is followed by issues that were highlighted specifically by these cases. The stories are meant to illustrate problems, so HEY and our partners can begin to develop recommendations and solutions. (None of these scenarios was developed from only one youth, and should not resemble any one person in particular. Stock photography was used; images do not coincide with any person represented in this article.)



Case Scenario 1: Ricardo

Cultural Definitions of Child Welfare

Ricardo's story represents a youth who is sent to the United States to work. This is a common occurrence among youth from Central and South America, who are the most visible group of unaccompanied non-native young people in San Francisco. However, youth from many other cultures, countries and continents are represented in this group as well. As the reader will see from this story, cultural definitions of child and adult created a collision between the child welfare system and his family, leaving the youth in the middle.

Ricardo is a 16-year-old minor sent to the United States by his parents to work. He is mostly Spanish monolingual, but slowly learns English as he remains in the country. Although Ricardo wants to be in high school, and in fact has registered and attempted to attend, his primary reason for living here is to work to support his parents, who remained in his country of origin. So Ricardo waits for work on the street corner with the adult day laborers, and ends up sexually assaulted after being picked up for what he thought was manual labor work. Ricardo is very frightened, but afraid to report the incident because he is undocumented.

As well as sending money home to his parents, he is also expected to contribute to the rent of the household where he is staying. In addition, like many other youth, Ricardo also has the extra pressure of repaying the loan used to pay his passage across the border. After missing many days of school, Child Welfare Services (CWS) is contacted. He is removed from his home pending substantiation of physical abuse by another male in the house. CWS also perceives neglect as Ricardo was not provided necessary items, such as food, but was expected to work and pay for those himself. They also learn of the sexual assault that had gone unreported by the family, and he is placed in foster care.

Many of the factors that cause Ricardo to be placed in foster care are based on cultural definitions of adulthood, independence and abuse. First, Ricardo comes from a South American country, and his parents see him as a man capable of travelling alone, working to care for himself, and supporting his parents. Second, the family saw the sexual assault by a stranger as an indication of Ricardo's weakness and a confirmation of his inability to send home sufficient money. Third, the household members accused of abuse and failure to report abuse by CWS culturally interpreted the physical abuse as fighting between men, and not as child abuse.

The fourth cultural difference is the value of school versus work. The necessity for Ricardo to make money to support himself and his parents, and repay his border escort loan, took precedence over school, both in his mind as well as the minds of his family. While in this case the youth does value education, he sees maintaining an income as the priority. Once Ricardo enters the foster care system, these cultural differences become more acute because of the strict work and school regulations for youth in the child welfare system. For Ricardo, being placed in the foster care system allows him to be connected to programs and schooling, but does not allow him to work as much as he and his family had planned. He feels the pressure to choose between safety and work, and feels very obligated to care for his parents and repay his loan.

What are Some Barriers?

- Cultural definitions of work readiness
- Cultural differences in age of "adulthood"
- The need to pay for border crossings
- Lack of connections with Child Protective Services/Child Welfare Services in the United States and the youth's home country
- Lack of bilingual services and foster homes
- Problems with enrolling and attending school
- Fear of the system
- Fear of deportation for themselves or undocumented family members
- Differing federal, state and county laws and public opinion of immigrants, especially undocumented immigrants
- Difficulties accessing services consistently
- Gang involvement, which may endanger the youth's chance of being placed in foster care



Case Scenario 2: Andrea

Emancipation without Documentation

Andrea was born in a foreign country but has spent most of her life in foster care in the United States. She is completely disconnected from her birth family and any blood relatives and does not associate much with her family's culture. She emancipates without immigration documents or Social Security documents. She has never considered herself to be an immigrant and never thought to mention the immigration to her social worker. She lived in group homes during her adolescence and does not have a driver's license. However, once she emancipates and applies for work and a license, she finds that she needs a social security number and other documents. She is confused and does not understand that she never became a US citizen. Andrea returns to her social worker, who fixes the problem, but while waiting for documents and requests to process, she does not have a way to make money or a place to live. She lives in a homeless shelter for the first two months after her emancipation. Andrea does not know the details of why she did not receive documents before she emancipated, nor her right to stay in foster care until she had the proper documents.

This scenario illustrates the possibility of a youth emancipating from care without documents of all types, including any other school, health, or birth records. In HEY's Emancipation Research Project, attorneys and child welfare workers report always ensuring a youth has all necessary documents before their case is closed. California Welfare and Institutions Code 391 also lists the exact documents a youth is required to have before the case can be closed to emancipation. Despite these reports and policies, there are recorded instances of a youth leaving care without some documents.

Another issue highlighted in this scenario is the youth's lack of understanding about her immigration status, most likely caused by unclearly defined roles of multiple caregivers, social workers and other adults. Because this youth, like many others, had been in the system since she was a child, the responsibility to explain the citizenship process was never clearly assigned to one person. Andrea did not understand the value or necessity of citizenship, documentation nor Social Security Cards until she attempted to secure work and was denied due to her lack of documentation. Because no one had explained any of these processes to her, she did not know to ask or self advocate, and in this instance was emancipated from care without documentation.

Other Issues

In speaking with youth workers and youth about their experiences, many other issues surfaced. HEY provides this list of critical issues regarding immigrant youth to encourage building partnerships for deeper research, in order to create recommendations to advocate for change. HEY hopes that by highlighting these issues, we can add to the conversation about the best way to care for needy children, whether or not they are born to native parents.

Age

Birthdays are difficult to pinpoint when birth records are unavailable. While it is important and necessary to utilize transnational agreements for better transfer of documents, those systems are still developing. In speaking to Bay Area workers, several reported difficulties in communicating with a youth's country of origin to access birth records. If a youth is about to turn 18 and transition out of care, and their birth records are unavailable, the worker must depend on the youth or other stakeholders to honestly represent the youth's age. In one case, a youth claimed to be much older than he actually was to access adult services and gain credibility as a man. He had hoped to attend adult English courses and be allowed to work longer hours. He admitted to competing feelings about the benefits of remaining in care versus winning perceived respect from his family on becoming an adult. Conversely, a youth could claim to be younger than 18 to avoid being charged for crimes or illegal immigration as an adult. There are strict guidelines for emancipating a youth, and to discharge a youth several years prior to their 18th birthday could cause several legal problems for the Child Welfare System as well as for the youth.

When Do Youth Become Adults?

Different cultures associate readiness for work and independence at different ages. In some cultures, youth are expected to work and send home money, whereas in the United States they would be considered too young to work. In this country, being underage and undocumented pose great difficulties for a youth to earn money. Furthermore, if placed in foster care, youth are under even more oversight over who can and cannot work based on age and documentation requirements. Lack of work creates constant worry for the youth in deciding to stay safe in care or break rules in order to care for parents. For youth who have crossed the border through Mexico, there can be additional concerns about repaying loans or paying those who helped them cross the border.

Association with Gangs

Gang association for non-native youth, especially unaccompanied minors, arose as a theme. Many times these youth cross the border alone, or without a caring adult. The only safety and group they can find are gangs. This increases their likelihood to both endanger themselves and to potentially engage in criminal activity.

Lack of Multi-Lingual Foster Homes and Services

There is a lack of foster homes and services that speak the native languages of foreign born or monolingual youth. An acute concern in San Francisco is the scarcity of Spanish-speaking foster homes. This is further compounded by the extreme lack of Spanish-speaking homes that are trained in intensive or specialized therapy.

Costs and Benefits for Undocumented Youth

There is much confusion in the immigrant community about the benefits or dangers of the child welfare system. Some youth avoid the system, if they are legally in the United States or not, for fear of implicating their undocumented relatives, friends, associates, or others. Conversely, some families push to place their children in foster care so the youth can have legal US documentation.

Special Immigrant Juvenile Status

In general, among youth, workers, and the immigrant population, there is a lack of knowledge about Special Immigrant Juvenile Status, a special shelter for undocumented youth who enter foster care to emancipate to documented status as adults. There is confusion about who is responsible for taking the lead on applying for this status. There is disagreement about whether use of this clause is the best way to naturalize a youth.

San Francisco–Specific Issues

Finally, in San Francisco, there are many current issues regarding public opinion about changes in the Sanctuary City policy, such as Mayor Newsom's decision to send undocumented youth to federal authorities, and how that affects undocumented or unaccompanied minors.

Case Scenario 3: Domingo

Fear of the System

Domingo is a 16-year-old youth from Central America. He has a US Passport, but no one else in his family has documentation. His family can no longer afford to stay in the United States, and are so scared of being deported they have decided to return to their home country. Neither Domingo nor his family wants him to go because they believe he has better options here. This family is aware that they cannot leave a minor unaccompanied in the United States, but depend on Domingo's income and think if he stays, he can send them home money. A nonprofit worker thinks that foster care



may be a good option, but the family is scared of the system, thinking they may be punished by the government if the youth goes into foster care. Domingo is referred to Legal Services for Children, but he does not follow through.

This scenario brings up issues regarding how the child welfare system is understood in the immigrant community. See below for issues raised by Domingo's story.

What Does Domingo's Story Illustrate?

Some families are fearful of the foster care system as they are concerned any "system" will immediately connect them to US federal reprimand or deportation. For this reason, they avoid "the system" at all costs. Some caseworkers report that some families are more aware of the benefits of care, and are savvy enough to find services that create the best situation for themselves and their children. Domingo was involved with a nonprofit organization with whom he had a minimal amount of trust; he actually asked for help from the worker.

But gaps in communication may perpetuate confusion among immigrant families and disconnected workers who lack the full story. For an unknown reason, Domingo did not follow through on the referral to Legal Services for Children, where he would have received some type of referral or counseling for youth in these types of situations. No one involved in the case at the time knows where Domingo is now.