

Immigration 101 and Related Updates

Children's Justice Conference

May 5, 2026

Presented by

Taylor Faranda, Legal Counsel for Youth and Children (LCYC)

Mariah Ferraz, Northwest Immigrant Rights Project (NWIRP)

Wendy S. Martinez Hurtado, Kids in Need of Defense (KIND)

Moderator: Rebekah Fletcher, WA State Attorney General's Office



Objectives

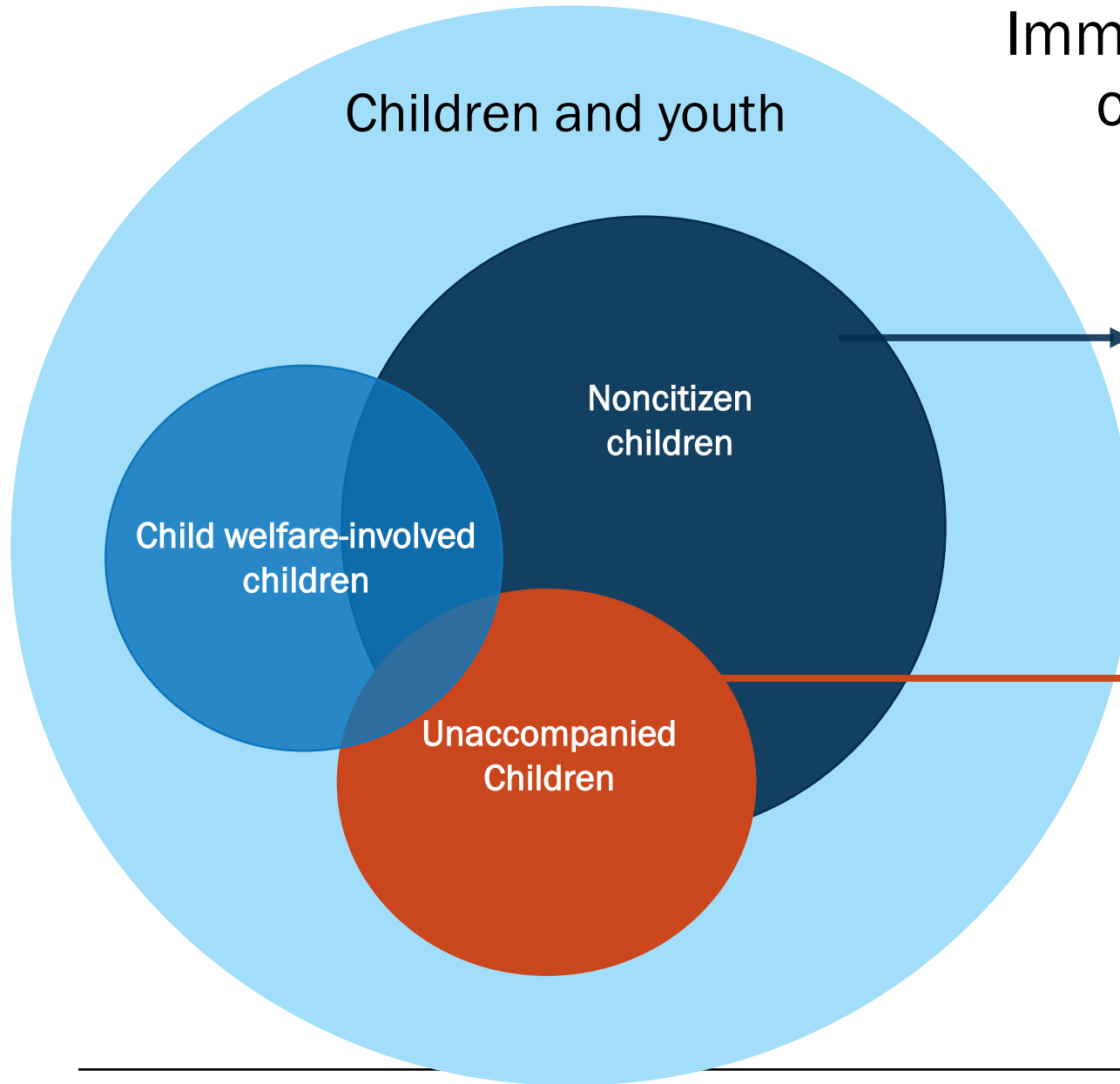
- ✓ Foundational understanding of immigration basics, enforcement processes, and intersection with child welfare
 - ✓ Awareness of the current enforcement landscape in Washington State
 - ✓ Familiarity with Keep Washington Working and Courts Open to All
 - ✓ Best practices and resources for supporting families with immigration-related concerns
-

Overview: Immigration Statuses, Agencies & Processes

Noncitizen immigration statuses

Status	Risk of enforcement
Lawful Permanent Resident <ul style="list-style-type: none">- Can live and work in U.S. permanently- But still subject to deportability grounds	ANY noncitizen can be subject to removal proceedings and immigration detention Risk factors: <ul style="list-style-type: none">• Undocumented• Recent arrival (-2 years)• Prior immigration violations• Criminal history
Nonimmigrants <ul style="list-style-type: none">- Temporary permission to visit, work, or study- Certain humanitarian statuses (including SIJS)	
Asylee/refugee <ul style="list-style-type: none">- Can live and work in U.S. permanently- Can apply for LPR after 1 year	
Undocumented <ul style="list-style-type: none">- In U.S. with no formal authorization- Might qualify to apply for lawful status	

Immigration-impacted children in the child welfare system may include:



Noncitizen children

- May have immigration status other than USC or no status
- Might have never had contact with immigration system
- **May not know their own immigration status**
- Might be in mixed status households

Unaccompanied Children:

- Determined by immigration authorities to be: **under 18, no lawful immigration status, no parent or legal guardian available in U.S.**
- Were in ORR custody before release to sponsor in community
- **Known to immigration authorities**
- Might be in mixed status households or living on own
- May be in active removal proceedings, and/or be applying for or granted lawful status

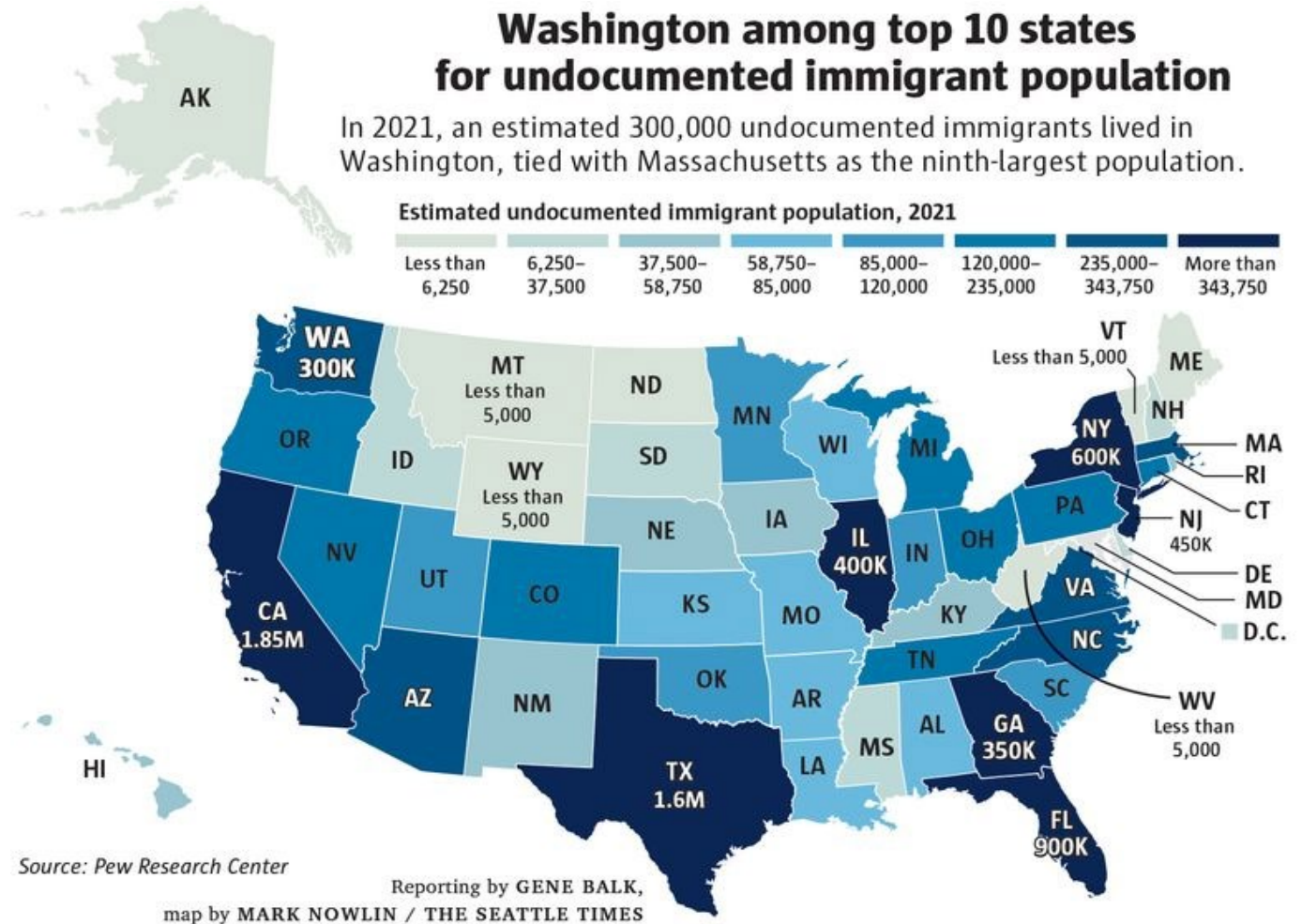
Intersection with child welfare cases



- **Child referred to CPS** after parent or caregiver detained or deported and no alternate caregiver
- Parent(s) of dependent child **detained by ICE**
- Relative caregiver **detained or deported**
- Reunification sought with parent who lives **outside the country**
- Discovery that dependent **child is foreign-born** (immigration status unknown) – could be in active **removal proceedings** or have **removal order**
- Child in Extended Foster Care in active **removal proceedings** / awaiting SIJ decision
- **Others?**

Mixed status households in WA

- **30% (490,000)** children under 18 foreign-born or live w/ a foreign-born parent
 - Compare to 25% nationally
- 39% of children in immigrant households have **at least one noncitizen parent**
- 88% of children in immigrant households are **US citizens**
- Majority (70%) immigrant households are **mixed status**
 - 4.7 million mixed status vs. 1.1 million undocumented only



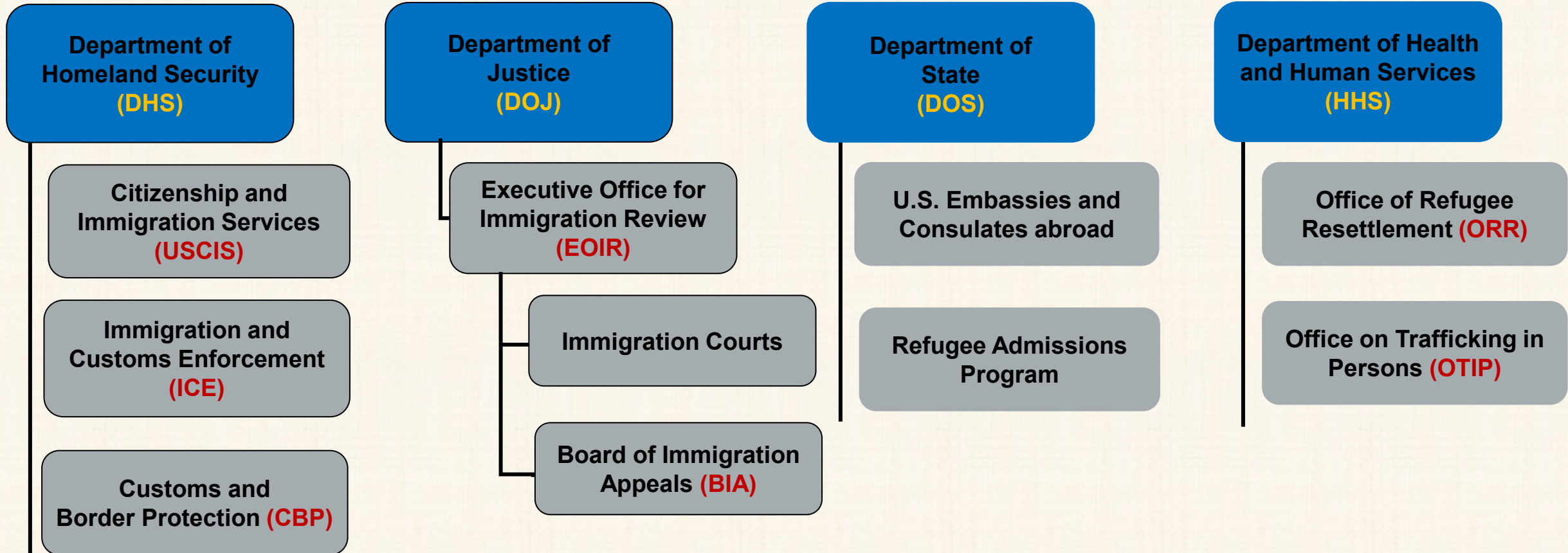
Immigration enforcement

- Largely governed by **federal agency policy**
- Department of Homeland Security (DHS)
 - Customs and Border Protection (CBP)
 - Immigration and Customs Enforcement (ICE)
- Noncitizens of **any age** can be referred to removal proceedings
- Individuals (or family units) subject to removal proceedings may be **detained by ICE**
- Recent policies expanded **expedited removal** (deportation without a hearing), **mandatory detention** (no release on bond)

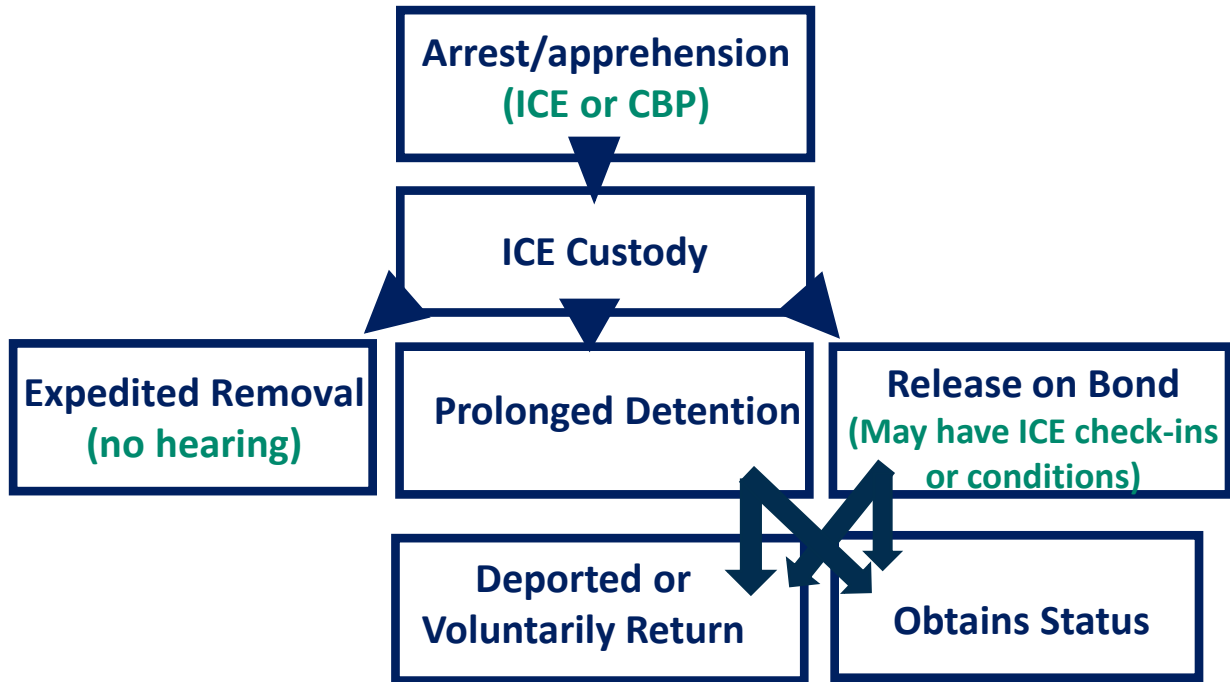


This Photo by Unknown Author is licensed under CC BY

Immigration Agencies

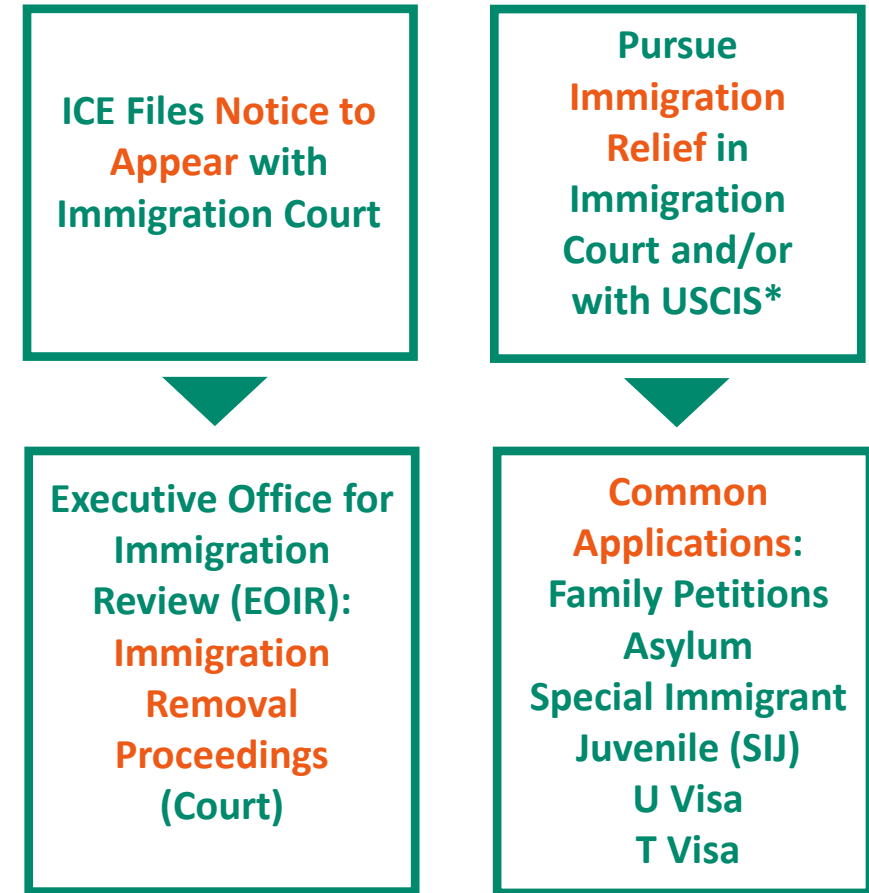


Apprehension and/or Detention



- This reflects the process for adults and family units
- Unaccompanied Children are subject to different processes
 - ORR custody → release to sponsor OR placed in long-term foster care or shelter

The Legal Process

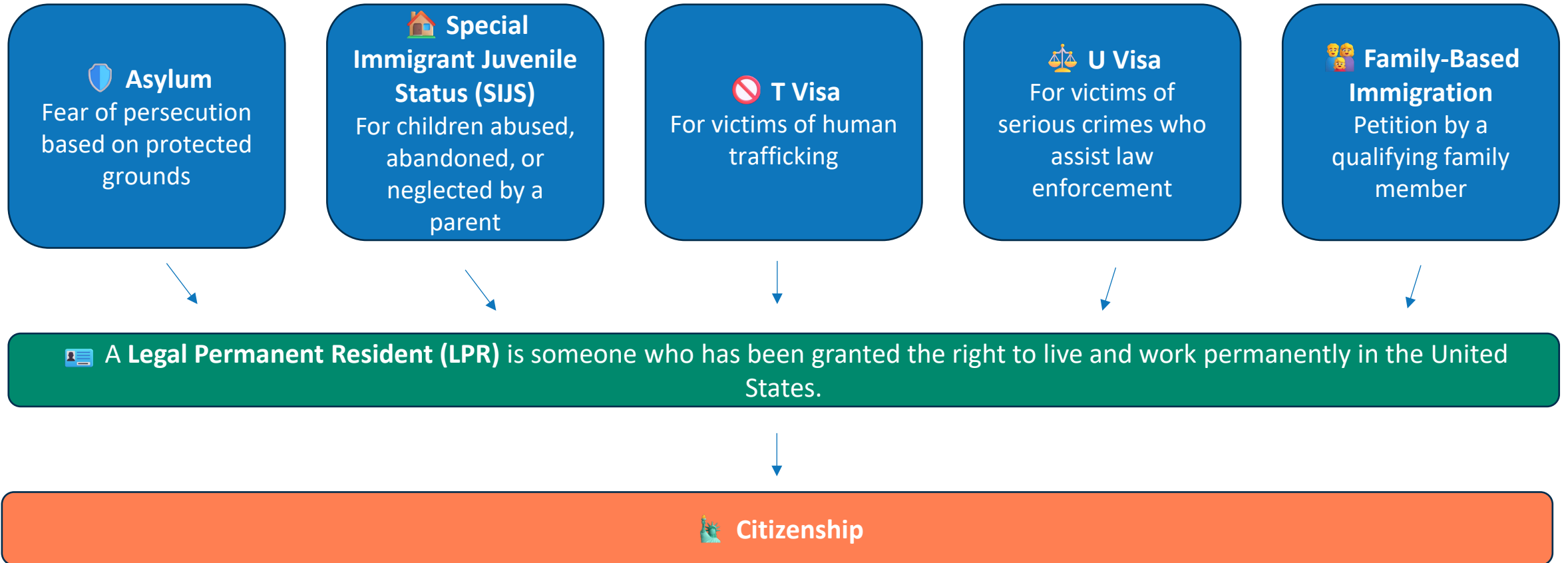


Parents and children might:

- ✓ Have **different immigration statuses**
- ✓ Be in removal proceedings/removed **separately** (or together)
- ✓ Qualify for **different immigration “relief”** independent of one another (and potentially in conflict with one another)
- ✓ Qualify for the same immigration “relief” on account of **parent/child relationship**

Forms of Relief Relevant to Youth

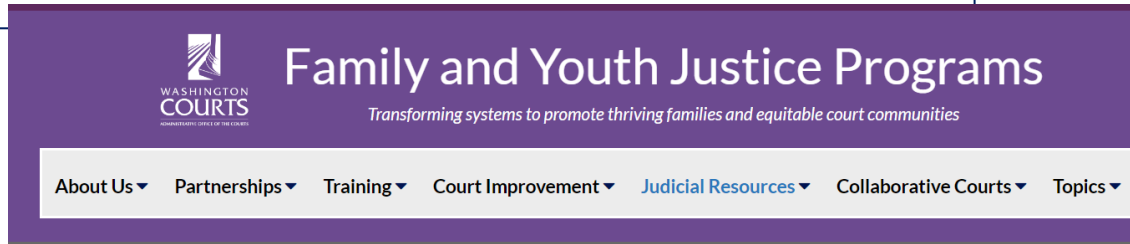
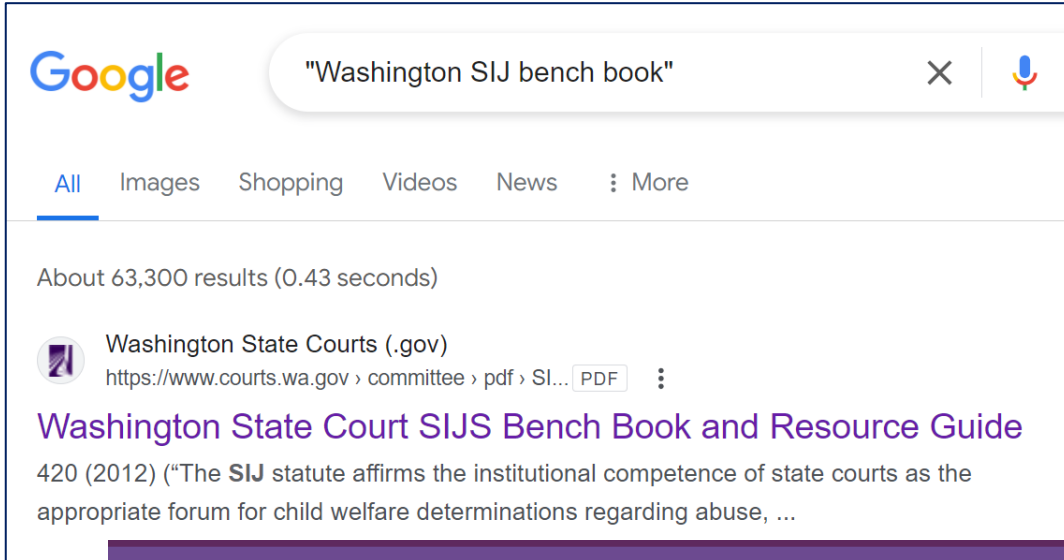
Most Common Forms of Relief for Children in the U.S.



Special Immigrant Juvenile Status (SIJ)

- Path to LPR status for **children up to age 21** who are declared dependent. Required state court findings:
 - (1) **Dependency or custody**
 - (2) **Reunification with at least 1 parent not viable** due to **abuse, abandonment, neglect, or similar basis**
 - (3) **Best interest not to return** to country of origin
- Any child **declared dependent** under 13.34.030(6)(a), (b), or (c) may be eligible
- **Eligibility is lost** if SIJ findings not entered before child ages out (18, or 21 for EFC)
- **LPR benefits**: Title IV-E matching funds, work authorization, federal financial aid, etc.

State Court Proceedings that Can Lead to an SIJ Predicate Order



on State Juvenile Non-Offender Benchbook

Courts hearing the following matters in Washington, among others, are therefore considered "juvenile courts" under federal law for SIJ purposes:

- **Juvenile Court Act proceedings (Title 13 RCW)**
 - Dependency or Dependency Guardianship
 - Vulnerable Youth Guardianship (VYG)
 - Becca matters, including:
 - At Risk Youth (ARY) Petitions
 - Child in Need of Services (CHINS)
 - Truancy
 - Offender matters
- **Domestic Relations (Family Law) proceedings (Title 26 RCW)**
 - Adoption
 - Dissolution, Legal Separation, Parenting Plans
 - Paternity/Parentage Determinations
 - De Facto Parentage
- **Uniform Guardianship Act Minor Guardianships (11.130 RCW)**
- **Civil Protection Orders (7.105 RCW)**

Immigration Enforcement Landscape in Washington State



Washington has two immigration courts and one detention center.

ICE has four offices where paroled immigrants can check-in.

USCIS has three offices where immigration applications are processed.

 Immigration court

 ICE enforcement office (check-in appointment)

 Immigration court and detention center

 USCIS office

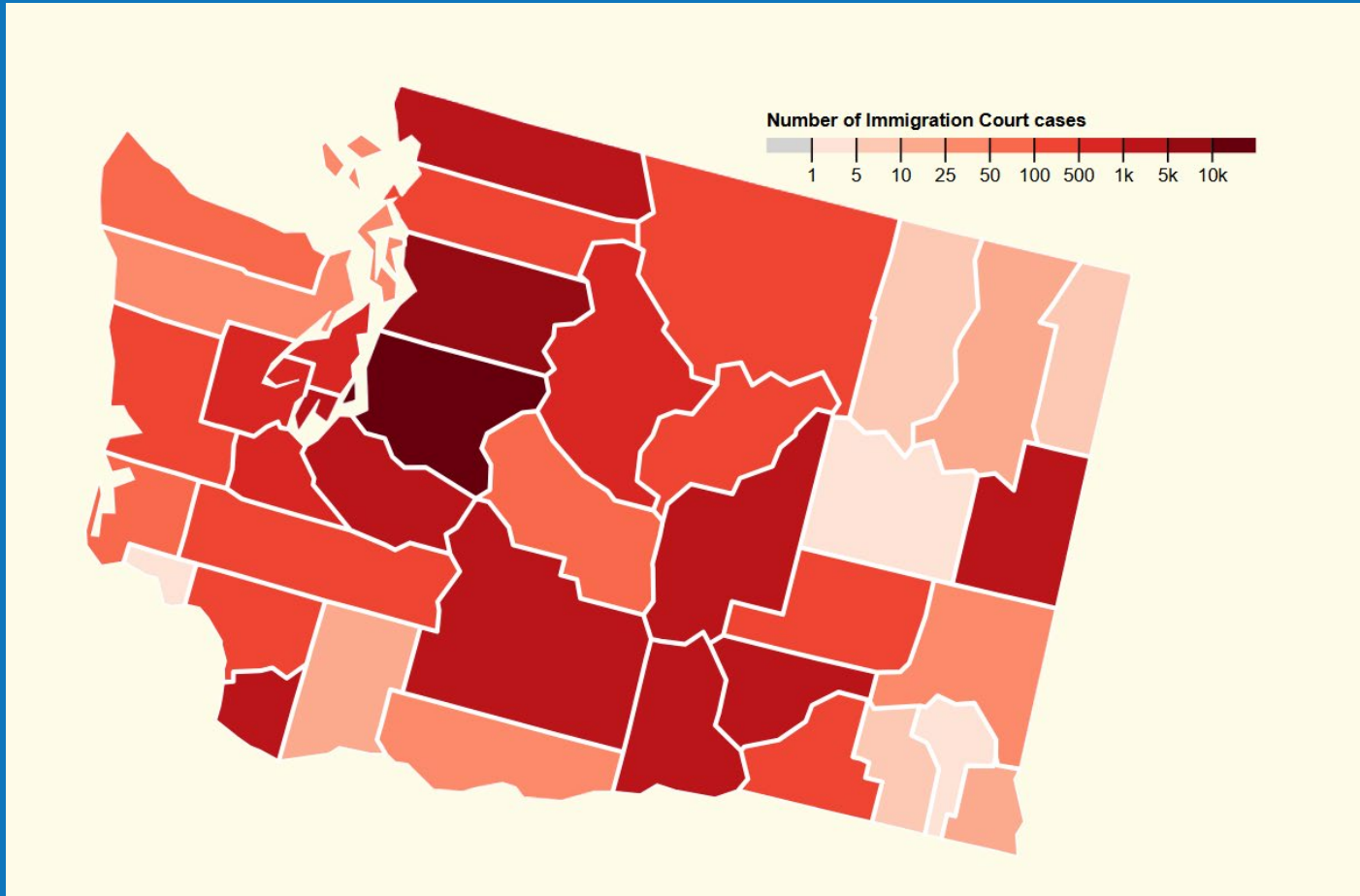
What are Deportation Proceedings?

- Can apply to several categories of individuals:
 - Individuals seeking to enter the US
 - Individuals who enter the United States without permission;
 - Undocumented immigrants who were already in the United States and who later have contact with immigration.
 - Individuals with status who have committed a crime or violated the terms of their status.



There is no right to an appointed attorney in immigration court, and nationally only about 30% of immigrants in court have an attorney.

Immigration in Washington State



As of February 2026, there are 51,264 cases in removal proceedings in Washington. Of those, about 46% have attorneys representing them.

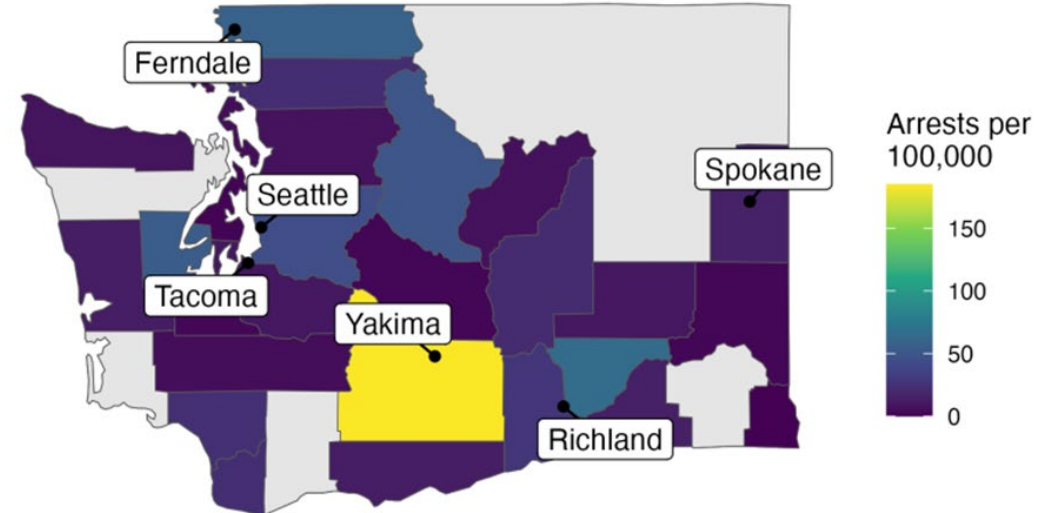
Approximately 90% of detained cases are without an attorney.

For those that have an attorney, they are five times more likely to win their case, with detained individuals being 10 times more likely to win with an attorney.

Immigration Enforcement Increases

- Arrests in the PNW surged in 2025.
 - According to the UW Center for Human Rights, this is the highest arrest rate in the PNW since 2015.
- Nationally we have seen surges of officers sent to specific locations in operations with names like “Operation Black Rose,” “Operation Portland Sweep,” (Portland, OR), “Operation Metro Surge” (Minnesota), “Catahoula Crunch,” (New Orleans).

County ICE arrests per capita, WA
Jan.- Dec. 2025; ICE regional field offices indicated



Source: DHS I-213 forms obtained via FOIA
County population estimates via U.S. Census 2020-2024
Analysis: UW Center for Human Rights

Unaccompanied Children



Children have no right to an appointed attorney in removal proceedings.

In 2024, ~ 57% of unaccompanied children were represented

The Trump administration has attempted to cut that funding.

How does a person know if they are in immigration proceedings?

- Have they ever been **arrested or fingerprinted** by Customs and Border Patrol (CBP) or ICE?
- Have they received a **Notice to Appear**?
- Do they have an **A number**?
- Do they have **appointments** with ICE?
 - <https://www.ice.gov/es/reportarse>

U.S. Department of Homeland Security

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED] FINS #: [REDACTED] File No.: [REDACTED]
DOB: [REDACTED] Event No.: [REDACTED]

In the Matter of:
Respondent: [REDACTED] currently residing at:
[REDACTED] (Number, street, city and ZIP code) [REDACTED] (Area code and phone number)

1. You are an arriving alien.
 2. You are an alien present in the United States who has not been admitted or paroled.
 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:
1. You are not a citizen or national of the United States;
2. You are a native of HONDURAS and a citizen of HONDURAS;
3. You arrived in the United States at or near [REDACTED], on or about [REDACTED];
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:
212 (a) (6) (A) (i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
 Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30(D)(2) 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:
5701 Executive Center Drive Suite 400 Charlotte NC US 28212

(Complete Address of Immigration Court, including Room Number, if any)
on a date to be set at a time to be set to show why you should not be removed from the United States based on the charge(s) set forth above.

NICHOLAS E. MUNOZ ACTING PATROL AGENT IN CHARGE
(Signature and Title of Issuing Officer)

Date: April 18, 2018 McAllen, Texas (City and State)

See reverse for important information Form I-862 (Rev. 08/01/07) N

Data-Sharing with DHS

Transportation Security Administration (TSA)

- TSA is sharing airline **passenger information** with ICE

Medicaid Data

- ICE can use **Medicaid data** gathered by states for immigration enforcement
 - Citizenship, immigration status, address, phone #, date of birth, and Medicaid ID

Driver Data

- Federal agencies use data from automatic **license plate readers** in Washington to conduct immigration enforcement ([report](#))
- Federal agencies have accessed data from **Washington Dept. of Licensing** to identify and arrest people using their vehicle registration/license plate number ([report](#))

Remember: If DHS already knows a person's address, applying for health benefits or registering a vehicle does not increase your risk of detention or deportation

End of “Protected Areas” Memo

Previously, an ICE policy protected certain areas, like **churches, schools, and hospitals**, from immigration enforcement

Trump Administration got rid of these protections by **ending this policy**

What schools, workplaces, and service providers can do:

- Understand **public vs. private** areas
- ICE cannot enter private staff or invitation only areas without a **warrant or invitation**
- **Train staff** on how to respond to ICE presence
- **Designate** person to review warrants



Who is Targeted for Increased Enforcement

Increased enforcement and detention has been **wide-spread**

- Individuals applying for **affirmative applications**, including individuals with legal status are being arrested at interview appointments.
- Arrests at the **immigration court**.
- Arrests using **driver data** - UW Center for Human Rights.
- About **2% of cases nationally** were due to alleged criminal activity.



Other Changes

- Travel ban 4.0;
- Pauses on all asylum application approvals;
- Outsourcing of asylum applications to other countries;
- Re-review of refugee applications for refugees that entered during the Biden administration.
- Huge expansion of enforcement and budget.
- Immigration registration requirement.

**Keep Washington
Working & Courts Open
to All**

Keep Washington Working (KWW)

- Agencies may not use resources to
 - **Investigate, enforce, cooperate, assist** in investigation or enforcement of **federal laws or policies** that **target Washington residents** on basis of **race, religion, immigration, citizenship status, national or ethnic origin**
- Agency employees may not condition services on or request proof of citizenship, immigration status, or place of birth
- AGO guidance and model KWW policies: <https://www.atg.wa.gov/immigrationguidance>



Keep Washington Working (KWW)

- KWW prohibits agencies from **collecting** or **disclosing** information from individuals
- Narrow exceptions in statute:
 - Required by **state or federal law**
 - In response to **court order**
 - Necessary to **perform agency duties** (unrelated to immigration enforcement)
 - Required to comply with **funding requirements**
 - Deidentified or **aggregated data**
- Any disclosure must also be permitted by other applicable state law (e.g., RCW 13.50 child welfare records)
- Under **federal law**, state gov't cannot bar staff from sending "immigration or citizenship status information" to immigration authorities
- KWW does not conflict with this requirement because:
 - It bars agencies from **collecting** citizenship or immigration status
 - It defines "immigration or citizenship status" as status **"established to such an individual under the Immigration and Nationality Act"** (not **speculation** about a person's status)
 - "Immigration or citizenship status" **not included** in the definition of "personal information"

Courts Open to All (COTA)

- Judges, court staff, security personnel, prosecutors **prohibited from**:
 - Collecting **immigration status or place of birth information** unless connected to investigation into state/local law violation
 - **Sharing nonpublic personal information** or notifying federal immigration authorities about any individual accessing court or in community custody
- Court may **enter orders to limit disclosure** of immigration status information to protect victims, the accused, civil litigants, witnesses, accompanying individuals.



Courts Open to All (COTA)

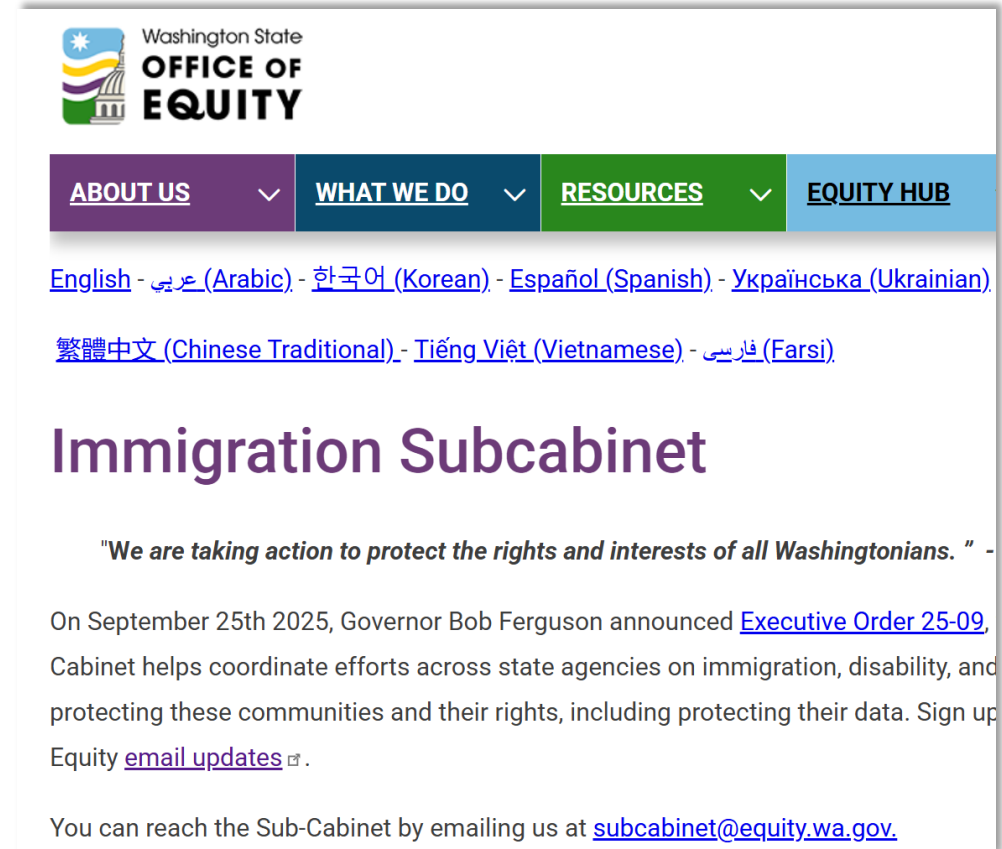


[This Photo](#) by Unknown Author is licensed under [CC BY-SA](#)

- Court security personnel must collect information from **law enforcement entering court facilities**
 - *includes officer's name, agency, purpose
- Designated court staff must be notified if **intent is to conduct civil (immigration) arrest**
- **Court Rule (General Rule 38)**
 - Prohibits civil arrests **without court order** (civil immigrant warrant NOT sufficient)
 - Inside a court, traveling to/returning from, or accessing services in court
 - Extends to within **ONE MILE** of court

Immigration Subcabinet

- Builds on efforts of DCYF-led Family Separation Rapid Response Team (concluded late 2025)
- Subcabinet created by Executive Order 25-09
 - Led by Office of Equity
 - Coordination among agencies on immigration issues
 - Engagement w/stakeholders & community members
 - Directs agencies to review data collection & information sharing policies
- FSRRT resources available on DCYF website: <https://dcyf.wa.gov/about/FamilySeparationRapidResponseTeam>



The screenshot shows the Washington State Office of Equity website. At the top left is the logo for the Washington State Office of Equity, featuring a stylized sun and waves. To the right of the logo is the text "Washington State OFFICE OF EQUITY". Below the logo is a navigation bar with four tabs: "ABOUT US", "WHAT WE DO", "RESOURCES", and "EQUITY HUB". Below the navigation bar are links for various languages: English, العربية (Arabic), 한국어 (Korean), Español (Spanish), Українська (Ukrainian), 繁體中文 (Chinese Traditional), Tiếng Việt (Vietnamese), and فارسی (Farsi). The main heading is "Immigration Subcabinet". Below the heading is a quote: "We are taking action to protect the rights and interests of all Washingtonians." - . Below the quote is a paragraph of text: "On September 25th 2025, Governor Bob Ferguson announced [Executive Order 25-09](#). Cabinet helps coordinate efforts across state agencies on immigration, disability, and protecting these communities and their rights, including protecting their data. Sign up for Equity [email updates](#) ."

You can reach the Sub-Cabinet by emailing us at subcabinet@equity.wa.gov.

Best Practices & Considerations while Working with Immigration-Impacted Youth & Families



IMMIGRATION-IMPACTED FAMILIES MAY EXPERIENCE:

- **Mistrust** of government/fear of immigration consequences
- **Language/cultural** barriers
- Non-eligibility for certain **safety net benefits**
- **Barriers to access to** remedial services if detained/deported
- Barriers to **visitation & communication**
- Risk of disruption to **in-home or relative placement**
- Complications to reunification if **parent(s) deported**
- **Dependent youth** without status face: barriers to higher ed, employment, access to benefits upon age-out

Recommendations for Working with Mixed-Status Families

- Ask youth and family members their **best** language. Many immigrants speak local dialects, creoles and indigenous languages as their first language, but were taught a predominant language in schools. **Don't assume** that because French or Spanish is the official language of their home country that they are fluent in that language.
- Immigrant and Mixed-Status families can make emergency guardianship and other **plans in case of immigration enforcement** through Legal Counsel for Children and Youth
 - **Legal Counsel for Children and Youth – Immigrant Safety Plan**

Recommendations for Working with Mixed-Status Families

- Youth **access to immigration paperwork** - youth in care have a right to know about their immigration proceedings and access to their immigration documents.
 - For example, it is required that LPRs carry their green card at all times.
- Immigration **misinformation is very common**, especially with the rise of Tiktok.
- **Beware of Notarios** - In many Latin American countries notary or notario is another word for lawyer, and individuals in the US may be using this title to imply that they are licensed to practice law in the US.
 - We always recommend searching for the lawyer's name on the Washington State Bar association website, or the **bar association website** of the state they are licensed in.
 - The **American Immigration Lawyers Association** or AILA has an attorney search function for experienced immigration attorneys.

ICE Detained Parental Interest Directive

- Detained immigrants have the **right to participate** in their Family Court hearings. Under an ICE policy called the **Parental Interests Directive**, immigration detention is not supposed to prevent Family Court participation. For more info, see: **[ice.gov/parental-interest](https://ice.dhs.gov/parental-interest)**.
- Under the Parental Interests Directive, the deportation officer is **required to facilitate a parent's participation** in Family Court hearings, court-ordered visitation with children and access to other court-ordered services.

Referring youth with immigration legal needs

Determining an individual's immigration status is a difficult process. **Youth in care may not know the full picture of their status or any pending applications.**

If a youth was not born in the United States, then we recommend referring them to an immigration attorney to determine their status.

Members of the **Unaccompanied Children's Taskforce** are available to screen and give consultations for any youth in DCYF care.

Due to capacity limitations, we cannot guarantee representation, but we can help **confirm immigration status, inform youth of their rights,** and **screen them for eligibility for relief.**

Referrals can be made to dcyreferrals@nwirp.org



Questions?

