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Post-Release Services: Family Preservation Services for Immigrant Children Released from Federal Custody

Frequently Asked Questions (FAQ)s

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What are post-release services?

Post-release services ensure safety, well-being, and a path to permanency for unaccompanied alien children¹ (UAC) released from federal custody to family members and other caregivers throughout the United States. Through risk assessment, action-planning with families around areas of need and concern, systems advocacy with community providers, and culturally-appropriate services and community referrals, post-release services strengthen families and protect children. Lutheran Immigration and Refugee Service (LIRS) and the United States Conference of Catholic Bishops (USCCB) have provided post-release services for children released from federal custody since 1994.

Who receives post-release services?

In the US, UAC who are apprehended by immigration authorities due to their lack of immigration status are placed in the custody and care of the U.S. Department of Health and Human Services' Office of Refugee Resettlement (HHS/ORR). HHS/ORR makes and implements placement and service decisions of all UAC's while in federal custody. UACs have the right under federal law to be released to family members or other responsible adults (referred to as "sponsors"). HHS/ORR-funded care providers refer UAC who are released to family members (or other approved sponsor) to one of the HHS/ORR-funded agencies providing post-release services based on their assessment of the needs of the child, relationship and motivation of the sponsor, and ability of the sponsor to meet the child's unique needs. Not all children released from federal custody receive post-release services. The percentage of released children who receive post-release services fluctuates and is subject to allocation of funding.

¹ The term 'unaccompanied alien child' means a child who has no lawful immigration status in the United States; has not attained 18 years of age; and with respect to whom there is no parent or legal guardian in the United States; or no parent or legal guardian in the United States is available to provide care and physical custody. (Homeland Security Act of 2002).

When are post-release services required?

The Trafficking Victims Protection Re-Authorization Act (TVPRA) of 2008 requires the Secretary of Health and Human Services to conduct follow-up services², during the pendency of removal proceedings, for children for whom a home study was conducted. Home studies are required if the child is a victim of severe trafficking in persons, has a disability as defined in Section 3 of the American Disabilities Act, if the child has been a victim of physical or sexual abuse under circumstances that indicate that the UAC's health or welfare has been significantly harmed or threatened, or if the proposed sponsor clearly presents a risk of abuse, maltreatment, exploitation, or trafficking to the child.³ The TVPRA also authorizes the Secretary to conduct follow-up services in cases involving children with mental health or other needs who could benefit from ongoing assistance from a social welfare agency. A sponsor is not obligated by law to accept post release services.

Why are post-release services necessary?

Child welfare practitioners have found the provision of family preservation services following family reunification to be essential to reducing the risk of harm to children and increasing the ability of parents to protect and supervise. Although family reunification, when safe and appropriate, is in the child's best interest, it can also be a highly stressful time, in particular, for families that have been separated for years, or, for children who are released to adults with whom they have little or no previous relationship. For UAC and their sponsors, environmental factors such as immigration status, English language ability, extent of integration, and lack of an extended family support structure in the US further compound the risk for breakdown upon reunification. Ultimately, supporting a successful reunification through post-release services reduces the likelihood of family breakdown, placement into foster care, commission of crime, recidivism into the juvenile justice system, recidivism into treatment placement, or first time entry into adult corrections.

Where are post-release services available?

UAC referred to LIRS and USCCB receive post-release services from a local, community-based organization *anywhere in the US or U.S. territories*. Post-release services follow the child; therefore, if the child and family move, or the approved sponsor arrangement breaks down and the child moves in with another family member, the child continues to receive services anywhere in the US.

Who assists children and families through post-release services?

LIRS and USCCB provide post-release services through their established networks of community-based agencies with expertise in professional child and family services and services for immigrants. We believe community-based services are essential and practitioners with established local partnerships and knowledge of local resources are best equipped to do this work. Education and ongoing support are necessary to assist community-based providers in tailoring their service approach to adequately address the unique needs of undocumented and mixed status families and help them navigate systems such as medical and mental health services, schools, direct assistance and the immigration courts.

Who has custody of children during the post-release service period?

The federal government relinquishes custody of the UAC once they are released to sponsors. Therefore, HHS/ORR retains no custodial authority once a child is released to a sponsor, even in cases in which LIRS/USCCB are providing post-release services. Although the sponsor signs a document stating s/he will care for the child, this document does not grant legal guardianship. Sponsors may apply for and receive legal guardianship according to state law; however, due to fear of being made known to immigration authorities, instability in housing or employment, and other challenges faced by undocumented sponsors, it is common that sponsors do not obtain guardianship leaving the UAC with no legal guardian.

² While the term "follow up services" is used in the TVPRA, we use the term "post release services" for the purpose of this document since the implementing agency within HHS, the Office of Refugee Resettlement (ORR), uses the term "post release services", and our agencies have also adopted the term. They are two terms used synonymously.

³ <http://www.justice.gov/olp/pdf/wilberforce-act.pdf>

How do post-release providers assist children and their families?

USCCB and LIRS implement a strengths-based family strengthening and kinship navigator approach adapted to the UAC's unique needs. This approach engages the family as active participants in goal-planning and achievement by empowering them to navigate community resources independently. This includes identifying the family's protective factors,⁴ such as strong extended family relationships, the desire for education and achievement for their children, and the maintaining of cultural connections while integrating into U.S. society.

An assigned case manager coordinates an individualized package of services to UAC and their sponsors depending on their unique needs. Services include:

- Home visits and family preservation services
- Ongoing psycho-educational support and opportunities to foster community integration
- Systems advocacy and education to overcome barriers to services to include enrolling in public school, ensuring access to individual service plans (IEP) in school to include ESL courses and tutoring, and finding affordable and bilingual health care providers
- Identification of resources to support the family in meeting basic needs
- Connection to community supports, whether places of worship, ethnic community, and/or support groups
- Continuous assessment of child safety and well-being
- Referring children to low cost or pro bono immigration legal assistance and educating children and their families about immigration processes
- Convening, supporting, and encouraging interdisciplinary panel to discuss cases, as needed

When does Child Protective Services assist?

Local child protective services (CPS) are contacted per mandated reporting requirements, i.e. in cases of alleged child maltreatment by the sponsor. If needed, CPS may assign a guardian ad litem, or open an investigation. Responses by CPS to cases of alleged maltreatment of undocumented children vary by location, and LIRS and USCCB provide ongoing education to CPS about the needs of children in immigration proceedings.

What is the post-release service period?

The TVPRA mandates post-release services for children who received a home study continue throughout the duration of his or her removal proceedings, or, until they turn 18 years old, whichever happens first. For children released without a home study, post-release services are provided for six months, and potentially longer if in a professional's judgment, the child could benefit from ongoing assistance.

Who funds post-release services?

Currently, most post-release services are funded by HHS/ORR. However, LIRS and USCCB also provide non-governmental assistance to children identified as needing services after release from custody.

Please contact us if you would like further information about post release services for a child you know, or for information about becoming one of our network providers.

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4 Weine, S. (2008). Family Roles in Refugee Youth Resettlement from a Prevention Perspective. *Child and Adolescent Psychiatric Clinics of North America*, 17 (3), 515-532.

